



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	138
Priority Questions	138
Army Barracks	138
Air Corps	141
Defence Forces Representative Organisations	143
Defence Forces Personnel	145
Defence Forces Properties	147
Other Questions	150
Naval Service Operations	150
Defence Forces Medicinal Products	155
Industrial Relations	157
Protected Disclosures	159
Leaders' Questions	161
Questions on Promised Legislation	169
Social Welfare (Payment Order) (Amendment) Bill 2018: First Stage	178
Central Bank (Amendment) Bill 2018: First Stage	180
Topical Issue Matters	181
Topical Issue Debate	182
Broadband Service Provision	182
Road Safety	185
Mental Health Services Provision	188
Water Services Infrastructure	190
Shortage of Teachers: Motion [Private Members].	195
Business of Dáil: Motion	225
Companies (Statutory Audits) Bill 2017: Second Stage (Resumed)	226
Companies (Statutory Audits) Bill 2017: Referral to Select Committee	247
Report of the Joint Committee on the Eighth Amendment of the Constitution: Statements (Resumed)	247

DÁIL ÉIREANN

Dé Céadaoin, 24 Eanáir 2018

Wednesday, 24 January 2018

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Army Barracks

1. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence his plans to improve the physical environment and living conditions in Army barracks across the country; and if he will make a statement on the matter. [3627/18]

Deputy Lisa Chambers: What are the plans of the Minister of State and his Department in this regard to ensure that our soldiers are living in appropriate circumstances?

Minister of State at the Department of Defence (Deputy Paul Kehoe): In order to ensure that the Defence Forces have the capability to deliver on all of the roles assigned by the Government, my Department is committed to the development and improvement of the physical environment and living conditions in military barracks. This is achieved through the Defence Forces built infrastructure programme, which is designed to modernise and enhance training, operational and accommodation facilities for Defence Forces personnel. It is based on operational requirements and is compiled on a priority needs basis by my Department in conjunction with the military authorities.

The capital element of the programme focuses mainly on infrastructure projects, including the construction of new buildings and the refurbishment of facilities. In any one year, the programme provides for new project starts and the continuation of building projects already under way. At the end of 2017, projects worth some €35 million were at various stages of implementation ranging from design to construction. Some €14.2 million has been provided for the delivery of these projects in 2018.

24 January 2018

In addition to major capital projects, ongoing works are required under the programme to ensure the upkeep and repair of barracks and other military facilities. An amount of approximately €9 million has been provided for these works in 2018.

In recent years, the infrastructure programme included a number of projects to provide for accommodation requirements identified by the military authorities. Projects currently under way or planned in respect of military accommodation include significant upgrades and refurbishment of existing facilities at the Defence Forces training centre, Cathal Brugha Barracks and Casement Aerodrome, at a cost of €3.1 million, €1.8 million and €3 million, respectively.

The White Paper on Defence identified the need to develop a rolling five-year plan for the provision of future Defence Forces built infrastructure requirements, taking into account the capability priority needs of the Defence Forces. The plan is expected to be finalised in the coming months.

The basis for the White Paper project was the completion of a comprehensive infrastructure needs assessment. Arising from this, a number of additional projects specifically for the provision of accommodation for military personnel have been proposed. Subject to further assessment and prioritisation of military capability requirements, it is expected that a number of these will be advanced in the first iteration of the new rolling five-year plan.

I am satisfied that the best possible military facilities are available, taking into account the priorities and available resources. I am also satisfied that any improvement to military facilities that has been identified as necessary has been provided for.

Deputy Lisa Chambers: On the Government's obligation to those serving in the Defence Forces, it is imperative that their physical environment and living conditions be up to standard. The Minister of State should be able to walk into any barracks or living quarters in the country and say he would be happy to sleep or work there. From personal experience of having slept and worked in many of those barracks, I can tell him that he would not be able to do that today. It is not acceptable that it is okay for members of the Defence Forces to live and work in conditions that are not acceptable to ordinary, everyday citizens.

The Minister of State mentioned that the built infrastructure programme is based on operational requirements and priority needs. A priority need is for one's workplace not to be cold, damp, falling apart or falling into dereliction. However, that is the situation in many barracks and living quarters. I suggest that the Minister of State initiate a review of the structures and living quarters in every barracks to ensure that he is satisfied, as I do not believe that he actually would be satisfied by their current condition. Will he initiate that review of the living conditions and working environment of Defence Forces personnel?

Deputy Paul Kehoe: We have set out a rolling plan. I agree with the Deputy that I should be able to accept the living conditions of members of the Defence Forces for myself, but she will understand that, from 2008 until the past two or three years, there was little investment in some of those living quarters.

I wish to give the Deputy a flavour of some of the projects which are at various stages, from design to construction. A €10 million project is under way at the Defence Forces training centre in the Curragh, while €5 million will be provided for the construction of new gymnasia at Sarsfield Barracks in Limerick and Stephen's Barracks in Kilkenny. At Cathal Brugha Barracks, €3.7 million will be spent on block refurbishment. In Costume Barracks in Athlone

refurbishment of the cook house and dining hall will be undertaken at a cost of €3.3 million. A sum of €3.1 million has been provided for the accommodation blocks in Pearse Barracks in the Curragh. Upgrade and refurbishment works on the apprentice hostel at Casement Aerodrome will cost an estimated €2.8 million while at the naval base in Haulbowline, €2.4 million will be spent on the upgrading of fire detection and fire fighting systems. The upgrading of two blocks of accommodation at Cathal Brugha Barracks will be undertaken at a cost of €1.8 million, while the upgrade of the accommodation facilities at the Defence Forces training centre in Connolly Barracks will cost €1.7 million. That gives the Deputy a flavour of the investment that is taking place.

Deputy Lisa Chambers: The Minister of State said in his opening remarks that he was satisfied that the best facilities are available. I do not understand how he could possibly say that when he does not know the condition of the barracks across the country because his Department has not reviewed them. If the Department allocated €35 million for refurbishment and building projects in 2017, how can the Minister of State stand over a budget of less than half that amount for this year? The Department spent €35 million in 2017 but the Minister of State has just said that it will spend only €14.2 million in 2018. How will that possibly be sufficient? How can the Minister of State justify that in view of the fact that there has been more money available to spend in the last couple of years? We know that the barracks are not up to scratch so how can the Minister of State justify a budget for this year that is less than half of what it was last year? The Minister cannot possibly stand in this Chamber and say that he is satisfied that the best facilities are available. Neither can he say that the accommodation available to those serving in the Defence Forces is up to scratch because it is not and if the Minister of State asks the serving members living in the accommodation, they will tell him that. A review needs to take place in order to determine the state of the buildings. The longer a building is let fall into dereliction, the more costly it will be to repair. In that context, it is actually in the interests of the Department's budget to fix things sooner rather than later.

Deputy Paul Kehoe: To be clear, I said that at the end of 2017 some €35 million worth of projects were at various stages of implementation ranging from design to construction. I did not say that €35 million was spent in 2017. I wish it was so but unfortunately, that was not the case. A number of years ago the Department sought a review of all accommodation for members of the Defence Forces. We are now in a position where we have funding available to spend on accommodation blocks in various barracks around the country. I said that some €14.2 million has been provided for the delivery of these projects in 2018 but during 2017, €35 million worth of projects were at various stages of implementation ranging from design to construction. I do not want the Deputy to be under the impression that I spent €35 million in 2017. That figure relates to the range of projects-----

Deputy Lisa Chambers: Is the sum of €14.2 million in addition to the aforementioned €35 million?

Deputy Paul Kehoe: A sum of €14.2 million has been provided for the delivery of these projects in 2018. I would be the first to acknowledge that a number of accommodation blocks in different barracks across the country are not up to standard but we are bringing them up to standard. It is a matter for the Defence Forces themselves and it is up to the officers commanding, OCs and the general officers commanding, GOCs, in each brigade to bring issues to the attention of the Department and to prioritise the works that are needed.

24 January 2018

Air Corps

2. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence his plans to carry out a medical or health audit of serving and former members of the Air Corps similar to that undertaken in Australia in order to identify those that may have been exposed on an ongoing basis to toxic chemicals during their service. [3490/18]

Deputy Aengus Ó Snodaigh: Given the possibility that there is a major health scandal hidden in the Air Corps due to bad health and safety standards, is it not logical that an audit or survey of the health of serving members and ex-serving members be carried out to determine the scale of the health problems in Ireland, similar to the survey that was undertaken in Australia when that country became aware of serious exposure of serving members to deadly chemicals?

Deputy Paul Kehoe: As I have stated previously in this House, the health and welfare of the men and women of Óglaigh na hÉireann is a priority for me and my Department. In this regard, a number of processes are already in train relating to reviewing health and safety procedures in the Air Corps. First, as the Deputy is aware, in September 2016, I appointed an independent third party to review allegations made in a number of protected disclosures relating to health and safety issues in the Air Corps which were received in late 2015 and early 2016. The report of the independent third party review was received by my Department in June 2017. Although the report found that the Defence Forces' regime appears to be capable of meeting statutory requirements, it makes a number of observations relating to documentation, health surveillance and exposure monitoring. It also notes that the Health and Safety Authority, HSA, is the appropriate statutory body to deal with such matters. I sent the report to those who had made disclosures for their views and I am considering the next steps in the process having received those views and in the context of ongoing litigation.

Separately and in parallel to the independent review, following an inspection in 2016 the Air Corps has continued to work with the HSA to improve its health and safety regime. I have been informed by the military authorities that the HSA has formally noted the considerable progress made to date by the Defence Forces towards implementation of a safety management system for the control of hazardous substances. Subject to completion of the improvement plan, the HSA investigation is closed. However, it must be noted that Air Corps health and safety is a matter of ongoing monitoring, supervision and adjustment. The Air Corps is fully committed to implementing improved safety measures that protect workers from potential exposures to chemicals and will ensure risks are as low as reasonably practicable.

Regarding inquiries conducted in Australia, as I indicated to the Deputy in my reply to Parliamentary Question No. 849 of 7 March 2017, I am informed by the military authorities that there are a number of published reports and ongoing studies relating to Australian personnel who were exposed to chemicals while conducting a particular maintenance task on a specific aircraft programme. As such, the military authorities have advised that it would be difficult to draw a direct comparison between the Irish Air Corps and the Australian air force.

Deputy Aengus Ó Snodaigh: I accept that progress has been made in improving health and safety in the Air Corps since these issues were first raised with previous Ministers and with the relevant authorities. I am not seeking comparisons with Australia but am alluding to a process undertaken in that country which has not been undertaken here on foot of the Department becoming aware of a serious scandal. The event to which we are referring is historic and I hope that nobody in the Air Corps today is being exposed to dangerous chemicals in the same way

that personnel were exposed in the past for 20 or 30 years. Australia is but one of a number of countries that have identified major flaws in their health and safety regimes. When the Australians identified those flaws, one of the first things they did was to conduct a survey of serving and ex-members to determine their health status so that they could take any steps necessary to address their needs and to prevent any future problems. My question is not related to the O'Toole report or to anything else. It is solely concerned with the health of those who served in the Air Corps who are suffering hugely.

Deputy Paul Kehoe: The Deputy is correct that the Air Corps event to which he refers is historical in nature. The HSA has been very involved in ensuring the health, safety and well-being of members of the Air Corps, as I have already outlined. It is working to make sure that what happened in the past will not happen again.

As I have already said, protected disclosures were received in late 2015 and early 2016. One of the first things I did on taking office as Minister of State in May 2016 was to appoint an independent reviewer who met those who had made the protected disclosures. I published the final report and sent it to the people who made the protected disclosures. They have replied to me and I am considering my next steps. I have been given a suite of options from my officials. I will make a decision on what option I will proceed with to make sure that we take seriously the allegations made by the personnel who made the protected disclosures.

Deputy Aengus Ó Snodaigh: All the O'Toole report dealt with was whether the procedures were in place to deal with whistleblowers. This is not about the whistleblowers or the cases before the courts at the moment. The State is fighting them tooth and nail and I think it is on the losing side. If those are set aside, there are quite a number of other members who gave service to this State, through the Air Corps, who are suffering catastrophic health problems. Most of these, they believe, are related to the chemicals they were exposed to such as trichloroethylene and others which cause not only minor problems such as ulcers or lethargy, but major heart defects, birth defects, and a range of respiratory and intestinal complaints. It is affecting them in the same way as poison.

Is the Minister of State, Deputy Kehoe, concerned about the health of former members of the Defence Forces? We should not forget that the Defence Forces, and the Minister of State, still have a duty of care to those who previously served even though they might be in civvies now. They are still answerable to the State in terms of the defence laws. Is the Minister of State concerned and does he believe it is worthwhile finding out what happened? That has not been the task of Mr. O'Toole or anybody else to date.

Deputy Paul Kehoe: There is a duty of care. I have taken this issue very seriously and I outlined the process that I put in place upon my appointment. I met with the whistleblowers, the personnel who made the disclosures, and I listened to their concerns. I will act on the concerns they outlined to me in writing upon being given the review. Deputy Ó Snodaigh said there are quite a number of people. I have already indicated in the House that the State Claims Agency is currently managing seven claims taken against the Minister of Defence for personal injuries, alleging exposure to chemical and toxic substances while working with the Air Corps in the period 1991 to 2006.

It would be inappropriate to comment further on the litigation cases that are going forward. However, I am taking the people who made the protected disclosures on this issue very seriously and also the duty of care that I have as Minister of State with responsibility for defence. I

assure the Deputy that I will make the right decision on whatever recommendation I make next.

Defence Forces Representative Organisations

3. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence when he will appoint an independent chairperson to commence the review of the Defence Forces conciliation and arbitration scheme; the reason the appointment had not been made by the end of 2017 as committed to the Defence Forces representative organisations; and if he will make a statement on the matter. [3628/18]

Deputy Lisa Chambers: My question was to ask when the Minister of State, Deputy Kehoe, will appoint an independent chairperson to commence the review of the Defence Forces conciliation and arbitration scheme and why that appointment was not made by the end of 2017, as he had committed to doing to the representative associations. I now understand that since I tabled the question last week, the Minister of State has confirmed that an independent chairman, Mr. Gerard Barry, will be appointed. Following on from that, can the Minister of State outline the timeline within which he envisages that this review will be concluded?

Deputy Paul Kehoe: The conciliation and arbitration scheme for members of the Permanent Defence Force provides a formal mechanism for the Permanent Defence Force representative associations, PDFORRA and RACO, to engage with the official side. Having regard to commitments made under pay agreements, members of the Permanent Defence Force can make representations in respect of their pay and conditions of service through their representative bodies.

Since its inception in the early 1990s, the scheme has provided the framework to progress many successful negotiated agreements between the management of the Defence Forces and PDFORRA and RACO. However, there have been many changes in the industrial relations landscape in the intervening period. I now consider it timely and appropriate to conduct a fundamental review of the scheme to ensure that it remains efficient and effective for all parties. In this regard, I previously announced my intention to initiate a fundamental review of the conciliation and arbitration scheme for members of the Permanent Defence Force.

In advance of initiating the review, I have been considering a number of possible approaches and giving consideration to the terms of reference. I also wanted to ensure that the review would be facilitated by a chairperson who would not only be independent, but would also bring knowledge and expertise to the assignment. I informed the representative associations earlier this week and I am officially informing the House today of the appointment of the chairperson. I am respecting the House by informing it of the appointment of Mr. Gerard Barry to chair the review before announcing it publicly. Mr. Barry has many years of experience in the field of industrial relations, having served as chief executive officer to the health service employers agency and on the board of the Labour Relations Commission. As chair of the review, Mr. Barry will seek input from all parties to the current Permanent Defence Force conciliation and arbitration scheme, including the Department of Defence, the Defence Forces, the Department of Public Expenditure and Reform, PDFORRA and RACO. The chairperson will meet with all parties collectively and he may, if he deems it appropriate, meet with parties to the review individually. There will also be wider consultation with other stakeholders.

The final report is to reflect the agreed position of all parties at the end of the process.

Where agreement cannot be reached, it will be open to the chairperson to make recommendations if he so wishes. I have directed that the chairperson provide a report to me not later than six months after the start of the review.

Deputy Lisa Chambers: I think I might have beaten the Minister of State to it in informing the House of Mr. Barry's appointment. Nevertheless, I welcome the progress on this issue. When the Minister of State, Deputy Kehoe, was asked about this on "Prime Time", he said he did not think that it would be independent if we had RACO and PDFORRA sitting around the table. I am glad that he has moved from that position and that he now recognises that both representative organisations need to be present. I am glad that they are present. I welcome the appointment of Mr. Barry to the position of chair and I wish him well in his work.

The Minister of State is overstating the success of the current system that is in place. It has proved very challenging for the members serving in the Defence Forces. While the Minister of State now says that he considers it timely and appropriate to conduct a review of the conciliation and arbitration scheme, I put it to him that he only considers it such because he has been put under severe pressure by myself and others, and the representative associations, to carry out that review. Will the Minister of State confirm when the review will actually start? If it is to conclude within six months of the start date, when is that start date?

Deputy Paul Kehoe: I was put under pressure by nobody. I am very much my own man. If the Deputy listened to any of my replies in the House earlier, she would have heard me indicate that I wished to have some form of review of the conciliation and arbitration scheme. One thing I did was to listen to the representative associations, both PDFORRA and RACO. When I went to the PDFORRA conference in late 2017, it was not expected that I would attend. I said that I was going to carry out a full review of the existing conciliation and arbitration scheme and I am happy that will happen.

I am glad that the Deputy's contacts within the representative associations are alive and well and that she beat me to it this morning. However, I point out that I did not issue a press release on this. I respected the House and the Opposition spokespersons and I informed them during defence questions today that I have appointed Mr. Gerard Barry. I have asked Mr. Barry to meet the Secretary General and the Chief of Staff prior to starting the review. However, I expect that the review will start within the next week. I met Mr. Barry for quite a considerable time last week. I went through my own thoughts and feelings on the existing scheme and I asked him to report back to me within six months. I have every confidence that Mr. Barry will carry out the review and report back to me within six months.

Deputy Lisa Chambers: When the review is concluded, it might be prudent and appropriate for the House to have a discussion on that matter. I await the review with anticipation.

Can the Minister of State confirm whether a military covenant, similar to that contained in the UK legislation and giving a commitment to the armed forces, will be included in the final agreement relating to industrial relations? The reason I ask - I know that the representative associations have raised this matter with the Minister of State - is that a member of the Defence Forces is a very special type of employee. Members of the Defence Forces forgo many of the rights the rest of us, as employees, take for granted. I will outline the key rights a member of the Defence Forces forgoes. They are: he or she is subject to military law 24-7, 365 days a year; the provisions of the EU working time directive do not apply to him or her; he or she has an obligation for duty 24-7, 365 days of the year; he or she can be posted anywhere, at any time

24 January 2018

by order; membership of a trade union is prohibited, and, by extension, affiliation to the Irish Congress of Trade Unions, ICTU, is prohibited; industrial action is prohibited; and a mandatory early retirement age is imposed on him or her.

For the reasons I have outlined, a military covenant enshrining in legislation the special status of a Defence Forces employee has been called for by the representative associations and their members for a very long time. I very much support this. Can the Minister of State give a commitment that such a covenant will be included in the new review?

Deputy Paul Kehoe: I will not give any commitments today on the outcome of the review. However, I have left the terms of reference broad enough for some of the issues that Deputy Lisa Chambers has outlined to be brought to the attention of the independent reviewer. It is totally up to both representative organisations to bring forward their views and thoughts on the special status the Deputy believes members of the Defence Forces have. The review of the conciliation and arbitration scheme is being conducted in the context of the current pay talks. We cannot go outside the public service pay agreement. However, there are other areas within that and there is scope within the terms of reference to bring those issues to the attention of the independent chairperson.

Defence Forces Personnel

4. **Deputy Mick Barry** asked the Taoiseach and Minister for Defence the number of engine room artificer vacancies that exist in the Naval Service; his plans to fill same; and if he will make a statement on the matter. [3489/18]

Deputy Mick Barry: I wish to ask the Minister of State about the number of engine room artificer vacancies that exist in the Naval Service and his plans to fill them.

Deputy Paul Kehoe: The Government is committed to maintaining the strength of the Permanent Defence Force at 9,500 personnel, as set out in the White Paper on Defence.

To achieve this, there is significant ongoing recruitment. In 2017, a total of 751 new personnel were inducted into the Permanent Defence Force. These comprised general service recruits and cadets and specialists for the Army, Air Corps and Naval Service. As of 31 December 2017, the strength of the Permanent Defence Force stood at 9,173 whole-time equivalent, WTE, personnel.

There are 85 appointments in the establishment for engine room artificers, ERAs. These range across ranks from warrant officer, senior chief petty officer, chief petty officer, petty officer and leading seaman. The military authorities have advised me that there are currently 13 vacancies, all of which are at the petty officer rank.

The Defence Forces recruit ERAs internally through the trainee technician scheme and, at times, externally through the direct entry scheme. There are 29 ERAs in training, seven of whom are expected to qualify as petty officers during 2018. The filling of further vacancies will continue to be progressed.

Other specialist posts, such as those relating to pilots, air traffic controllers and certain technicians, are presenting challenges in the context of recruitment and retention. I have previously acknowledged this fact, which is reflective of the current economic circumstances and

attractive job opportunities in the private and commercial semi-State sectors. The extensive professional training that such specialists receive within the Defence Forces makes them very attractive to these sectors. This is not a unique challenge for the Defence Forces and it is also faced by military forces elsewhere.

The Public Service Pay Commission is further examining the issue of the recruitment and retention of specialist personnel within the Defence Forces, in accordance with the provisions of the Public Service Stability Agreement 2018-2020.

I am addressing the issue of specialist vacancies throughout the Permanent Defence Force with a range of recruitment methods including direct entry competitions for specialist positions. The scope to further expand direct entry is being considered. I have also directed civil and military management to develop proposals to facilitate former Permanent Defence Force personnel with appropriate skill sets to re-enter the Defence Forces.

Following acceptance by the Permanent Defence Force representative associations, the pay increases available under the Lansdowne Road agreement were applied to the Defence Forces. I am delighted that both PDFORRA and RACO have also signed up to the Public Service Stability Agreement 2018-2020, which is an extension of the Lansdowne Road agreement. The new agreement provides for further pay increases of between 6.2% and 7.4% over its lifetime.

I remain committed to maximising recruitment of capable personnel, developing serving personnel and achieving the best personnel and skills combination to ensure the Defence Forces retain the capacity to operate effectively across all roles.

Deputy Mick Barry: The Naval Service has eight ships. How many of them can put out to sea at any one time? My information is that because of unresolved staffing shortages, the maximum number that can put out to sea at any one time is six. The shortages in question relate to artificers and others. In other words, 25% of the Naval Service is docked at any one time due to staff shortages that the Department and the Minister of State, with whom the buck stops, have failed to resolve.

The Naval Service announced a competition for engine room artificer positions in 2012. Unable to attract suitable applicants, it ran another competition in 2013. In 2015, the direct entry process for engine room artificer vacancies was announced. Does the Minister of State not accept that the pay for this grade, and other equivalent technical positions in the Naval Service and other branches of the Defence Forces, needs to be increased? That is the key issue. It needs to be increased to a level that at least matches comparators in other areas of the public, semi-State and private sectors.

Deputy Paul Kehoe: In the first instance, Deputy Barry's information is absolutely incorrect. We have eight ships and they are operating at present. I met the new flat officer commanding of the Naval Service, Commodore Mick Malone, recently. I congratulate him on his appointment and wish him the very best of luck. Yes, there are vacancies. I acknowledge that we have vacancies, and we are working towards filling those. There are quite a number of people in training for these positions. There is no restriction to training whatsoever. We are training people to our full capacity, but I would be the first to state that there are vacancies. However, let me state that all eight ships are fully operational at this moment.

Deputy Mick Barry: We have a difference of opinion on this issue and I think we should get to the root of it. I have said that my information, over which I stand, is that only six of the

24 January 2018

Naval Service's eight ships can put out to sea at any one time. I asked the Minister of State if that was the position. He huffed and puffed and said that my information was wrong, but then proceeded to indicate that the ships are all capable of operating at present. That is not quite the same thing. I will ask the Minister of State again. Are we in a position to put all eight ships out to sea at the same time or are we incapable of putting 25% of our ships out as a result of staff vacancies, which he and I know have arisen as a result of the issue of low pay? Moreover, is he going to address this matter?

Deputy Paul Kehoe: I stand over my information in the same way that the Deputy has stated he will stand over his. There is a difference of opinion. I have no problem with that whatsoever. I have differences of opinion with many people. That is the way life works.

Deputy Mick Barry: This is an important matter.

Deputy Paul Kehoe: I met the flag officer commanding recently. Eight ships are fully operational and I am quite satisfied with that. I also stated that we have a number of vacancies and we are filling them.

Defence Forces Properties

5. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence the status of non-serving Defence Forces personnel residing in accommodation in the Curragh Camp; the position regarding the maintenance of the accommodation; and if he will make a statement on the matter. [3640/18]

Deputy Mick Wallace: My question relates to the status of so-called "overholders" at the Curragh Camp. Deputy Clare Daly and I raised this issue in 2013 with the former Minister, Alan Shatter. The Ceann Comhairle raised it in June 2015 and Deputy Fiona O'Loughlin raised it in December 2016. After four years since Deputy Clare Daly and I first raised this issue, will it ever be resolved? Will the Minister of State provide an update, particularly on the maintenance and upkeep of the accommodation in question?

(Deputy Paul Kehoe): In the past, military regulations provided that married quarters could be allocated to serving personnel upon request and subject to availability. However, this no longer applies and the Department's long-standing policy is to withdraw from the provision of such quarters.

Personnel who leave the Defence Forces or who vacate a property which had been assigned to them are required under regulations to return vacant possession of that property. It must be noted that the majority of those to whom such property was allocated have observed this requirement. Where the property is not vacated, those remaining in the property, be they the former serving member or the spouse and children of the former serving member, are classed as overholding.

Overholding continues to be an issue within the Curragh Camp with the continued unauthorised occupation of 23 houses by civilians. The Department will continue to seek to regularise this matter up to and including the recovery of vacant possession. In deciding on any course of action, the Department always takes into account the particularities of each individual case, such as if the occupier is elderly and the circumstances in which they became overholders.

The Department assists in whatever way it can in order to resolve cases of overholding without recourse to legal action. While securing alternative housing is a matter for the individuals concerned, when requested to do so, my officials provide whatever assistance possible to support such applications. As I have stated previously, each case of overholding is dealt with on an individual basis. However, it is important to remember the Department does not have a role in the provision of housing accommodation for civilians.

In general, former married quarter properties which have been vacated have been found to be in extremely poor condition. Many of these properties fell far short of what is required for family accommodation. They would require significant investment to bring them up to a habitable standard and the more derelict ones have had to be demolished.

When maintenance issues are brought to the attention of the Department concerning properties occupied by overholders, they are assessed by a competent person. Any matters of a health and safety concern are dealt with in collaboration with the occupants. All other matters are considered in the context of the status of the occupants as overholders.

The situation regarding the occupation of Department of Defence property by civilians is under review and it is hoped this will be concluded in the near future.

Deputy Mick Wallace: Both the Minister of State and the former Minister, Deputy Coneney, previously acknowledged in the Chamber that there are a number of vulnerable residents in accommodation in the Curragh Camp. The truth of the matter is that the Department is managing these houses into decline. There are some difficult circumstances prevailing to which the Department is turning a blind eye. I accept the Department is not responsible for the supply of housing. However, there needs to be some joined-up thinking in this case. We have a housing crisis. Accordingly, accommodation alternatives outside of the camp for the people in question are not an option.

The Minister of State claimed it will cost a fortune to do up these houses. I beg to differ. Of course, it will cost money to make them habitable again. However, with a bit of joined-up thinking, does the Minister of State believe that should be the way for the State to go? Is he not concerned that some elderly people in bad housing in the camp may have a bad experience which will reflect poorly on the Department of Defence?

Deputy Paul Kehoe: Each overholder case is assessed individually. A decision on how to proceed is made based on the facts of each case. We are sensitive to the specific vulnerabilities which may exist in such cases. The Deputy may have an individual case which he might prefer to raise with me privately rather than in the Chamber. I would be more than happy to look into it for him.

The property management section in the Department assesses each case on an individual basis. If the people involved are elderly, they are treated sensitively, as well as in a practical way. I must repeat that the Department of Defence is not a housing association. I am in favour of moving away from this situation. My number one priority is investing in accommodation for serving members of the Defence Forces.

Deputy Mick Wallace: I accept the Department is not in the business of supplying housing but it still has a legal and moral obligation to the remaining residents in the buildings in question. I do not want to be making a big deal over the individual complaint I have had from an elderly woman but I will correspond with the Minister of State on it.

24 January 2018

I find it an incredible approach for the Department to engage in a tactic which is nothing short of managing the decline of these buildings. I had a discussion on this issue with the former Minister, Alan Shatter, four years ago. Then, Deputy Clare Daly and I went through several of the houses in question to see the condition in which they were. Those old redbrick houses were well built. I would rather be fixing them than many of the houses built since then. Although the Department is not in the business of supplying housing, given that the housing crisis reflects on every aspect of the Government, the Department should be obliged to make good use of these buildings. The idea that we do not want anybody living in the Curragh Camp any more is incredible. One would swear the Russians were going to invade us and that we need a military camp with no people living in it. The Minister of State can take my word for it that no one is going to invade us. No one would be bothered.

Deputy Mick Barry: Is the Deputy in touch with the Russians?

Deputy Mick Wallace: The Minister of State needs to take a different approach to how the Department manages the decline of these housing units.

Deputy Paul Kehoe: I am glad no one is going to invade us any time soon.

Deputy Mick Barry: Just as well, as we have only six ships.

Deputy Paul Kehoe: The Deputy stated the Department has a legal obligation in this regard. It has no legal obligation whatsoever.

Deputy Clare Daly: What if a serious incident occurred?

Deputy Paul Kehoe: The Department does not make any profit on the occupation of married quarters. The housing stock is generally old and the Department has found in assessing vacated housing that substantial investment is needed to bring the stock up to the required standard for letting. This would not be cost-effective in the long term. When properties become vacant, they are withdrawn from use for several reasons, primarily because it is the Department's policy to withdraw from the provision of married quarters. We have moved on if one makes a comparison with the position 50 years ago, when we were obliged to provide married quarters. The Department is not a housing agency and is not responsible, legally or otherwise, for providing accommodation for members of the Defence Forces.

An Leas-Cheann Comhairle: I remind the House that half the time for questions has been used on priority questions. I do not want to be interjecting all the time but I am asking Members and the Minister of State for their co-operation.

Other Questions

Naval Service Operations

6. **Deputy Bríd Smith** asked the Taoiseach and Minister for Defence if he will re-examine operations by the Defence Forces which support or interact with Libyan military or coastguard forces (details supplied); and if he will make a statement on the matter. [3370/18]

30. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence when the LÉ Niamh

will redeploy as part of Operation Sophia following its return from deployment on 20 December 2017. [3348/18]

32. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence the status of the Defence Forces involvement with Operation Sophia; the status of the LÉ Niamh; and if he will make a statement on the matter. [3364/18]

Deputy Bríd Smith: I seek an update from the Minister of State on what interaction, if any, the Defence Forces have, directly or indirectly, with the Libyan authorities, specifically the Libyan coastguard. I have asked many times what the European Union programme that provides funding to Libya to hold refugees within its borders is doing to the large number of human beings who are fleeing desperate circumstances. Not only do we have an extremely dodgy relationship with the Libyan coastguard and its operations but it appears this relationship is being deepened and intensified. I ask the Minister of State to clarify the matter.

Deputy Paul Kehoe: I propose to take Questions Nos. 6, 30 and 32 together.

The European Union common security and defence policy Operation Sophia against human smugglers and traffickers is one element of an EU comprehensive approach to the migration crisis in the south-central Mediterranean. Operation Sophia was launched in June 2015 as part of the European Union's broader action to provide a comprehensive response to the global migration and refugee crisis and encourage a democratic, stable and prosperous Libya. It specifically seeks to counter human trafficking and smuggling in the south-central Mediterranean by taking action against criminal networks and disrupting the smugglers' business model. The mission is also providing capacity building and training to the Libyan coastguard and navy and contributing to the implementation of UN Security Council Resolutions 2240 and 2292. These resolutions also authorise the interception of vessels suspected of being used for illicit activities and impose an arms embargo on Libya in an effort to prevent the flow of illicit arms and related material into that country.

The training being provided to the Libyan navy and coastguard as part of Operation Sophia aims to improve the security of Libyan territorial waters; enhance the capability of the Libyan navy and coastguard in law enforcement at sea; and improve their ability to perform search and rescue activities so as to save lives in Libyan territorial waters. Libyan coastguard training is a positive move towards capacity building by the EU mission. It is the fastest way to deliver effects in reducing irregular migrant flows and intercepting smuggler activity inside territorial waters.

A number of European Union initiatives provide assistance and protection to migrants in Libya, in particular inside detention centres. Partner countries and organisations, non-governmental organisations and international agencies are working together with Operation Sophia and sharing their experiences on how to manage something that is difficult to manage from a humanitarian point of view. Bringing real improvements to the position of migrants in Libya will require restoration of political stability through the formation of a functioning government and a return to order throughout the country. Ireland supports both UN mediation and regional efforts in pursuit of stabilisation in Libya.

Ireland fully supports the current EU approach to the migrant crisis, including the deployment and operations under Operation Sophia. In July 2017, Government and Dáil approval was secured for the deployment of an Irish Naval Service vessel as part of Operation Sophia. The

24 January 2018

LÉ Niamh was deployed on 6 October 2017 to join Operation Sophia and returned to Ireland on 20 December 2017. In the course of its deployment, the crew of the vessel were primarily tasked to respond to safety of life at sea events - search and rescue - in the area of operation. The specific tasks assigned to naval vessels by the Operation Sophia force commander depend on the operational requirements in the Mediterranean area at any given time.

Operation Sophia has so far contributed to the apprehension of 130 suspected smugglers and traffickers, removed the availability of approximately 520 boats from criminal organisations, contributed to almost 290 safety of life at sea events and rescued more than 42,400 migrants. An after-action review of the deployment on Operation Sophia is ongoing. The issue of any further deployment to Operation Sophia in 2018 will be considered in the context of the after-action review, the vessel requirements of Operation Sophia, the ongoing position in the Mediterranean and the overall EU response to the ongoing migrant crisis.

Deputy Bríd Smith: Budgets from this country and across Europe are being used to fund a regime that has been described as holding migrants in militia camps in the most dreadful conditions. As stated previously, we are witnessing the return of slavery, with people being bought and sold at markets in Libya. These are human beings who are desperately fleeing war and poverty in other countries.

The Department is involved in training the Libyan navy and coastguard in rescuing migrants. I am proud of the record of the Naval Service in rescuing tens of thousands of migrants from the Mediterranean. However, these migrants are then handed back to the same regime that Human Rights Watch has shown to be guilty of the torture, rape, brutality and enslavement of a large number of human beings. Almost 1 million migrants are being contained in Libya. The treatment they are receiving is driving them out of the country, yet we are funding a programme under which the Naval Service provides training and migrants are handed back to the same authorities that brutalised them. While we have pride in our Naval Service, we must also be ashamed of the operation in which we are participating because it is returning migrants to brutal regimes.

Deputy Paul Kehoe: Deputy Smith's statement is totally incorrect. All migrants rescued by the Naval Service are brought to a designated safe port in Italy. Naval Service vessels do not enter Libyan territorial waters. If the Deputy were to research this matter, she would note statements made by the current and previous Ministers for Foreign Affairs and Trade in which they expressed deep concern about the conditions experienced by migrants in Libya. EU Foreign Ministers adopted Council conclusions in July 2017 urging the Libyan authorities to improve humanitarian access to, and conditions in, detention centres and to seek alternatives to detention. At the October European Council meeting, the Taoiseach drew attention to the distressing human rights reports on Libyan reception facilities. The Department of Foreign Affairs and Trade continues to closely monitor the humanitarian position in Libya.

The Deputy is correct that some of the detention centres in Libya are totally unacceptable. I watched a television programme recently on BBC or Channel 4 about detention centres in Libya. I reiterate, however, that all migrants picked up by the Naval Service are brought to a safe port in Italy and are not returned to Libya where they could be placed in detention centres.

An Leas-Cheann Comhairle: For the purposes of continuity, I ask Deputy Bríd Smith to make a second contribution, after which we will hear from Deputies Clare Daly and Mick Wallace.

Deputy Bríd Smith: While I am proud of the Naval Service and its role in rescuing tens of thousands of people, it is also helping to train the Libyan coastguard, which picks up migrants and returns them to Libya. Does the Minister of State understand my point? I am not arguing that the Naval Service hands over migrants directly to the Libyan authorities but that we are providing training and facilitating the return of migrants to one of the most brutal regimes in modern times. While it is welcome that the Taoiseach has raised this issue, in addition to giving out about it, we must ask why we are funding and participating in these types of operations.

To cite an EU publication, the ultimate role of the Libyan coastguard will be to co-ordinate all maritime search and rescue missions in the Mediterranean. Italy, Ireland and all other countries involved in training the Libyan navy and coastguard are moving towards a position where the Libyan coastguard is given full responsibility for all migrants found in the Mediterranean. Libyan border guards will then be provided with the information from all European border states around the Mediterranean in real time to prevent refugees from crossing into Italy and Malta. We will do anything but treat human beings with dignity. This reminds me of the contempt the Minister for Justice and Equality showed last night when he outlined the type of regime he wants to introduce to allow migrants to avail of their right to work. He showed utter contempt for these human beings.

Deputy Paul Kehoe: I acknowledge the Deputy's view on this matter. The Taoiseach and the current and previous Ministers for Foreign Affairs and Trade have raised this issue on a number of occasions.

One can look at this in two different ways. One could opt not to train the Libyan coastguard and let these unseaworthy vessels leave the Libyan coast and thousands of people will drown in the Mediterranean.

Deputy Bríd Smith: We could rescue them.

An Leas-Cheann Comhairle: The Minister of State, without interruption.

Deputy Paul Kehoe: I gave Deputy Bríd Smith every opportunity to speak and I am addressing the question she asked. I am giving Deputy Smith my view and I have listened to her view. I fully appreciate her view and I take it on board, but I hope she will listen to my view as well.

We could opt not to train the Libyan coastguard, let these unseaworthy vessels leave the Libyan coast only to sink one, two or three miles out to sea and see thousands of migrants lose their lives, or we can train the Libyan coastguard, as we are doing, to try to stop unseaworthy vessels leaving the Libyan ports to ensure that these lives are not lost. I assure Deputy Smith that we are still saving the lives of migrants. It was stated in the House that we would not save the lives of migrants once we entered into Operation Sophia. The opposite has happened. We are still saving lives.

Deputy Clare Daly: The Minister of State tells us that 520 boats have been destroyed, up from 480 the last time we asked. Over 42,000 migrants have been rescued. What the Minister of State has not addressed is the fact that many of those ended up going back on worse or more unsafe dinghies to try to escape Libya. What the Minister of State has not said is that many of them do not get to leave and are in effect imprisoned there in unsafe detention camps. They are subject to all of the abuse outlined by Deputy Smith and others. Not everyone is taken back to official detention centres. Some are sent to what are effectively illegal warehouses or makeshift

dungeons, as they have been described.

We refer to sharing surveillance. Can the Minister of State respond on that point? It is known that information from European operations is regularly shared with the Libyan coastguard enabling it to intercept boats, including some in international waters, and push them back to Libya. European forces would not undertake such actions because they are illegal. However, they are facilitating the Libyan coastguard to do it.

Deputy Paul Kehoe: Up to November 2017, a total of 201 Libyan personnel have completed training, comprising mainly basic training. The training has been delivered in formal classroom settings in Italy, Malta, Greece and at sea. An eight-week patrol boat crew training course was recently completed at the Italian naval school in Taranto. Training is being provided by various EU agencies and NGOs. Further training in Greece, Spain and Italy is planned for 2018. All persons are selected for training by the Libyan coast guard and are vetted by the EU.

I have stated to Deputy Bríd Smith that the Taoiseach and the Minister for Foreign Affairs and Trade have raised the matter of these detention centres in Libya at EU Council level. I have stated that the Taoiseach drew attention to the distressing human rights reports on Libyan reception facilities. I have seen them on television. They are not appropriate and they are wrong. We are very much aware of it. It is not that we are turning a blind eye to it. The Minister for Foreign Affairs and Trade and the Taoiseach have raised this at EU Council level. We have to see the fact that training the Libyan coastguard is about saving lives.

Deputy Clare Daly: The Minister of State is missing the point. Obviously, it is great that they are raising the matter but there is a major contradiction. While they are raising these matters verbally, Government actions are actually facilitating a situation whereby people are either being kept in Libya in detention centres or are being sent back there.

It is an extraordinary irony that we hear people throughout the European Union expressing their horror at Donald Trump's vision of building a wall between the USA and Mexico. The reality is that the tactics being adopted by the European establishment towards asylum seekers and refugees coming to our shores are worse, notably so because of the actions in Libya. We have thousands of kilometres of land borders, a military push-back against refugees at sea and billions of euro going to weapons companies and on border security. We are facilitating it. The Government says it is desperate to keep these people there, but it facilitates what is happening at the same time and that is not good enough any more.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Healy-Rae, sorry for interrupting your telephone call – my apologies.

Deputy Paul Kehoe: I will wait until Deputy Danny Healy-Rae is finished his telephone call.

An Leas-Cheann Comhairle: Please continue, Minister of State.

Deputy Paul Kehoe: Would I not be interrupting the telephone call?

An Leas-Cheann Comhairle: Please continue.

Deputy Bríd Smith: I would be glad to show Deputy Healy-Rae where the door is.

Deputy Paul Kehoe: Deputy Healy-Rae may tell the person on the other end that I said “Hello”.

An Leas-Cheann Comhairle: Come on, the clock is ticking.

Deputy Paul Kehoe: I do not believe the assertions of Deputy Daly. She is leaving out one point. Deputy Daly is right on some parts, but what about the thousands of people who leave the coast of Libya but do not get far? They are losing their lives on unseaworthy vessels. That is one of the reasons we are training the Libyan coastguard. It is to stop some of these unseaworthy vessels. As part of Operation Sophia we intercept some of these unseaworthy vessels.

I take the views of Deputy Daly fully on board. Having said that, I reiterate that the Taoiseach and the Minister for Foreign Affairs and Trade have raised this specific issue at EU Council level. I have raised the matter at EU Council level. I believe that by training the Libyan coastguard, we are doing the right thing.

An Leas-Cheann Comhairle: Deputy Wallace, do you wish to ask a supplementary question?

Deputy Mick Wallace: I have more than supplementary questions, a Leas-Cheann Comhairle.

The Minister of State will be aware that a House of Lords inquiry found that Operation Sophia failed to meet the objective of its mandate to disrupt the business model of people smuggling. Some smugglers were arrested and some boats have been destroyed but the people being caught are well down the food chain. It is like catching those going from door to door with drugs in Dublin, but not catching those who import the drugs and pass them on. The fact is that people are taking even greater risks now in inferior boats. The policy is not helping the matter.

The Minister of State makes the argument about training the Libyan coastguard. He should not forget that the Americans trained soldiers in Iraq who ended up joining jihadist groups. Some even fought against the peoples of the region. It was not a great idea. Getting into bed with the likes of the Libyan coastguard cannot be a good idea; it will only strengthen it. We cannot expect great things from it.

Deputy Paul Kehoe: The EU takes a comprehensive approach. It is involved in capacity building in many countries, including Libya. We should be able to assist in helping the democratic institutions as peacekeepers, and that is what we are doing. Part of our peacekeeping approach is to help democratic institutions to become established. That is the way we are trying to do this. We are helping migrants but also training the Libyan coastguard.

Everyone is losing the point. Thousands of migrants are losing their lives within the territorial waters. They do not get beyond the territorial waters. Do we forget about those people, refrain from training the Libyan coastguard and let those who want to leave lose their lives? That is one of the points we are missing.

I take the word of the Deputies absolutely on the detention centres. The Government has raised this on numerous occasions at EU level through the Taoiseach, the Minister for Foreign Affairs and Trade, myself and many others. This is a reality and a concern for the Government.

Deputy Mick Wallace: People smuggling begins onshore. Nothing is being done to make these countries sustainable. Their economies are in bits, more often than not because of western

interference. Does the Minister of State accept that? We had to listen to the Fine Gael-Labour Party Government support the bombing of Libya in 2011. Does the Minister of State admit now that was a major mistake? The manner in which NATO, with the support of our Government, bombed the living daylight out of Libya in 2011 was a crime against humanity. It was nuts. We completely destabilised that country and many of the subsequent problems in the Mediterranean, including all the lives lost, were linked to that war and the incredible damage NATO and western powers did. Does the Minister accept it was a mistake?

Does the Minister accept that Operation Sophia is now a military-focused operation? It was different and we used to play a different role but it is now a military-focused operation, designed more to keep people out than to save lives.

Deputy Paul Kehoe: I do not accept the Deputy's assertions and I definitely do not accept his assertion that Operation Sophia is a military operation. I accept that we are part of a different mission now. We were part of Operation Pontus, which was independent of ourselves, and we are now part of the EU-mandated mission. This mission operates under the triple lock and went through Government and the Dáil, as well as being mandated by the UN. It is not a military mission. We are still saving lives on the Mediterranean and will continue to do so. I am very proud of the work we did under Operation Pontus, as I am of the work we are now doing under Operation Sophia. There are different dimensions to the current mission, such as in the fact that we are training the Libyan coastguard and have people in mission headquarters.

Deputy Mick Wallace: Does the Government accept that it supported the bombing of Libya?

Defence Forces Medicinal Products

7. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence his plans to publish the recommendations of the latest report of the Lariam working group. [3175/18]

Deputy Aengus Ó Snodaigh: This question relates to the working group which was set up before the Minister of State took up his role looking into the use of Lariam within the Defence Forces. The Minister of State told me last night in a reply to a parliamentary question that the group had made 12 recommendations. When will the report be published and when will we know what those recommendations are? Do the recommendations comply with last June's Dáil motion that stated Lariam should be discontinued as a drug of first choice for the Defence Forces?

Deputy Paul Kehoe: As previously advised, the report of the working group on malaria chemoprophylaxis was convened in the context of current and potential litigation and is therefore legally privileged and will not be published. The working group has made a total of 12 recommendations, which are intended to ensure that the Defence Forces' medical policies and practices continually develop in light of best practice. I have accepted these recommendations in principle but recognise that some need further development before implementation.

While acknowledging that the report is legally privileged in the context of litigation, I can confirm that many of its recommendations focus on areas including planning, training and education-information sharing as well as the establishment of a medical advisory group. As I already indicated, proposals will be developed further in respect of the establishment of this

new medical advisory group. This will formalise the provision of ongoing expert advice, including external expert medical advice, to the Defence Forces on a range of medical matters including malaria chemoprophylaxis.

I assure the Deputy that the health and welfare of the men and women of the Defence Forces personnel is a key priority for me and the Defence Forces.

Deputy Aengus Ó Snodaigh: I do not know how we can have any faith in a working group and its hidden recommendations when the same working group, in its 2013 report which was also not published, had as one of its conclusions that the Defence Forces could continue prescribing Lariam as a drug of first choice to tackle and prevent malaria. It found that the Defence Forces were acting correctly at a time when other defence forces and armed forces were ending the use of Lariam to prevent malaria because of its association with major health problems among serving and retired members, particularly mental health issues.

Is the Minister of State aware of what is happening in other countries? Is he aware of major parliamentary inquiries, such as in Canada, the US, Australia, Britain and New Zealand? In their view, the continued prescription of Lariam to prevent malaria was akin to poisoning members of the defence forces in those countries. If I were to say, as others have done, that the continued use of Lariam in this day and age was akin to poisoning members of the Defence Forces, how would the Minister of State respond?

Deputy Paul Kehoe: I am no medical officer but I have been advised by the chief medical officer of the Irish Defence Forces that Lariam is the most appropriate course of drugs to give to members of the Defence Forces in the areas where it is required. I have every confidence in the working group and its recommendations. I will accept those recommendations but it will take some time to implement some of them. The recommendations are intended to ensure the Defence Forces' medical policies and practice continue to develop in line with best practice.

Certain of the recommendations will need to be further developed to allow for their full implementation and further work is required in respect of the need to establish a medical advisory group.

Deputy Aengus Ó Snodaigh: We do not know what the recommendations are so we will not be able to gauge whether they are effective or not. The medical and academic evidence is stacking up against Lariam and I can give the Minister of State a report by one of the expert witnesses in a recent case which was settled by the State Claims Agency just before Christmas. Has the Minister had a briefing on that case? Was the case settled out of court because of the overwhelming medical evidence from expert witnesses on behalf of the claimant that linked Lariam to the illnesses the claimant had suffered? This totally discredited the case of the State and the Defence Forces. Will the Minister of State now reassess his strategy, which has been to fight each case tooth and nail? Will he now address the totality of cases and the other possible cases, as well as the ongoing legacy of prescribing this drug when it was deemed to have been dangerous by other armed forces around the world?

Deputy Paul Kehoe: The Deputy will be aware that the State Claims Agency manages all personal injury cases on behalf of myself and my Department. The case was settled on 30 November without admission of liability and the plaintiff withdrew any part of his claim that related to the choice of Lariam by the defendants as a chemoprophylactic. The Deputy will also be aware that all other matters are settled and the case was struck out. In view of a number of

other litigation cases happening, it would be totally inappropriate of me to comment further. I understand a case is expected to be heard later this year.

Industrial Relations

8. **Deputy Mick Barry** asked the Taoiseach and Minister for Defence further to the promise of his colleague the Minister for Business, Enterprise and Innovation to publish in this term the Industrial Relations (Amendment) Bill which will afford enhanced representative rights to the Garda Representative Association, if a similar Bill that will bestow equivalent rights to PDFORRA and RACO will be introduced; and if he will make a statement on the matter. [3352/18]

Deputy Mick Barry: Deputy Wallace said the country was not going to be invaded and the Minister has welcomed that. It is just as well, given that only six of the eight ships the Navy has are capable of going out to sea at any one time because of staff shortages.

An Leas-Cheann Comhairle: The Deputy is reverting to an earlier question. He should concentrate on this question as he only has 12 seconds remaining in which to ask it.

Deputy Mick Barry: Will the Minister bring forward a Bill which will bestow rights to PDFORRA and RACO equivalent to the rights about to be conferred on the Garda Representative Association?

Deputy Paul Kehoe: I have told the Deputy from whom I got my information, namely, the flag officer commanding of the Naval Service. Perhaps the Deputy will tell me from where he got his information. I might be able to go and educate that person and tell him exactly how many ships we have operating.

An Leas-Cheann Comhairle: I am serious about the two minutes.

Deputy Paul Kehoe: The proposed legislation to which the Deputy refers arises from recommendations contained in the first report of the working group on industrial relations structures for An Garda Síochána. It is not proposed at this stage to make similar legislative provisions in respect of the Defence Forces.

I have initiated a review of the conciliation and arbitration scheme for members of the Permanent Defence Force. The scheme, since its inception in the early 1990s, has provided the framework to progress many successful negotiated agreements between defence management and the Permanent Defence Force representative associations.

There have been many changes in the industrial relations landscape in the intervening period. I consider it timely and appropriate to conduct a fundamental review of the scheme to ensure that it remains efficient and effective to all parties.

As I stated earlier in reply to Deputy Lisa Chambers, I have appointed Mr. Gerard Barry as an independent chairperson for the review. The chairperson will seek input from the Department of Defence, the Defence Forces, the Department of Public Expenditure and Reform, PDFORRA and RACO. There will also be wider consultation with relevant stakeholders.

While the focus of the review will be primarily on the operation of the Permanent Defence Force conciliation and arbitration scheme, as part of the review consideration will be given as to

how the scheme operates, having regard to other redress and dispute resolution processes within the Defence Forces. Broader public sector pay negotiation processes and agreements must also be taken into consideration.

The review will also consider the complaint taken by EUROMIL on behalf of PDFORRA concerning certain trade union rights for military representative associations. I understand that a decision in this case is imminent.

I have directed that the chairperson provide a report to me no later than six months from the start of the review.

It would be premature at this stage to make arrangements for legislative changes concerning Permanent Defence Force representative associations in advance of the completion of the report.

Deputy Mick Barry: As regards my source for the six ships, the Minister of State can read between the lines when I say that I talk to the ranks. On the issue of union rights for members of our Defence Forces, the Minister of State says that a court ruling is expected soon. I believe 12 February is the date in that regard. When the Defence Forces organisations win their case, as I am confident they will, are they going to have to wait for two years, as the Garda organisations had to do, before we get the merest hint of legislation? As the Minister of State knows, such are the dire conditions being endured by members of our Defence Forces, about which their organisations are prevented from fully agitating, that every week of resistance on the Government's side is adding to the real hardship of thousands of personnel and their families.

Deputy Paul Kehoe: I speak to the ranks as well. They are probably the most important people within the organisation because they are the people on the ground. If the Deputy wants to pass on my details, I will talk to that member of the ranks as well.

It would be totally inappropriate of me to expect the outcome of the conciliation and arbitration scheme or any legislative changes that may be required. The Deputy spoke about the industrial Relations (Amendment) Bill. That is a matter for the Minister for Business, Enterprise and Innovation, Deputy Humphreys. If the Deputy submits a parliamentary question to the Minister's Department for written or oral reply, I have no doubt that she will give him a full and comprehensive response.

I have asked that the review be concluded within six months. I will then consider its findings. I have left the terms of reference of the review very broad so that both representative associations will be very much involved in the review.

Questions Nos. 9 and 10 replied to with Written Answers.

Protected Disclosures

11. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the further action he plans to take in respect of Air Corps whistleblowers. [3455/18]

Deputy Lisa Chambers: Once again I am asking about the Air Corps whistleblowers scandal. I want to know what plans the Minister of State has to deal with that issue this year.

24 January 2018

Deputy Paul Kehoe: As the Deputy is no doubt aware, section 16 of the Protected Disclosures Act 2014 sets out confidentiality requirements regarding the protection of the identity of a discloser. Therefore it is not possible for me to go into detail in respect of any actions being taken on foot of an individual disclosure so as to ensure that such an individual's confidentiality is not breached.

However, as I have previously outlined to the Deputy and the House, the health and welfare of the men and women of Óglaigh na hÉireann are a priority for me and my Department and I am fully committed to compliance with the requirements of the Protected Disclosures Act 2014 and to the protections it contains. To this end, I want to ensure that those making protected disclosures are reassured that where such disclosures are made in accordance with the legislation, they are and will continue to be dealt with in a thorough and fair manner. I have made it clear to my Department and the Defence Forces that the protections for which the Act provides must be afforded to those who make qualifying disclosures under it.

A single civil-military protected disclosures office has been established in my Department, in which all protected disclosures are initially assessed. The office is also preparing updated guidance for issue to all staff, both civil and military, on protected disclosures. This office is something that I looked for to give the full and thorough review of all protected disclosures that come in and the recipients. Together, the single office and updated guidance should ensure a uniform approach to protected disclosures across the defence organisation.

I am assured by the Chief of Staff that the military authorities are fully aware of the protections afforded to its members under the Protected Disclosures Act 2014. In order to ensure compliance with this legislation, the Defence Forces have implemented general routine order 07/2015. This document sets out the policy, procedures and protections afforded to serving personnel on making a protected disclosure. The document was signed on 21 August 2015.

Deputy Lisa Chambers: The Minister of State seems somehow to be suggesting that his inaction is to serve the interests of those affected. It is a little bit like Groundhog Day with this issue. We continue to ask the questions and we continue to get the same stock response. This issue was the subject of many parliamentary questions last year. It is not going to go away. It will be the subject of many parliamentary questions again this year until we start to see action.

Claims of a deliberate cover-up, victimisation of whistleblowers, a half-hearted attitude towards health and safety in the Air Corps. It is 2018 and we need an inquiry into whether technicians in the Air Corps developed cancer, neurological disorders and other chronic conditions as a result of exposure to toxic chemicals during their employment. We know from listening to the many accounts from those who are still alive and with us today that the difficulties they are facing in terms of their health and well-being cannot be put down to coincidence. Six legal actions are currently in train and my understanding is that two of those individuals have been diagnosed with cancer. In three cases, former Air Corps workers have been told they are suffering from organic encephalopathy, brain disorders due to chronic high-dose exposure to organic solvents. It is no coincidence; this is directly related to their employment.

This is not the first time I have raised this but I will continue to do so. We need a medical review of all those potentially affected to assess whether their conditions and health issues are directly related to their employment by the State. We must then put together a health care package for the individuals concerned. Will the Minister of State commit to doing that this year?

Deputy Paul Kehoe: There is absolutely no cover-up whatsoever. The Deputy's question was very broad. She did not actually ask on a specific case. Now that she has raised a more specific matter, I take it that she is referring to the protected disclosure that was made in late 2015 and the two that were made in 2016. Earlier, in reply to Deputy Ó Snodaigh, I outlined the process I went through - the independent review. All of the personnel who made the protected disclosures got a copy of the review. They have replied to me with their own views. I have asked for a number of options.

I now have a suite of options that I will consider over the next period, for the next steps I will take. I have taken this issue very seriously. I have met with the people who made the protected disclosures and I have listened to them and their concerns. I have taken their comments on board and upon receiving the review I will inform the House shortly of my next steps.

Deputy Lisa Chambers: The Minister of State is well aware of the disclosures we are discussing because they have been discussed in the House several times. The Minister of State referred to the review. He appointed Mr. Christopher O'Toole to conduct an independent review. That report was farcical, not because of Mr. O'Toole's work, but in the terms of reference he specifically stated that he did not have the expertise to carry out the tasks set for him by the Minister of State. That review is pretty much useless. There is nothing preventing the Minister of State from conducting a medical review of those people who are potentially affected. There is nothing in the disclosures legislation to prevent the Minister of State from doing that.

With regard to a cover up, the Minister of State has still not explained or taken any action to deal with the reports from 1995 and 1997, from the now dissolved public body Forbairt, which identified risks around air quality in the workplace. Those reports went missing. We believe they have been shredded; we do not know where they have gone. The reports are not in the Department of Defence and the Defence Forces do not have them. The Minister of State has taken no action to uncover why those reports went missing. Given that they were conducted a couple of years apart they could not have been housed together. On a cover up, the Minister of State can understand why people are sceptical about where and why the reports have gone missing, especially considering the sensitive nature of the content within the reports that the Minister of State and I have had sight of because somebody had the foresight to hold on to a copy.

Deputy Paul Kehoe: I have outlined to the House the actions I have taken on the accusations that were placed around the Forbairt report. I will come back to the House to outline the next steps to be taken on this issue. I take this matter extremely seriously and as I said earlier I have met with the personnel who have made the protected disclosures. I have appointed the independent reviewer and I will shortly outline to the House the next steps that I will take on the issue.

Written Answers are published on the Oireachtas website.

24 January 2018

Leaders' Questions

Deputy Micheál Martin: There was a time in Ireland when the teacher, and especially the primary school principal, held a celebrated status in the village or the community. The literary achievements of our people, the economic expansion from the 1960s onwards and the overall development of our society was built on a foundation of good quality teaching at primary and second level schools. It is key to continued societal development and health.

The key dynamic in the learning experience remains the relationship between teacher and child and the teacher and the student in the classroom. To nurture that relationship we need to invest in our teachers, in their training, in their pay and conditions and in the quality of their teaching experience. In short we must always seek to attract our brightest and best to the teaching profession. We are not doing that at the moment in this country. Second level schools in particular are finding it extremely difficult to recruit teachers in the subjects of science, technology, engineering, maths, Irish, German, French and much more. Overall, the applications to become second level teachers have dropped precipitously from some 3,000 in 2011 to just over 1,000 in 2017. There have been only 600 applications as of 9 January 2018.

The costs of becoming a secondary school teacher are too expensive. It costs more than €10,000 to complete a postgraduate Master's in Education over a two year period. Unfortunately, postgraduate programmes have now become the new cash cow for universities to help them deal with the neglect by the Government and the starvation of Government funding towards universities. Our capacity to attract young people into teaching is damaged as a result of this reality. Six years to become a second level teacher is, in my view, excessive. This needs urgent review.

There is a substitute teacher supply crisis at primary school level. The Catholic Primary Schools Management Association estimates that 90% of schools experience difficulties in sourcing substitute teachers, which is especially acute in special education where there are huge difficulties in this context. More than 3,600 unqualified people were employed as teachers in the past year. The State Examinations Commission reported a crisis in attracting suitably qualified teachers to conduct examinations.

We need an urgent intervention. We also need a roadmap for achieving full pay equality for teachers. Why has the Minister been so lethargic and inept in dealing with this issue? The Teaching Council completed a report in 2015 around teacher supply in Ireland and it was suppressed until May 2017. Why is there a lack of a comprehensive approach and intervention to resolve this crisis in teacher recruitment?

The Taoiseach: First, I believe that the school principal still holds the position of very high respect and regard in our society. I do not believe that has changed. School principals are still very much leaders of our communities. It is also the case that teachers hold the position of high respect and high regard in our communities. I do not believe that has changed. Compared to other countries, Ireland has a very good and well performing education system and education service. This is in no small part due to the quality of our teachers, now and in the past.

Since the change of Government, since Deputy Martin's party left office and my party got the privilege to lead the Government, we have had 8,900 more teachers working in our schools than we had then. There has been a significant increase in the numbers of teachers working in our schools. This has escalated particularly in the last two years. There are 5,000 more teachers

than two years ago working in our schools and teaching our children. This is evidence of the Government's commitment to education. When considered in cash terms, the education budget for 2018 is €10 billion. This is the first time the education budget has exceeded €10 billion. This demonstrates our commitment. I believe that the people who are going into teacher training are among the brightest and the best. I do not agree with Deputy Martin's comments that the people going into teacher training are not among the brightest and the best. I disagree with that. I think people who are-----

Deputy Micheál Martin: When did I say that?

The Taoiseach: The Deputy must read back what he said.

Deputy Micheál Martin: Do not mislead the House.

The Taoiseach: People who are going into teacher training are among the brightest and best still, notwithstanding the fact that applications have gone down. Applications for college courses are very cyclical. We see this all the time. When the private sector and the economy are going well lots more people gravitate towards courses such as information communication technology, business and architecture because there are enormous opportunities there. When the economy is going less well the CAO applications tend to go much more towards public sector jobs because they are more secure and one may be more likely to get a job there at a time when there are lay-offs in the private sector. That is to be expected and it is a normal, cyclical approach that happens with CAO applications.

Pay restoration is very much under way. The starting salary for a new teacher is in the region of €35,000, which is a good starting salary by any account. We are engaged in discussions with unions about a pathway to restore and equalise the pay of new entrants. That is something we want to do, but we also need to bear in mind the other demands. We want to set aside money, for example, for special needs assistants. We have more special needs assistants than we have gardaí at the moment. We also want to set aside important funds to improve the quality of our school buildings. We have to balance these different demands.

Deputy Micheál Martin: The Taoiseach should answer the questions that are asked. The Taoiseach has a tendency to engage in partisan politicking in response to genuine questions asked. The Taoiseach distorts and gives dishonest responses. I never said that we were not attracting the brightest and the best. I said we had a crisis in attracting teachers in the first instance, which we have. The Taoiseach has failed to address the figures. The Taoiseach has also failed to address the issue of the postgraduate master's degree in education. The number of applications fell from 3,000 in 2011 to 600. School principals throughout the country are articulating the crisis, particularly in second-level education. Why? It is because there has been a lack of a comprehensive response from the Government to the teacher recruitment issue.

We all know that the demographic dividend is a key factor in the increase in the number of teachers and that, in the confidence and supply agreement, Fianna Fáil forced the Government's hand to reduce the pupil-teacher ratio. However, the underlying issues in teacher recruitment remain, particularly at second level. There has been the casualisation of the workforce at second level, the postgraduate master's degree is expensive and it takes up to six years to qualify, and there is a lack of numbers in the undergraduate programmes offering concurrent degrees for teachers. All of these issues have been highlighted over the years but there has been complete inaction by the Government on the teacher recruitment crisis that schools are currently expe-

riencing. Will the Taoiseach accept that there is such a crisis and that it needs comprehensive intervention from Government?

The Taoiseach: With respect, if the Deputy does not wish to be partisan, he will have to lead by example and not be partisan in the statements he makes and the questions he asks.

Deputy Micheál Martin: That is not true. There is a crisis.

The Taoiseach: He cannot be partisan at one moment and then accuse me of being partisan in my response. Whatever standard we apply in this House in terms of partisanship should apply to everyone and not just to the Government.

The number of people graduating from teaching programmes is stable and the percentage of people getting jobs in Ireland has increased. As I said, 5,000 more teachers are working in our service than two years ago. There are difficulties in certain areas. We are very much aware that many schools are struggling to get substitutes.

Deputy Thomas Byrne: The Government is doing nothing.

The Taoiseach: This is in part down to the fact that so many younger teachers now have permanent posts. We need to examine encouraging retired teachers, of which there are so many now, to come back and substitute. In addition, there are real difficulties recruiting for certain subjects, particularly specialised subjects. The Minister is examining this aspect. However, as is the case in other areas of the public service where a general recruitment problem does not exist but there is a specific recruitment problem in particular areas, this requires making decisions for which it can be difficult to get support, that is, by making distinctions between different teachers teaching different subjects. That type of thing can be difficult to agree.

Deputy Micheál Martin: The Government has made no decisions. It has done nothing on this.

Deputy Thomas Byrne: They have taken the Taoiseach's advice and gone abroad.

Deputy Louise O'Reilly: There is hardly a person in this State who has not at one stage or another witnessed politicians in this Chamber speak about ill-treatment, persecution and disregard for women in Ireland. Many like to think that the ill-treatment and disregard of women is a historic issue. However, unfortunately it is not. Nowhere are these injustices and this ill-treatment more acute than in the provision of health care services. Last night, RTÉ's "Prime Time" programme aired a feature on women suffering from the side effects of transvaginal mesh implants. I commend Janet Roche and Lesley-Anne Stephens who participated in the programme and bravely shared their stories.

I have been raising the issue with the Minister for Health since last October. I, along with mesh victims and their representatives, have spent months trying to get information on the issue. In particular, I wish to highlight the work of Margaret Byrne of Mesh Survivors Ireland, solicitor Melanie Power, who has been representing a number of these women, journalists such as Michelle Hennessy who have reported on this continuously, as well as my colleagues Órlaithí Flynn and Caoimhe Archibald, who have been to the forefront in this campaign in the North.

Transvaginal mesh implants have been widely used as a simple less invasive alternative to other more traditional surgical approaches to treat urinary incontinence and prolapse conditions that commonly occur after childbirth. However, many women have now come forward, and

more come forward all the time, to report the side effects of the use of these implants. They have reported chronic and debilitating pain, with some being left unable to walk, drive or have any sort of a sex life. The use of transvaginal mesh devices and their long-term side effects for some women have recently come to prominence across many countries, not least England, Scotland, America, Australia and New Zealand. New Zealand and Australia have banned the use of the product, deeming it too risky for women. Closer to home, Britain's health watchdog has recommended restricting the use of vaginal mesh implants.

These women have marched on the Dáil today and are protesting outside as we speak. They will be in the AV room at 2 p.m. today if Deputies want to hear about this first-hand. I have four questions on behalf of these women. Will the Government ensure that there is recognition of the complications of mesh products and stop fighting these women on this issue and that there is a centralised report for treatment for these women by the HSE? Will it ensure that the HSE obtains a translabial scanner? This machine, which is used to detect mesh implants, is not currently available in the State. Will the Government commit to a retrospective audit of the number of women who have been implanted with a mesh device? Finally, given the available international evidence that the risks which accompany their use is too high, will the Government move to ban or limit the use of these mesh products in women? These four crucial measures are necessary to protect women's health. Will the Taoiseach grasp this opportunity and ensure that the suffering of these women is acknowledged and that women's health is protected?

The Taoiseach: I thank the Deputy for raising this important issue. My sympathy and concern goes to any patient suffering complications as a result of an operation or procedure they have had. I wish to put that on the record. I did not see the TV programme last night although I read some things about the issue in the newspapers in recent times. However, I am not an expert on it and I was not aware the Deputy was going to raise the issue today. Therefore, I am not fully briefed on it.

As always, anything the Government does will have to be guided by the best clinical and medical advice from obstetricians and gynaecologists who are experts in this field. While I am a qualified medical doctor, I am not an expert in this field and I would not like to make pronouncements about these issues as a doctor or a politician without the best advice from those who are educated and specialist in the area. It is not this House or Government that decides which medical devices are legal. That is a function of the Health Products Regulatory Authority, and should be so.

Deputy Louise O'Reilly: When I raised this issue with the Minister for Health, he advised me that he had only become aware of it when he saw reports in the media. It struck me as odd that his officials were not keeping him briefed on it given that there is a large number of multi-party actions in this respect under way in other jurisdictions. The Taoiseach has an opportunity, which I urge him to take, to acknowledge the suffering of these women and to give a message to the HSE that international evidence will be used. As a medical professional, the Taoiseach knows that an evidence-based approach is the way to go. There is a wealth of international evidence. I asked the Taoiseach four specific questions and I would be grateful for an individualised response, either here or in writing following the debate.

The Taoiseach: As I said, I was not aware this issue would be raised and I cannot answer for the Minister for Health directly. However, I will ask for replies to be provided to the Deputy on each of the four items she raised. If there are legal cases under way, the Deputy will appreciate that those cases are in the courts and, therefore, need to be heard in the courts and not

adjudicated on here.

Deputy Louise O'Reilly: I was very clear that those cases were outside of this jurisdiction.

The Taoiseach: I absolutely expect that the HSE and the Department of Health will consider this matter based on evidence and not just evidence from this State. As is the norm in any kind of medical issue, one examines peer-reviewed international evidence as well as domestic evidence and take them together. In health care, one will always find evidence going one way and then evidence going the other way. It is, therefore, necessary to take all the evidence together to see which of it is peer-reviewed and strongest and make a judgment based on that. Any response from the Government, the HSE and the Department of Health will be compassionate and understanding and respectful of the pain and suffering of anyone who is enduring complications as a result of an operation. Further, any actions taken by Government will have to be guided by best clinical advice from the experts in the field and it will have to be evidence based.

Deputy Brendan Howlin: Last Friday, I visited the completed Loreto college in Wexford town. It is a fantastic facility. We were told that pupils would be occupying the building yesterday. It is one of six schools in the schools public private partnership, PPP, bundle 5. Of these schools, 90% are complete and a couple are in turnkey condition. The principal of Coláiste Ráithín in Bray has said he was due to receive the keys of his school on Monday. These schools were built by InspiredSpaces, a joint venture involving a 50-50 partnership between Carillion and the Dutch Infrastructure Fund. After financing and building the schools from its own resources the joint venture would receive payments over 25 years. Under the terms of the partnership, it is my understanding that it falls now to the Dutch Infrastructure Fund to deliver on that contract. The PPP company appointed Carillion Construction to deliver the buildings and it, in turn, subcontracted to Sammon, which has built the schools.

Last week, I was assured by the National Development Finance Agency, NDFA, that the PPP contract was so robust that there would be no interruption in the scheduled opening of these schools. Yesterday, everything changed. Teachers who were physically bringing in teaching equipment to the buildings were denied access. In Wexford, 700 pupils and their teachers, special needs assistants and other support staff were given firm assurances by the Department of Education and Skills and the NDFA that they could move into the school yesterday. Instead, the site was shut down. The school had to seek permission to retrieve teaching equipment that had been moved on site so that it could continue to operate in the old school building.

I understand the complexity of PPP agreements. I was assured that one of their attractions is that the State is guaranteed speedy delivery of buildings and that, because such arrangements are watertight, public moneys would not be at risk. The Wexford and Bray schools are ready for occupation. Whatever outstanding issues have to be resolved so that the legitimate expectation of the Irish people and, more especially, the school communities at those six sites must be resolved immediately. The State is the owner of these schools and will fund the projects over the next 25 years through unitary payments and the PPP system. When will teaching begin in Loreto college Wexford and at each of the other sites involved?

The Taoiseach: This is a very important issue and a matter of enormous concern to the six schools affected. The schools are located at four sites in Wicklow, Wexford, Meath and Carlow. They are all replacement schools. The existing schools are still available but we want people to be able to move into the new facilities as soon as possible. It will take a couple of weeks to

sort this out. We will sort it out. We are in strong position. The schools are 90% complete. The State owns the buildings and the payments made so far by the State to the PPP contractor are of the order of €4 million to €5 million. It costs much more than that to build one school, let alone six, so we are in a strong position to have this sorted out but because of the collapse of one of the partners it will take a few weeks to conclude matters. Even if this was not a PPP, a similar situation could just as easily have arisen with a traditional construction contract where a contractor or private company building a school or any building could go bust and enter into liquidation. We are confident that we will have this sorted out within a few weeks. The NDFA and the Department of Education and Skills are very engaged in respect of this matter.

Deputy Brendan Howlin: The selling point for PPPs is that if one of the partners collapses, then, legally, the remaining partner must take on the responsibility. In this case, that is the Dutch Infrastructure Fund, one of the largest conglomerates in Europe involved in PPPs. This will involve serious reputational problems for it and it will be anxious to resolve this matter, so I was assured last week. Why is there not a proactive move on the part of the NDFA and the Government to ensure that the remaining partner, the Dutch Infrastructure Fund, meets its legal obligations immediately in order to ensure that the timeline agreed with these school communities will be fulfilled and that the facilities can be occupied? The NDFA and the Government cannot be passive onlookers; they must be proactive. I ask the Taoiseach to give instructions to the NDFA to ensure that this is done.

The Taoiseach: I can absolutely give Deputy Howlin that assurance. The NDFA and the Department of Education and Skills are very much involved. We will do everything we can in the next couple of days to have this issue resolved in a matter of weeks so that the children and their teachers can move into these fabulous new school buildings. We have a statement from the Dutch Infrastructure Fund explaining that the collapse of its partner happened more quickly than expected and that said collapse came as a surprise. It also says that its top priority is to resolve this complex situation as quickly as possible. There will be a delay while it deals with the subcontractors and other stakeholders in the project.

Deputy Thomas Byrne: Did the fund contact the Government or is the Taoiseach reading that from *RTÉ.ie*?

The Taoiseach: Meanwhile, it is offering assurance to people in all of those areas that where schools are being built-----

Deputy Timmy Dooley: *RTÉ.ie*.

The Taoiseach: -----it will work as hard as it can to find a solution.

Deputy Thomas Byrne: That was on the *RTÉ* news. It has not contacted Government.

The Taoiseach: The Government, the NDFA and the Department of Education and Skills will be deeply involved in that.

Deputy Timmy Dooley: The €5 million spin office is not really doing its business.

Deputy Maureen O'Sullivan: The World Economic Forum has placed Ireland eighth in its inclusive development index for economic performance. That report also points out that Ireland is faced with high income inequality and soaring wealth inequality. The theme for the World Economic Forum, which the Taoiseach is going to attend, is a "Creating a Shared Future

in a Fractured World”. A significant way to mend that fracture is by a real commitment to tax justice and a commitment to those measures that have been identified as being capable of putting an end to the dodging, evasion, avoidance and tax havens. All of that tax injustice deprives countries of the resources they need, impacts on developing countries and prevents them moving beyond reliance on aid.

When he addressed the European Parliament last week, the Taoiseach said “Ireland is not a tax haven ... and we don’t want to be seen or perceived as a tax haven”. Two reports were issued recently. The first, *Tax Games: the Race to the Bottom*, is from Tax Justice Network Ireland, and the second, *Reward Work, Not Wealth*, is Oxfam’s annual report and it came out just before the forum at Davos commenced. Both point to the need to challenge and change international tax rules that keep so many people in poverty and ensure inequality within and between countries. According to the Oxfam report, the executives in the top five global fashion brands make in four days what it takes all the garment workers in Bangladesh to earn in a lifetime. If Ireland is committed to tax justice, we will adopt full country-by-country reporting of all large companies and multinationals, which will be publicly available for each country where these companies operate, with a breakdown of turnover, employees, physical asset sales and taxes.

Spillover analysis relating to another report shows that Ireland is also a leader in the context of the impact of its tax system on the developing world. Some developing countries are experiencing an increase in serious investment from Irish businesses. For that and other reasons, there is a need to consider tax spillovers again and how, for example, capital gains tax is avoided at a time when valuable assets in developing countries are being sold offshore. We need to review the tax free treatment of royalty and interest flows, our growing role as an international holding location and a conduit for intellectual property, and the need for a clearer and less complex system for taxing multinationals and large companies because international tax advisers are offering their clients opportunities to use Ireland as a conduit in precisely the ways that the spillover analysis said could not happen. Will the Government re-examine tax spillovers, particularly in the context of their impact on some of the poorest countries in the world?

The Taoiseach: I had a chance to read the World Economic Forum report on inclusive economic development last night in advance of my visit to Davos today. As is always the case with a report, it is possible to pick out negatives and positives. However, this report is very positive about Ireland and it is worth recording some of the items it contains. In terms of inclusive economic development, Ireland ranks eighth out of 30 in the world. We have risen from 12th to eighth. We are already ahead of Britain, France, Australia, Germany and Canada and if we continue on this path, we will overtake Sweden and the Netherlands in the next couple of years. It is important to put that on the record because we often do not get a reasonable outing for reports like this.

The report also points out that Ireland generates a strong performance in growth and development in intergenerational equity and that we benefit from a high gross domestic product, GDP, *per capita*, being fourth in our peer group and second highest in labour productivity. It also notes how public debt has been reduced drastically, by 43%, over the past five years, which is the largest improvement of any advanced economy. It certainly identifies wealth inequality and income inequality, but as Members will know from the survey on income and living conditions, income inequality in Ireland is actually narrowing. It has gone down for two years in a row, as have poverty and deprivation rates. It is important that we all acknowledge those facts. The report draws particular attention to rising wealth inequality, much of which is related to the bounce-back in asset prices, rising home values, the recovery of pension funds, businesses

gaining value, and the fact that more people are able to save more. There are often reasons behind these things.

In terms of tax avoidance, this Government is absolutely committed to country by country reporting. We have already signed up for that. It means that this year, for the first time, the Revenue Commissioners will share tax information with revenue commissioners in other countries. Until now that information has been confidential, so we did not know how much different companies paid in different countries. We have signed up to country by country reporting so that we will be able to compare notes with other revenue authorities and see if companies are paying their taxes in different countries. We have already eliminated the possibility of companies being stateless. We have removed the double Irish, and we are absolutely open to other measures which will reduce or help to crack down on tax evading and tax avoidance. A public consultation on that issue is under way at present on foot of the very detailed Coffey report which was published only a few months ago.

Deputy Maureen O’Sullivan: The positives will be undermined unless we really look at the negatives. We have a considerable reputation when it comes to humanitarian aid. Irish Aid is 100% untied. We also have a major reputation because of our work on the sustainable development goals. The Government launched a national plan on business and human rights. Part of that report is about policy coherence. It outlines that human rights have to be protected, as well as promoting economic trade, growth and investment. They should complement each other. We are being undermined by very reputable reports which say that our tax code is harmful to developing countries. Instead of the double Irish, we now have what is known as the single malt, and one way to deal with that is to ensure that all Irish registered companies are tax resident here. It would also mean supporting a UN intergovernmental body on tax. It also means supporting transparency around treaty negotiations and an analysis of the tax breaks in Irish law that multinationals can and do exploit. Surely if we want an economic and tax policy which benefits everybody, the Government will be committed to doing that, and will also ensure that we are not a tax haven. If the EU was to apply its criteria to EU members, there would be EU countries on that blacklist, and Ireland might very well feature.

The Taoiseach: That is certainly not the case; I assure the House that we are not going to feature on that list. The positives will always be undermined if we only ever focus on the negatives, and it is important that we, in this House, acknowledge from time to time some of the positive things happening in this country and in the world. The “single malt” is a feature of Maltese law. It is not something we are in a position to change, but it demonstrates why we can only deal with the issue of corporate tax evasion and tax avoidance on a European level. We can change our laws as much as we like, but companies can simply move money and move their operations. We need to deal with this issue on an international basis, through the OECD, and that is how we intend to address it.

In terms of tax policy in general, the Government is absolutely committed to tax sovereignty. While we will co-operate on an international level through the OECD and with the European Union, it is our firm belief that our taxes, whether taxes on companies or on people, should be set in this House. National taxes should fund national budgets and that decision should be made by a national parliament. We should not forget that our low corporation profit tax of 12.5% has been an enormous success. It is by no means the lowest in the EU. Other countries have a lower headline rate and effective rates than we do because of the many exceptions they have. However, the certainty Ireland provides is really important. Companies know that if they invest in Ireland, base their operations in Ireland and employ people in Ireland, there is

24 January 2018

a political consensus in favour of retaining the 12.5% tax rate. I am glad that the three major parties in this House have committed to retaining that 12.5% rate.

Questions on Promised Legislation

Deputy Micheál Martin: There is a commitment in the programme for Government to increase civilianisation in An Garda Síochána so that more gardaí can be freed up for front-line policing services. This is to include delegated court attendances and release from desk work. The aim was to free up 1,500 gardaí from desk and other duties by 2021, but we learned from the Policing Authority report that only 14 have been successfully transferred. That is not exactly good progress. The report suggests that it will be 2031 or 2041 before the target will actually be achieved. The chairperson, Ms Josephine Fehily, has been very disappointed with the lack of progress on this specific issue. What does the Government intend to do to implement its commitment in the programme for Government on civilianisation within the force?

The Taoiseach: I thought I misheard the Deputy for a moment and that he was suggesting that we need to increase civilisation in An Garda Síochána.

Deputy Mick Wallace: The Taoiseach heard correctly.

Deputy Richard Boyd Barrett: That is definitely true.

The Taoiseach: I understand that he means civilianisation, and it is absolutely the Government's commitment to increase Garda personnel to 21,000 by 2021, which will comprise 15,000 gardaí, 2,000 Garda Reserve members and 4,000 civilians. In budget 2018, we have allocated-----

Deputy Micheál Martin: I did not ask about that. I asked about the specific commitment on civilianisation of the Garda. There were supposed to be 1,500 gardaí transferred from desk jobs but only 14 have been successfully transferred.

The Taoiseach: Civilianisation is done by hiring civilians and by transferring existing gardaí-----

Deputy Micheál Martin: No. Forget about it.

The Taoiseach: -----to different roles. To answer the Deputy's question, we have money in the budget to hire 500 additional civilians this year, and obviously we would expect the Garda authorities to make more progress in transferring uniformed gardaí out of clerical roles and back to front-line roles.

Deputy Louise O'Reilly: The programme for Government commits to a schools capital investment programme to improve facilities. Some of these are funded by public private partnerships, PPPs. The collapse of the British construction company, Carillion, has impacted the completion of six school buildings in this State. Some schools have been waiting for years and operating in very poor conditions, and they need assurances that they can still relocate to their new buildings, as was promised. Carillion is now a textbook example of the failures of outsourcing and privatisation. We need to move beyond this failing model. Shareholders and profit margins should not matter more than schools and students. Will the Taoiseach provide assurances that school buildings and relocations will be completed within the given timeframes,

and that further disruption will not be caused to the schedules? Can he guarantee that any other capital projects involving Carillion will proceed within the established timeframes?

Minister for Education and Skills (Deputy Richard Bruton): The Taoiseach dealt with the question very well earlier. There are a couple of points worth making. If this were a traditional build the State would have spent its money and we would not have the same level of hold. The position with the PPP contract, as Deputy Howlin pointed out, is that until the companies get a licence agreement they do not get any money back for the substantial investment - at 90% complete - that they have made. That puts us in a strong position, and a stronger position than if it were a traditional build by a company which then went into liquidation. It is important to make that point.

On the wider issue of the capital programme, we have huge pressures. We are seeing growing pupil numbers at both primary and secondary level, and that means that we are running hard to keep pace. My Department is completing 20,000 places per year and keeping up with the demand. We will continue to work hard to realise those targets.

Deputy Brendan Howlin: My question relates to the Children and Family Relationships Act 2015, which is important legislation that was passed before the marriage equality referendum. It was the view of the previous Government that it needed to be passed before that referendum was put to the country. It amends the law to extend parental rights and responsibilities to non-traditional families and it was long overdue. It takes into account the views of the Commission on Assisted Human Reproduction and of the Law Reform Commission report of 2010. The Bill was signed into law in May 2015 but the Government has yet to sign the statutory instrument to commence the sections of the Act that deal with donor assisted reproduction. To some extent, the old Act is still fit for purpose in terms of traditional families and opposite-sex couples. However, same-sex couples are excluded under the old Act. When will the Government finally commence all sections of the Children and Family Relationships Act so that both spouses can exercise normal parental rights regarding their children?

The Taoiseach: I am afraid I do not know but I will check with the Minister for Children and Youth Affairs and revert to the Deputy. It is possible that it is linked to the assisted human reproduction legislation, which has yet to be published but which is being worked on by the Department of Health. I may be wrong about that. I will check for certain and revert to the Deputy.

Deputy Richard Boyd Barrett: The collapse of Carillion calls into question not just the wisdom of public private partnerships, PPPs, in terms of the five schools affected and the Carlow Institute of Further Education. It also gives rise to questions regarding a range of commitments in the area of school-building, house-building, social housing in particular and capital infrastructure projects as to whether the PPP model is an accident waiting to happen rather than an efficient way to deliver these vital projects. I endorse the call by Fianna Fáil and others for a vote on this, although it is worth noting that as recently as last May, Fianna Fáil was saying that the Government was not being ambitious enough in taking up PPPs. The Labour Party also supported this in terms of the school programme-----

Deputy Brendan Howlin: We put a 10% cap on it.

Deputy Richard Boyd Barrett: That is right. The Labour Party, when in government, signed off on the contracts for these schools.

24 January 2018

Deputy Brendan Howlin: Absolutely.

Deputy Richard Boyd Barrett: We need a serious debate about the wisdom of using PPPs to deliver housing, schools and vital infrastructure-----

An Ceann Comhairle: The Deputy's time is up.

Deputy Richard Boyd Barrett: -----because, as we have seen with McNamara Construction and with the schools in question, PPPs are an accident waiting to happen.

The Taoiseach: The timing of a debate is a matter for the Business Committee. To reply to the Deputy's substantive point, however, the Minister for Education and Skills, Deputy Bruton, answered that very well. If these schools and the college of further education had been procured by traditional means, namely, a simple contract with a private construction firm, it is equally possible that said firm could have gone bust.

Deputy Richard Boyd Barrett: Who is going to manage the schools? This is not just about construction.

Deputy Brendan Howlin: Management companies will do so to an extent.

The Taoiseach: Companies of all types can go bust and as the Minister for Education and Skills pointed out, we are in a more favourable position because we have not paid over the money yet, and we have ownership of the schools. I am often a sceptic when it comes to PPPs. There is a role for PPPs to provide infrastructure in different ways. We built almost all our intercity motorways by means of PPPs. Had we done that by traditional methods, it would have taken very much longer. The party opposite made the right decision in doing that-----

An Ceann Comhairle: I thank the Taoiseach. His time is up.

The Taoiseach: -----but PPPs are certainly not a panacea to everything. They involve risks and we need to be wise in respect of them.

Deputy Mattie McGrath: The Taoiseach referred to a report he was reading last night in anticipation of his trip to Davos. I see this morning that the most recent ESRI report is concerned about Dublin-centric economic activity. I have been raising that issue and I tabled a question to the Minister for Finance, Deputy Donohoe, on it yesterday. Is it okay to continue, a Ceann Comhairle? Does Deputy Dooley find everything around here funny, including dipping his hand into that box not once but twice?

An Ceann Comhairle: No, please.

Deputy Timmy Dooley: Now that I find funny.

Deputy Mattie McGrath: The Deputy did it.

Deputy Thomas Byrne: Me?

Deputy Mattie McGrath: No. I was referring to Deputy Dooley, who interrupted me. He finds everything funny.

This is the latest report expressing concern, at a European level, about all the economic activity taking place in Dublin to the disadvantage of the rest of the country. Such activity is

not viable. Sixty per cent of the people live in rural Ireland. I note what the report says. When will the Taoiseach start listening? In his reply to my parliamentary question, the Minister for Finance said he did not agree with me. However, the ESRI's report echoes what I said. We can all see it when we are trying to get in and out of the city. We see the cranes on the skyline. We do not begrudge anything happening in Dublin, but we want some balance in terms of investment in rural Ireland. The report refers to every place outside Dublin. The Taoiseach might have a look at it before he goes off to Davos.

The Taoiseach: I will have a look at it. The ESRI is not a European body. It is a Government agency that has compiled this report on our behalf. The report is very good. It is also very realistic-----

Deputy Mattie McGrath: I cannot hear the Taoiseach.

The Taoiseach: -----because it says that if we do nothing, the vast majority of population and economic growth will happen in Leinster, in the greater Dublin area. It does not say that we should cap or stop growth in Dublin and Leinster. That is not practical. We all know that in a free country and in the real world we cannot tell people where to live, open their businesses or shop but the report states that if we do nothing, more than half of population and economic growth will happen in Leinster so we need to take action to rebalance that in some way.

Deputy Mattie McGrath: I cannot hear the Taoiseach with all the noise.

The Taoiseach: In particular, the report recommends that we should focus on the other big cities - Cork, Waterford, Limerick and Galway - and that will be very much at the centre of the national planning framework when it is published. That will not be at the exclusion of growth in rural Ireland and other places but the ESRI report is clear and stark in that regard. If we do nothing, too much of the population growth will happen in Dublin and Leinster. If we do something and if we put together a realistic plan, half the growth will still happen in Dublin and Leinster, but we might be able to get half of it in the rest of the country as well. That is what we want.

Deputy Mattie McGrath: It is about balance.

Deputy Catherine Connolly: Tá cur síos iontach ar thábhacht na Gaeilge ar leathanach 146 de chlár oibre an Rialtais. Tá sé ráite sa cháipéis sin go bhfuil an Rialtas 100% taobh thiar de chur chun cinn na Gaeilge ar chuile leibhéal. An bhfuil an tAire Stáit ar an eolas faoin gcinneadh atá déanta ag RTÉ Nuacht RTÉ a bhogadh ó cheannáras TG4 i mBaile na hAbhann ar ais go Domhnach Broc? Tháinig an cinneadh seo aniar aduaidh orm. Iarraim ar an Aire Stáit labhairt faoi na himpleachtaí a bhaineann leis an gcinneadh sin go háirithe ó thaobh costais de, ach freisin agus níos tabhachtaí ó thaobh an íosghrádú atá i gceist ó thaobh na Gaeilge de.

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Tá tionscnamas i gceist maidir le ceist ollmhór na Gaeilge. Beidh na dréachtóirí ag obair go dian ar Bille na dteangacha oifigiúla. Níl na sonraí agam chun freagra a thabhairt ar an gceist a chur an Teachta maidir leis an gcinneadh atá déanta ag RTÉ Nuacht RTÉ a bhogadh. Beidh mé sásta na sonraí sin a fháil ó mo chuid oifigeach agus teacht ar ais go dtí an Teachta ina dtaobh.

Deputy Catherine Connolly: Tá na sonraí ar *tuairisc.ie* inniu.

Deputy Joe McHugh: Tá tuairiscí sna meáin, ach níl na sonraí agam. Beidh mé sásta iad a

fháil amach anseo agus dul i dteagmháil leis an Teachta ina dhiaidh sin.

An Ceann Comhairle: Sin deireadh le ceisteanna ó na ceannairí. Rachfaimid ar aghaidh go dtí na Teachtaí eile.

Deputy James Browne: On page 86 of the programme for Government, there is a commitment to investment in education as a prime way to grow our society and economy in tandem. In recent years, PPPs have been used to build schools, including, by way of example, the new Loreto school in Wexford town. The latter was built by Carillion, which is now in liquidation. Loreto was to move into this brand new, state-of-the-art school this week but, distressingly for everybody involved, it cannot now be occupied, indefinitely, despite the Minister's assurances to the contrary last week. It is clear there is a lack of confidence as to what will happen. Will the Taoiseach now agree that the use, efficiency and value for money of PPP agreements for investment in education buildings must be urgently reviewed? What assurances can he give to the parents, children and staff regarding this issue?

An Ceann Comhairle: I call Deputies Thomas Byrne and John Brady on the same matter.

Deputy Thomas Byrne: I raise the apparent nonchalance of the Government regarding this matter. The Taoiseach appeared to answer Deputy Howlin's question by reading from Emma O'Kelly's good reporting on *RTE.ie*. In view of the fact that the Taoiseach had to read a statement given to the media in respect of this issue, what communications did the Government have with Dutch Infrastructure Fund? This is a matter of major concern. The reality is that last week the Minister gave assurances and told all of us that everything was fine. We held back and we accepted those assurances in good faith, and they have not turned out that way. As far as Eureka in Kells is concerned, it is going to plan. It has not been told differently but I can tell the Taoiseach that the subcontractors in Kells feel terrible. They have been shafted in some cases and not just in the past week or so. In the past year, people have come to me regarding payment on that site. There are other people in the chain and it is of major concern to them now, and the Minister has not given any assurances in that regard.

Deputy John Brady: I asked the Minister about this issue last week when news first broke that Carillion had gone into voluntary liquidation. He gave assurances in the House that there would be no delays whatsoever, other than a day or two. Something has changed substantially in the interim. I have been speaking to the National Development Finance Agency, NDFEA, and it said everything has been checked out legally and it could foresee no delays whatsoever. Construction workers are walking off building sites in Bray in my constituency. I refer to two schools, Coláiste Ráithín and St. Philomena's. Coláiste Ráithín is finished. It was ready to be opened on 22 January. Additional teachers have been employed. First year is being doubled in size and is now at 100% capacity. It is bursting at the seams. It is completely unacceptable for the Taoiseach to say they have their old schools to go back to when those old schools are not fit for purpose. They do not have the facilities.

An Ceann Comhairle: Thank you, Deputy.

Deputy John Brady: We need the Minister to be more than a passive observer here.

An Ceann Comhairle: The Deputy has made his point. Can we hear the Minister now, please?

Deputy John Brady: We need answers and the schools need answers. We need assurances.

An Ceann Comhairle: Deputy.

Deputy John Brady: We have written to the Ceann Comhairle seeking a full Dáil debate on this. I ask that provision be made for a full Dáil debate on the issue.

Deputy Mattie McGrath: It is a maiden speech.

An Ceann Comhairle: I will not be calling the Deputy again if he keeps going.

Deputy Richard Bruton: Under the PPP contract, there are clear obligations on the parties in the event of a liquidation, as has occurred here. The NDFA is the Government's agent dealing with the contracting parties, in this instance the DIF. Both the NDFA and the DIF have indicated that they are fully committed to working out the issues involved here. As the Taoiseach and others have pointed out, we have not made payments in respect of these schools and the only way investors can retrieve their money is by entering a licence agreement with the State on the handing over of those schools. As such, we are in a much stronger position in respect of these contracts than had they proceeded under a traditional build. That is in answer to Deputy James Browne's question. As the Taoiseach said, that is not to say that PPPs should be chosen in every case. In this situation, however, the NDFA, which is handling this, is in a very strong position because payment has not been made. Of course, we have to work through these remaining issues and the contract commitments in the PPP agreement have to be fulfilled.

Deputy Brendan Howlin: The Government is leaving that to third parties.

Deputy Richard Bruton: It has been indicated that it will take some time to work through that. Both the DIF, representing the contractor, and the NDFA have indicated that they are fully committed to working through this as quickly as possible.

Deputy Timmy Dooley: At page 46 of the programme for Government, the Government which was then forming stated that it had expected to have a contract signed by June last year to roll out high-speed broadband to the 540,000 homeowners and premises across the State which do not have access through the commercial market. I notice the Taoiseach is looking around. If the Minister, Deputy Naughten, was there, he would probably enlighten us about the number of places connected on a daily basis through the good work of commercial contractors. What I want is some indication as to when the Government expects to sign a contract with a company to roll out that high-speed broadband over the next couple of years to those 540,000 homes and premises.

An Ceann Comhairle: I call Deputy Michael Healy-Rae and Deputy Michael Moynihan on the same matter.

Deputy Michael Healy-Rae: When will the Minister, Deputy Naughten, appoint the contractor for the national broadband plan? The procurement process is in its final stages but when will the contractor be appointed? This is a matter of huge importance for businesses and homes. Having proper broadband in places of work and houses is as important as having electricity, water or sewerage connections. The Taoiseach knows that himself.

Deputy Michael Moynihan: It is crucial. In 2014, which is four years ago, the then Minister, former Deputy Pat Rabbitte, gave a commitment that a State aid exemption was being applied for and that a contract would be put in place. It is crucial for people. Other Members have raised this morning the issue of balanced redevelopment. Every single person living in areas

which do not have proper broadband services is entitled to access. Given our way of life now, it is as important as any other infrastructural project yet I see no urgency from the Government. I appeal to the Taoiseach to tackle this matter head on because it is crucial as we go forward.

The Taoiseach: I accept that this is taking far too long and that it is enormously frustrating for everyone waiting for broadband connections in their homes. We anticipate that the contract will be signed this year and probably in the middle of the year. However, it is a very complex and complicated contract, much more so than people might have anticipated. Certainly, the best thing to do now is stick with it and get it signed this year rather than to go back to square one.

Deputy Timmy Dooley: Does the Taoiseach accept that this is a significant delay which has not been announced and, as such, that this is new information he is giving the House?

The Taoiseach: It is a significant delay but the contract will be signed this year. We anticipate that it will be signed by the Minister this year.

Deputy Brendan Howlin: Is that January?

Deputy Eugene Murphy: How many more years?

An Ceann Comhairle: Please, Deputies, for the Taoiseach.

The Taoiseach: There is a process to be followed and it is a complicated contract which must be tendered. Notwithstanding that, when the Government of Fine Gael and Independents came to office, approximately 52% of premises in Ireland had access to high-speed broadband, which figure is up to approximately 66% now. It will be 75% by the end of the year.

Deputy Mattie McGrath: The Government wants to keep the recovery going, does it not?

The Taoiseach: Notwithstanding the fact that we are struggling to get this contract sorted for those really important 500,000 premises, we are making progress.

Deputy Willie O'Dea: The spring-summer legislative programme indicates that work on the health (transport support) Bill is still under way. The purpose of the Bill is to restore the mobility allowance which was withdrawn six years ago on foot of an ombudsman's recommendation. It was closed to new applicants. There are thousands of disabled people who have become entitled on medical grounds to some assistance with their transport costs. Does the Taoiseach agree that the delay has been unconscionable? I have raised this question several times over the last six years and on each occasion I have been told that work is under way. When can we see the legislation and when will the anomaly be resolved?

The Taoiseach: The purpose of the Bill is not to restore the mobility allowance, it is to create a new form of transport support allowance which complies with all of the different stipulations. Work is under way involving the Department of Health and the Department of Public Expenditure. I have asked specifically that the legislation be done this year so that we can factor it into the Estimates for next year.

Deputy Michael Collins: The programme for Government refers to the protection of in-shore fishermen's incomes. Following a question I raised with the Taoiseach a couple of months ago, fishermen experienced huge losses of equipment, including shrimp and lobster pots, during Storm Ophelia, which have cost them tens of thousands of euro. This has caused huge financial hardship to fishermen and their families. Will the Government introduce an aid package im-

mediately to support these fishermen after the severe and horrific storm?

The Taoiseach: I am not aware of any specific proposals in that regard and will ask the Minister, Deputy Creed, to correspond with the Deputy.

Deputy Danny Healy-Rae: First, I declare that I have an interest in a family plant hire firm. The programme for Government states that, as far as possible, we are to create and protect jobs. However, principal contractors are going bust and leaving many subcontractors without payments which were due. That means they go out of business in turn. It seems continuously to happen that after a few months the principal contractor is back in business again while the small fellow is buried forever. This Government and its predecessor promised they would do something about that and introduce regulations to ensure that fair play was meted out to subcontractors. It is not happening, however, and principal contractors are continuing to abuse the system. What is the Government going to do about it?

The Taoiseach: It is a huge problem. I have come across many cases in the course of my constituency work where subcontractors have been left unpaid. It is always a problem if a bill goes unpaid for any reason. That has an impact on the person or business whose bill is unpaid.

1 o'clock
The norm is for people to seek recompense through the courts, but that cannot be achieved if the company no longer exists or the person who owes the debt cannot pay it or has left the country. We are open to any suggestions from Deputies as to what we could do to change that, but it is a very difficult matter for a Government to resolve. If a company does not pay its debts and closes down or if an individual does not pay his or her debts, it is difficult to know what the Government could do to resolve it other than to give people what they already have, which is the right to seek recompense and recourse through the courts. We cannot, certainly, have a situation in which Government steps in and pays such debts. That would not be fair to the taxpayer.

Deputy Bernard J. Durkan: The Garda Síochána (compensation) Bill is promised legislation. Given that approximately 5,000 gardaí have suffered serious injury in the course of their duties over the past number of years, when will that important Bill come before the House?

An Ceann Comhairle: I thank Deputy Durkan. We have been missing him over the past couple of days.

Deputy Bernard J. Durkan: I know, I was counting myself actually.

The Taoiseach: It is important legislation. Heads have been approved by Government already but we do not expect publication this session, unfortunately.

Deputy Dessie Ellis: Previously, the Minister for Finance stated in the Dáil that his intention is to bring certainty to the structure of the insurance compensation framework, particularly in the event of the liquidation of an insurer that is providing motor insurance in the State. Under current legislation, payments can only be made out of the insurance compensation fund. With the approval of the High Court, it can make payments up to 65% or €825,000, whichever is the lesser. Draft legislation has been prepared by the Government, which moves to a 100% cover regime in cases where an insurer, like Setanta, has gone into liquidation. Constituents of mine in Dublin North West, who are affected by such matters, have raised concerns that some payments will not be retrospective under the proposed legislation. Will the Taoiseach outline when this legislation will be brought to the House? Will it address the concerns of my constituents?

The Taoiseach: We expect the publication of the insurance Bill in the first three months of this year but, as is almost always the case, legislation cannot be retrospective.

Deputy Pat Buckley: On New Year's Day, it was reported that the Taoiseach told the media the Government is set to ratify the UN Convention on the Rights of Persons with Disabilities. It was said it would be done with votes in the Oireachtas in February. The reality is that ratification is very much necessary but we still have serious outstanding gaps in legislation in order to meet the standards of the convention in any meaningful way. This includes the commencement in full of the Assisted Decision-Making (Capacity) Act, the passage of the Disability (Miscellaneous Provisions) Bill and an overhaul of the Mental Health Act to implement the recommendations of the expert group review, which will be three years old in March. Can the Taoiseach provide a timeline for these necessary reforms and others and will he commit to prioritising these as to ratify the convention in their absence, while welcome, would be more of a gesture than a real step towards rights for people with disabilities?

The Taoiseach: Pretty much every country in the Western world has already ratified the convention and the Government is very committed to ratifying it, ideally next month. The majority of countries that have ratified it, just like us, have certain aspects of detailed legislation they have not finalised so we will not be out of line in any way in ratifying it with a few reservations and some legislation that needs to be sorted out. They are already priority legislation but they are particularly complicated particularly with regard to the deprivation of liberty.

Deputy Fiona O'Loughlin: In December 2016, the then Government - the Taoiseach's Government - indicated it would bring in legislation to deal with the very difficult phenomenon of revenge porn. This is very badly needed because revenge porn causes huge psychological damage to its many victims. I asked the Taoiseach about it in October 2017 and he said he was not sure but that his office would come back to me on it. I have not heard anything since. Ireland is completely behind the curve in dealing with this as we have no legislation in place to deal with revenge porn and help protect the victims of it. The current legislation, which was enacted in 1997, is completely out of date because it does not deal with smart phones or the advent of social media. There are many loopholes that can be exploited at this point in time. We absolutely have to deal with this and we have to act to protect the many victims who remain unprotected. What are the Taoiseach's plans in this area? I accept the Labour Party introduced a Bill last May that will help but it is urgent.

Deputy Brendan Howlin: We are taking it this week and I hope we will have all-party support for it.

The Taoiseach: I will have to double check but I think Senator Bacik has legislation.

Deputy Brendan Howlin: No, I introduced legislation here and we are taking it next week in Private Members' time.

The Taoiseach: Next week so.

Deputy John Curran: The Taoiseach will be aware that the Citizens Information Board is in the process of restructuring the Money Advice and Budgeting Service, MABS, and Citizens Information service, CIS companies. A recent letter from the CIB to MABS makes the point that CIB is aware that MABS national management forum receives contributions from individual MABS companies. It said that CIB will be contacting all MABS companies to instruct them not to provide such funding. This includes additional funding for legal advice

on the restructuring. In a recent reply to a parliamentary question, the Minister informed me that the restructuring process would take up to two years. I view this move by CIB to remove that funding as nothing more than bullying. I am concerned it is going to intimidate individual companies, whether CIS or MABS companies, which feel their funding will be withdrawn if they do not co-operate and comply within a very short timeframe. I am asking the Taoiseach to have a look at this and that the funding for the national management forum of MABS not be withdrawn during the restructuring process.

The Taoiseach: It is a matter for the Citizens Information Board. I will ask the Minister, Deputy Doherty, to reply to the Deputy in more detail.

An Ceann Comhairle: That concludes our consideration of items of promised legislation.

Social Welfare (Payment Order) (Amendment) Bill 2018: First Stage

Deputy Willie O’Dea: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the extension of the powers of the Maintenance Recovery Unit of the Department of Employment Affairs and Social Protection, to make a District Court application for a Payment Order, in respect of jobseekers transitional payment to one parent families, thus enabling the State to recoup, from a ‘liable relative’, a contribution towards the cost of providing said payment.

I seek leave to introduce this Bill-----

(Interruptions).

An Ceann Comhairle: Could we please have a little order in the House while someone is speaking?

Deputy Willie O’Dea: I seek leave to introduce this Bill, which is fairly short and simple. The purpose of the Bill is to extend the powers of the maintenance and recovery unit of the Department of Employment Affairs-----

(Interruptions).

An Ceann Comhairle: I am sorry, Deputy. We cannot have meetings on the steps.

Deputy Willie O’Dea: Including the Taoiseach.

An Ceann Comhairle: That applies to all Members. There is a Member in possession on his feet.

Deputy Willie O’Dea: I will start again. The purpose of the Bill is to extend the powers of the maintenance and recovery unit of the Department of Employment Affairs and Social Protection to make a District Court application for a payment order in respect of single parents who have been moved on to jobseeker’s transitional payment thus enabling the State to recoup from a liable relative a contribution towards the cost of providing that payment. The rationale behind the Bill is that under current legislation, once the child turns seven and a parent moves from a one-parent family payment to jobseeker’s transitional payment, the legislative power of

24 January 2018

the maintenance recovery unit to issue payment orders and have them enforced by the District Court if necessary ceases. This Bill addresses this issue and extends the scope of the liable relatives' provision to jobseeker's transitional payment recipients. At present, while the maintenance recovery unit cannot pursue an absent parent once the child turns seven and the primary care giver, which in the majority of cases is the mother, moves from one-parent family payment to jobseeker's transitional payment, there is nevertheless still an onus on mothers to seek maintenance. SPARK, the lone parents' organisation, has been told by many women signing on that they were told if they did not have proof of seeking maintenance by their next sign-on date, their payment would be terminated. This is deeply unfair and unjust.

While the Bill will not address all the issues regarding maintenance, it will nevertheless address a gap in the legislation. It may go some way towards assisting lone parents, who are one of the household groups most exposed to poverty and social exclusion. The reforms to the one-parent family payment in 2012 had a detrimental effect on lone parents and increased the likelihood of their being at risk of poverty. It also created a gap in the relevant legislation which I am now seeking to address by bringing forward this Bill. The latest SILC data shows that 24.6% of lone parents are in consistent poverty; 40.2% of lone-parent households are at risk of poverty; and 50.1% of lone-parent households are experiencing deprivation. It is therefore essential that we do all we can to assist single parents and address any anomalies in legislation that are hindering rather than helping them to move out of poverty and social exclusion.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): No.

Question put and agreed to.

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

Deputy Willie O'Dea: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Central Bank (Amendment) Bill 2018: First Stage

Deputy Pearse Doherty: I move:

That leave be granted to introduce a Bill entitled an Act to Bill entitled an Act to extend the application of Part IIIC of the Central Bank Act 1942 to provide powers to the Central Bank to conduct inquiries into the suspected provision of false or misleading information to it and to provide for the administrative sanctions that may be imposed by the Central Bank for the provision of false or misleading information to it; to create an offence of providing false or misleading information to the Central Bank; to amend the Central Bank Act 1942 for those purposes; and to provide for related matters.

Is Bille fíorthábhachtach é seo agus cearta á lorg ag gnáthdhaoine ó thaobh baincírí agus daoine atá ag obair san earnáil airgeadais.

In 2015, the then Central Bank Governor, Professor Patrick Honohan, wrote to the Minister

for Finance pointing out a lacuna or loophole in the Central Bank legislation that, to quote the Governor, effectively allowed “individuals to act without responsibility for their actions of lying or misleading”. The context was a request by the Minister to the Central Bank to provide reasons as to why insurance premiums, especially for car insurance, were out of control. One would have thought that this warning from the Governor would have sent the Minister’s officials scurrying to draft the necessary changes in the law to close the loophole, but that did not happen. Here we are, two and half years later, and it did not even warrant a mention in the Government’s so-called plan to tackle white collar crime.

Solvency II has introduced some improvements but the two fundamental issues the Governor first raised remain. The powers under Solvency II can only be used if the false information is provided as part of a statutory request rather than any query from the Central Bank or, indeed, any voluntary information given by any bank or somebody in a financial institution. Critically, individual accountability is still avoidable unless the individual is proved to be participating in a breach committed by the regulated entity. Essentially, bankers can lie through their teeth to the Central Bank time and again, provide misleading information and documents and the Central Bank can do nothing unless it first proves that the entire regulated entity, the bank itself, was involved in that breach. That is what the Governor of the Central Bank wrote to the Minister in 2015, saying at the time that there was a lacuna in the law and it allowed those in financial institutions to lie without being able to hold them to account.

This Bill tries to introduce individual accountability. Yesterday, once again, the finance committee and the many victims listening were subjected to a major bank telling us that nobody in particular was responsible for the theft of hundreds of millions of euro from its customers. The Governor’s letter clearly had the insurers in his sights and it is no surprise that the industry is now under investigation from all sides, including from Europe. As things stand, however, no bank official, CEO or board member or any insurer who spun a web of lies to the Central Bank and to thousands of customers can be held accountable for their actions, what they did and said, or the lies they told unless it can be proven that the regulated entity was complicit. That has to change. The Governor called for this in 2015 and today could be the day when the change starts, when bankers, insurers or anybody else who misleads or lies to the Central Bank will be held accountable and face up to five years in jail if found guilty of the offences under this legislation.

This is only a small part of the jigsaw and I will bring forward other parts of that jigsaw in time, but what is needed is for the resources of the State to start taking white collar crime seriously. This Bill, if passed into law and used by the Central Bank, would see anybody, no matter how deeply entrenched in the establishment, face the same consequences for lying to the State’s financial regulator. It is high time that we brought individual accountability to bankers and those working in the financial services industry and ensure that they are not above the law when they tell blatant lies to the authority in which the Irish public has put its trust to ensure that the financial system is regulated, above board and sound.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under

24 January 2018

Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Eugene Murphy - the need to review admissions policy at the Rosalie unit at Áras Naomh Chaolain in Castlerea; (2) Deputy Jack Chambers - the need for resources at Cappagh orthopaedic hospital; (3) Deputy Peter Burke - the provision of consultant orthodontic services for children in Longford and Westmeath; (4) Deputy Danny Healy-Rae - the need for a pilot scheme to eradicate TB in badgers in south Kerry; (5) Deputy Niall Collins - to discuss Brexit contingency plans and supports for Irish SMEs; (6) Deputy Michael Lowry - to discuss proposals for the return of services at Our Lady's Hospital, Cashel; (7) Deputy Billy Kelleher - the need to address the shortage of student places at colleges in County Cork; (8) Deputy John Lahart - to discuss the traffic congestion in the College Green area of Dublin; (9) Deputy Maureen O'Sullivan - to discuss the recent fox hunt incident at a housing estate in Cork; (10) Deputy Declan Breathnach - to discuss the issue of locals only rules and permission to build one-off housing; (11) Deputy Fergus O'Dowd - to discuss concerns with charges at the M1 toll gate at Drogheda; (12) Deputy Anne Rabbitte - to discuss children's online protection measures with stakeholders; (13) Deputies Thomas Byrne, Pat Deering, Mick Barry, Richard Boyd Barrett, Ruth Coppinger, Paul Murphy, Peadar Tóibín and Mick Wallace - the implications in Ireland of the collapse of the UK company, Carillion plc; (14) Deputy Alan Kelly - the safety concerns on the M7 and other Transport Infrastructure Ireland road safety projects; (15) Deputy Donnchadh Ó Laoghaire - to discuss staffing levels at St. Finbarr's hospital in Cork; (16) Deputy Brian Stanley - to discuss the broadband roll-out timeframe for County Laois; (17) Deputy Mattie McGrath - to discuss the Shannon to Dublin Irish Water project; (18) Deputy Pat Buckley - to discuss traffic calming measures in east Cork; (19) Deputy Clare Daly - to discuss outsourcing of work and the loss of jobs at Aer Lingus; (20) Deputy Noel Rock - to discuss the extension of the Luas line to Finglas; (21) Deputy Bríd Smith - to discuss the facilities at Canal Way Educate Together school in Dublin 8; (22) Deputy Fiona O'Loughlin - to discuss the shortage of special needs places at second level schools in the Newbridge area; (23) Deputy Martin Ferris - to discuss ongoing problems with scans at University Hospital Kerry; (24) Deputy Jackie Cahill - to discuss the price changes for skimmed milk powder; and (25) Deputy James Browne - the need for special education facilities at schools in Wexford town and Enniscorthy.

The matters raised by Deputies Brian Stanley, Alan Kelly, Mattie McGrath and Eugene Murphy have been selected for discussion.

Sitting suspended at 1.15 p.m. and resumed at 2.15 p.m.

Dáil Éireann
Topical Issue Debate

Broadband Service Provision

Deputy Brian Stanley: I have raised this issue of broadband with successive Ministers. I note the current Minister has an interest in this. He is trying to advance it but progress has been very slow in this regard.

The national broadband plan was first published by the then Minister for Communications, Energy and Natural Resources, Mr. Pat Rabbitte, in 2012. It is now 2018 and there has been little progress on the broadband plan itself. There is the scheme being rolled out by Eir to capture 288,000 households but in the midlands, there are significant deficits in broadband coverage. In Laois, for example, there are 12,700 households in the amber area that are not being covered under the Eir scheme. In Offaly, there are 12,420 and in Westmeath, there are a further 12,000 plus. Putting all that together, more than 37,000 households in those three midlands counties are in the amber area that will not be covered under the Eir scheme and must wait for the national broadband plan.

My party has raised this time and time again and I have raised my concerns about the route the Government is taking with it. Many, regardless of where they stand on this issue, would privately agree with some of the issues that I have been raising in this regard.

The procurement process was supposed to happen in a fairly efficient manner. The programme for Government, in which the Government committed to it, states that the Government “will also provide additional exchequer capital, if needed, to deliver on our commitment to bring next generation broadband to every house and business in the country [including Laois, Offaly, Westmeath] by 2020”. The date by which we have to get this off the blocks is one year and 11 months away.

The Government further states in the programme for Government that the tender process for awarding the contract is targeted for June 2017. I understand the best-case scenario is we might see it this year. I hope we do. I hope this happens this year.

It is a most serious issue. The areas affected in Laois include: Coolnabacky in Timahoe, the electoral division of Luggacurren, Graiguecullen, Kilcruise, Spink - huge areas out there - Garrymore, Clonaghadoo and Geashill on the Laois-Offaly border, Fisherstown on the canal in the north of the county, Rosenallis and Ballaghmore. Many of those who cannot get broadband are within a stone's throw of the service being provided and they can see Eir rolling out the service.

I am not one to stop progress or to come in just to have a go for the sake of it. I welcome the progress that has been made in Laois and other counties with the Eir scheme. Constituents say they are getting the service and my party welcomes that. I welcome that a total of 5,063 households or premises in Laois will get broadband under the Eir scheme but there are still 12,721 left that will not. I reiterate that in Offaly and Westmeath, there are 12,420 and 12,019 householders, respectively, who will not get it under the Eir scheme and will have to wait for the national broadband scheme.

This is affecting jobs, farmers, students and small businesses. I have dealt with countless cases of people coming to me who are trying to run small businesses in rural areas. We must

try to get this moving this year. It must be prioritised. We talk about rural development. There will be no rural development if we do not have the infrastructure.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I acknowledge that the procurement process that was entered into long before my time as Minister is a very complex process. Knowing what I know today, would I have gone down this road if I were Minister? I do not think so. However, we are where we are.

I will explicitly put on the record that I am working might and main to deliver broadband to every single home and premises throughout Ireland. I will not rest until every single premises the length and breadth of this country has access to high-speed broadband. As the Deputy knows, as a rural Deputy I am acutely aware of the frustration and anger that is felt by people who are so close to broadband but cannot get it - people who need it for their businesses, for education purposes or just to be able to do the day-to-day things in life. This is why, as a rural Deputy, I am determined to ensure we put pressure on to ensure this happens as quickly as possible. I give a commitment to the House that not one day later than is absolutely necessary will every single person in this country get access to high-speed broadband. These families across rural Ireland and their businesses are my focus and I am personally committed to deliver broadband to every single door under the national broadband plan. We are now in the final stages of this procurement process. The national broadband plan is a Government priority and will deliver high-speed broadband to every single citizen and business throughout this country. Our ambition is to achieve 100% coverage of high-speed broadband across Ireland through a combination of accelerated investment by the commercial telecoms companies - they are spending approximately €2 million a day on this - and a State intervention for those parts of the country where there is no certainty that commercial operators will provide a service. The Government's national broadband plan has been very successful in encouraging increased levels of investment by the telecoms sector. When I was appointed Minister just 19 months ago, 52% of premises in Ireland had access to high-speed broadband. Today that figure is over 71%, and by the end of this year it will be 77%. Every single week 300 farms are getting access to up to 1,000 Mbps high-speed broadband. With commercial investment and the Government's national broadband plan, this will rise to more than 90% of premises having access to high-speed broadband by 2020.

Regarding County Laois, my Department's high-speed broadband map, which is available at www.broadband.gov.ie, details where commercial operators will provide a high-speed broadband service and where State intervention will be required. This map has identified approximately 39,000 premises in Laois, of which more than 26,400 will receive high-speed broadband from the commercial sector. This includes 5,200 premises that will be covered by Eir's planned deployment. The remaining 12,600 premises will be covered by the State intervention. Deputy Stanley is right that there are thousands of rural premises right across Laois, Offaly, Westmeath, Roscommon and Galway that need access to high-speed broadband, but this is happening at present. We have seen that the town of Portarlinton, Ballybrittas and Crettyard have already got high-speed broadband through the Eir intervention. Portlaoise, Durrow, Mountrath, Rathdowney, Ballylynan, Ballickmoyler, Ballyroan, Abbeyleix, Mountmellick, Borris-in-Ossory, Rosenallis, the Heath, Arless, Ballinakill, Ballintubbert, Ballyfin and Cullahill will have 1,000 Mbps high-speed broadband by the end of this year. The fastest possible broadband available anywhere in the world will be available in these villages and the vast majority of villages across rural Ireland. My determination is to build on that network to provide hot desks in the short term in these communities in order that people do not have to commute to the bigger towns and

cities and, by 2020, to see access to high-speed broadband provided to the vast bulk of rural Ireland outside their door.

Deputy Brian Stanley: I thank the Minister for his reply. What he did not tell me is “when”. I acknowledge that some places are benefitting under the Eir intervention. I have checked the list, and 5,063 premises or households in the areas the Minister mentioned will benefit. One can see them on the map that was produced with the scheme. That is all welcome. A concern I have about this - I have raised it with the Minister previously, and he might give me an update on it - is the Eir situation. If it services a group of houses or a village on a route and a provider comes in to provide the service beyond that, will that be an obstruction to another company being able to roll out broadband further up the road? The Minister might give me an up-to-date reply on that.

Regarding the commuters, out of a relatively small workforce in Laois, between 11,000 and 12,000 people drive out of the county every day to work. The Minister beside Deputy Naughten, Deputy Ross, is doing his piece with the widening of the M6 and M7 to cater for this, but we need to get some of these people working in the county. I have met directly people who have small businesses and self-employed people who could work in the county. One woman in the eastern side of the county told me she has three employees and they all go to Dublin every day. The only reason they go to Dublin is its infrastructure. If they had the infrastructure in the area where they live, she and her three employees could happily work from a premises there. They do not need a large premises; they work in the IT sector. The county council would get a little revenue from rates paid by her, she would be working locally, the local community and local shops would benefit and we would all benefit from that. That is the kind of thing one comes across: students who cannot access broadband to do homework, etc. I ask the Minister to tell me roughly when this procurement process will be closed. I also heard what he said about what he would do if he were starting out again, that he might not have gone down the route that was taken with the procurement process. He might give me a brief explanation as to what he meant by that.

Deputy Denis Naughten: Regarding the procurement process, a particular approach has been taken. The decision was taken long before my time as Minister and it is a very complex procurement process, but it is a 25-year contract, and people need to be aware of that. It is not just for this decade, but also for the decades to come. A minimum of 5,200 premises in County Laois will get high-speed broadband under the Eir build-out. At present, Eir is looking at some anomalies to see whether it can provide broadband to local community centres and schools that may not have been included in the 300,000 build-out. Laois County Council and all the other local authorities in the midlands have fed back into that process. We are working with both wireless and mobile operators to exploit the fibre that has been built out and that is being built out across the country to provide people with a broadband solution in the short term. I know one company to which we have allocated broadband spectrum that expects to cover 85% of the country with broadband wireless services by 2019. We are also looking at providing hot desks in those towns and villages that I named in order that the woman the Deputy spoke about, along with her three employees, will be able to work from a local community building or local enterprise centre, rather than having to commute to Dublin. We are also working with the local authorities to identify mobile phone and mobile data black spots to see how we can resolve them and put the infrastructure in place in the short term.

Regarding the Deputy’s question about Eir and the build-out, because Eir is an incumbent, that allows for the build-out to continue beyond the Eir network. This is all part of the complex

24 January 2018

procurement process we have been going through over this period. It will come to a completion this year and we will continue the momentum that we have seen to date in the delivery of high-speed broadband to 300 farms a week. That momentum will continue until every single farm, home and premises in Ireland has access to high-speed broadband.

Road Safety

Deputy Alan Kelly: I thank the Minister, Deputy Ross, for coming to the Chamber to answer my questions. In fairness to him, we do not always see eye to eye but he always comes in to deal with the issues I raise and I acknowledge that.

I want to raise two issues regarding our road network that I feel are absolute priorities and I have raised them previously. I raised some of these issues at the Committee of Public Accounts regarding the spending of public funds and I also raised them at the Joint Committee on Transport, Tourism and Sport. I presume the Minister is well aware of the strategy of the Road Safety Authority, RSA, for 2013 to 2020. I am a big supporter of the Road Safety Authority. I welcome that the Minister finally made appointments to the board recently. I support the work of its chairman, Liz O'Donnell, and her team. Among the engineering measures in its seven-year plan, one of the most important is No. 53, which I have raised on several occasions. No 53 of the engineering measures to save people's lives is to carry out 150 minor realignment schemes on the national road network by 2020. I asked Transport Infrastructure Ireland, TII, about this on a number of occasions and it is going to meet me to discuss it. It has told me it does not have a hope of making that figure. At most it may reach 60 and more likely 50. This means there are 100 black spots throughout the country where there will be no improvement in safety. When I asked Michael Nolan, the very impressive CEO, what the consequence of this will be and whether people would die on the roads, his answer was a very simple "Yes".

The Minister has spoken an awful lot about road safety and, in fairness, I accept his bona fides. I do not always agree with some of the points he makes but I accept his bona fides. I want the Minister to support the Road Safety Authority and ensure he can provide the funding for all 150 of these, or least double from 50 to 100 the number of minor road safety projects the RSA has identified to save people's lives. If this work is not done, the head of Transport Infrastructure Ireland has told me to my face that people will die in 2018, 2019 and 2020. The reason I ask about this today is because the capital plan will be announced in the coming weeks or months and the Minister has the chance to put funding into it.

I encourage the Minister to work with TII to look at safety measures on the M7. There has been an escalation of accidents between Roscrea and Birdhill. People have died. I knew them. May they rest in peace. There are safety issues such as why the Roscrea and the Moneygall on-and-off ramps are shorter, sharper junctions than the long junctions to be found everywhere else on the motorway? They are causing difficulties. I argue there is an engineering issue near Birdhill. Will the Minister ask TII, and provide the funding, to do an analysis of what is happening, given all the accidents there, as well as giving us assurances he is 100% behind the Road Safety Authority in saving lives between now and 2020 by providing the funding it has asked for and planned for in its strategy, which the Minister 100% supports?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Kelly for raising this very important issue and I share his great concern for road safety. If we come to the problem with different attitudes and different solutions that is no harm. He referred to road

deaths, and every one is a serious tragedy which cannot be in any way redeemed or reversed. It should be tackled from very many angles. There is absolutely no one solution to road safety, and the issue on which Deputy Kelly has put his finger today is undoubtedly one of the problems and undoubtedly, TII has a big role to play in it.

I reassure Deputy Kelly that the high-level committee on road safety has meetings on a far more regular basis now, and on every occasion I ask TII in particular how it is doing in its programme on saving lives, road safety and tackling accident black spots. Let me say in response, that whatever response it gives me will never be sufficient, just as whenever I see the result of the - happily - falling road death figures at present, as a number, it is not satisfactory either.

Every suggestion and proposal which is put and every item of legislation on this issue will be seriously considered, as will the suggestion Deputy Kelly has made today. If we can do any more, we will do so. Simultaneously, Deputy Kelly will acknowledge the Government, and the Government of which he was a member, are and were second to none in terms of their commitment to this issue and the legislation is there to prove it. The legislation to tackle road deaths, which is primarily my job to introduce to the House, has included an attack on drug-driving and drink-driving, and I hope this year we will also be able to introduce an attack on speed. I hope this will save more lives and I hope the projects to which Deputy Kelly referred will be addressed with enthusiasm and energy and will also save lives. Our ambition, of course, is to bring the numbers down to zero. That will probably never happen, but there is huge room for improvement and it applies to the M7 and other roads.

I have responsibility for overall policy and funding for the national roads programme. The planning, design and implementation of individual national road projects is a matter for TII under the Roads Acts, in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for it.

The 150 minor improvement schemes included in the road safety strategy was an overambitious target considering the impact of the recession and the major cutbacks in funding related to it. Notwithstanding that, and the results are not satisfactory, as the Deputy has noted, TII is maintaining an ongoing rolling programme of minor projects. To date, 42 schemes have been completed, six more are under construction and four will go to construction this year. Available funding has allowed the to maintain delivery on a minimum of four schemes each year and to prepare additional schemes on an ongoing basis. I understand TII envisages continuing to undertake a minimum of four schemes a year. This will never be enough when we are talking about road deaths.

Deputy Alan Kelly: I thank the Minister. I have no doubt of his sincerity but we need more than hope. I do not want to be in a situation where in years to come or after a short space of time I will be playing back this video to the Minister and others. If there is not serious consideration of the manner in which the on-off ramps in Roscrea and Moneygall work, as well as an examination of what is happening in Birdhill, which is also something strange, people will die on the M7. I believe that will happen in the near future. It is subject to some weather patterns because it is inland, but there are definitely engineering issues. I ask the Minister to please consult TII and provide it with the funding. It is one of the busiest routes in Ireland. It is the gateway to the south of Ireland. Everyone knows the turnoff for the Barack Obama Plaza and many people go into it. Birdhill provides access to a range of areas on the west coast. Roscrea and Templemore are on the same road. I ask the Minister to please look at those.

24 January 2018

The Minister has admitted that the identification of 150 road safety projects in the Road Safety Authority strategy is overly ambitious. Will the Minister provide a figure in respect of what will be built by 2020? There are 42 projects being done and there is not a hope in hell of getting to 150. As a result of this and the lack of funding, people will die. I am going to examine the 150 projects with TII in the coming weeks. They will be evaluated on the basis of priority and safety. That means some will miss out. How many will miss out and what is the estimated cost in lives as a result of the funding not being provided by the Government?

Deputy Shane Ross: To set a target that would be a hostage to fortune - as was the case with the previous one - would just be foolish. If the Deputy does not question the commitment of TII or the Government to the saving of lives, he can rest assured that the absolute maximum will be done to deal with those black spots to which he refers. TII's commitment is not in doubt-----

Deputy Alan Kelly: I never questioned TII's commitment.

Deputy Shane Ross: Recently, many efforts have been made to address the problem mentioned by the Deputy. In particular, TII recognises the potential benefits of changing to a new fence type on the road in question, where appropriate, and, as the Deputy knows, it is working with Tipperary County Council in this regard. TII has commenced a programme of fencing maintenance along the M7 that will involve the replacement of significant lengths of timber post-and-rail fencing. It is envisaged completion of the works to comply with new fencing standards will be achieved on the M7 in Tipperary by mid 2018. TII is progressing with the programme of works to extend similar fencing alterations to all motorways during 2018. It should be noted that the traditional timber post-and-rail fencing can continue to be used at locations sufficiently remote from traffic lanes and protected from potential vehicle strikes, as determined in accordance with design standards.

I welcome the Deputy's interventions. He must know that TII is acutely aware of the difficulties relating to this road. Every single black spot in the country must be addressed in due course. Every single drunk driver must be caught. These are our ambitions and they are for one purpose alone, namely, to save lives. That is my top priority. Any interventions or suggestions made by the Deputy to or pressure exerted by him on not only me but also TII are more than welcome.

An Leas-Cheann Comhairle: The next matter is in the name of Deputy Mattie McGrath.

Deputy John Paul Phelan: As láthair.

An Leas-Cheann Comhairle: As he is not here, we will move to the next matter.

Mental Health Services Provision

Deputy Eugene Murphy: I express my sincere thanks to the Minister of State with responsibility for mental health and older people, Deputy Jim Daly, for coming to the House to address this very serious matter relating to the Rosalie unit at Castlerea, County Roscommon. I commend the Minister of State on acting speedily to meet a deputation from County Roscommon this evening. I appreciate that. I also acknowledge a representation made to the Minister of State by his party colleague, Senator Maura Hopkins.

I call on the Minister of State to provide clarity and answers on the future of the Rosalie unit

at Castlerea, County Roscommon. I thank him most sincerely for agreeing to meet a deputation this evening. Like many others, I am deeply concerned that the Health Service Executive, HSE, has reneged on a 2015 promise to keep the Rosalie unit in Castlerea open. Many people fear that closure by stealth is now taking place. This is a pretty new unit. It may be there 20 or 30 years but I am not sure. It is a fine unit, originally designed to cater for 33 people. Now, it is catering for 12 or 13. Many of the residents of the Rosalie unit suffer from Alzheimer's disease or dementia. An embargo on admissions to the unit was put in place in September 2016, despite assurances given the previous year. A former Minister of State at the Department, Ms Kathleen Lynch, told a deputation she met at the time that there were absolutely "no plans to close it and there will be no such plans". The HSE has stated that the intention is to provide care for the residents in the unit as long as this is in the interests of the individual residents. As the Minister of State knows, such language is very vague. Who decides what is in the interests of individual residents? I often wonder about such language. The Minister of State is very passionate about his brief and I know he is very sincere but when somebody in the HSE makes a statement about deciding what is in a person's interest, I do not accept it at all.

Many family members also fear their loved ones could be moved to Ballinasloe, which is a long way from Castlerea. Ballinasloe is in east Galway and Castlerea is in County Roscommon. Such a development would be horrendous for many of the patients currently in the unit and their families. It is sad because this affects some of the people in the unit now. It is of great concern that the Rosalie unit has been closed to new admissions since September 2016. Will the Minister of State clarify the position? I want answers to my questions. Will the unit remain open and will the Minister of State provide a date as to when new residents will be accepted? There are 12 or 13 people in the unit, which has capacity for 33. Over the years, the number of people there has steadily reduced. This is a big issue, not alone in the environs of Castlerea but throughout County Roscommon. We saw large public meetings two years ago but we were satisfied at the time we had got assurances and everything was going to be okay. Now we are very concerned.

I am not saying that the unit will close but the Minister of State knows that when we see this happening, one would wonder how much longer it can remain open. I know a number of people who could not get into any unit over Christmas but who could have used this one for a couple of weeks.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputy for bringing this important matter to the attention of the Dáil. I also thank him for his generous comments and commend him on acknowledging my colleague, Senator Maura Hopkins. He and the Senator have been very committed to and focused on this matter, ensuring that it has come on my radar for as long as I have been in this job. The people they represent are fortunate to have representatives of their calibre and commitment to this issue and all matters pertaining to mental health. The Deputy is very passionate and genuine about it and has always acknowledged, in a generous fashion, the work of his colleagues, particularly Senator Hopkins.

A Vision for Change sets out a comprehensive policy framework for the development of mental health services. It recommends, broadly, a move from the traditional, institutional-based model of care to a more patient-centred, flexible and community-based service where the need for hospital admission is greatly reduced while still providing inpatient care, as appropriate. This Government has prioritised the reform and resourcing of our mental health services in line with A Vision for Change.

24 January 2018

The Rosalie unit, part of Áras Naomh Chaolain, is located in Castlerea, County Roscommon. It is a continuing care facility for psychiatry of later life patients. There are currently 13 residents at the Rosalie unit and the intention of the HSE is to continue to provide care for these residents in line with their identified needs in their individual care plans. The Rosalie unit has been closed to new admissions since 27 September 2016. The HSE indicates that it is not proposed at present to reopen the unit to new admissions.

With respect to the particular query raised by the Deputy, the report of the expert review group on community mental health services in Galway and Roscommon was published in July 2014. The review focused on 59 residential care settings and resources, including the Rosalie centre at Castlerea. The report was based on the guiding principles of patient centredness, equality, access to quality care that is focused on recovery and integration with other mental health and mainstream health services. The key goal of the report was to make recommendations to ensure service users maximise their full potential and to improve the quality of their lives overall. It advocates that each client is individually assessed and is provided with the most appropriate care relevant to their needs. The local mental health service and, in particular, the psychiatry of later life community mental health team work with clients and their families to develop plans that will improve their quality of life overall. The executive indicates also that capacity exists within the Creagh suite, in Ballinasloe, to accommodate psychiatry of later life patients who have complex continuing care needs. The Creagh suite is an approved centre under the Mental Health Act, which has recently been extensively renovated and modernised to the highest standards and has access to enclosed state-of-the-art gardens.

The HSE has assured me that in its management of the Rosalie unit it has taken due account of the principles laid out in A Vision for Change and the recommendations of the Roscommon report on mental health services. I, in conjunction with the HSE, will closely monitor the development of all community-based mental health services in the Galway-Roscommon area, including those provided at the Rosalie unit.

Deputy Eugene Murphy: I thank the Minister of State for the detailed reply. However, I am deeply concerned about the last few sentences in his statement. Obviously, the HSE has given him this information. My interpretation of it is that it is the HSE's intention to consider moving people to Creagh in Ballinasloe, which is up to 40 miles from Castlerea. Many of the patients in the centre are unsettled because of this news. Their families live locally and can visit and spend time with them. There are great staff in the unit and the people are very happy there. The consultant geriatrician in Roscommon University Hospital, Dr. Gerard O'Mara, said that he believes the unit is being closed by stealth. There is a big demand for an Alzheimer unit in Roscommon, where approximately 2,000 people of all ages suffer from the disease. I believe that is probably the largest number of patients anywhere in the country. We must take account of what a senior medical practitioner says about this, which is that we cannot afford to let this unit close.

We talk about A Vision for Change. We all accept the policy and we all wanted to adopt it. However, we did not all agree completely with every detail in A Vision for Change. My focus is on people being made unhappy, such as Liam's mother, Anita's relation and others who have approached us about it. Their representatives will be here this evening to speak to the Minister of State. They are concerned because their relatives are very unhappy now. We were given commitments two years ago. I ask the Minister of State to do all in his power to stop the HSE making this change. It will cause much despair and upset for people. I acknowledge that the unit in Ballinasloe is great but it is too far away and it will cause upset for the patients.

Deputy Jim Daly: I appreciate the sentiment and passion the Deputy brings to this matter and his concern on behalf of the residents. I would be distressed if the residents were unsure and unsettled because of uncertainty pertaining to their future. I certainly will address that. I will be meeting the Deputy, representatives of the HSE and Senator Hopkins later this evening on this issue. I will also get a sense of the issue from the other people who will be present. As the Deputy knows, I cannot give a commitment as to what will open or close in such situations. However, I agree with him that while A Vision for Change was a great document, it did not get everything right and we did not always make the right decisions. Deputy Mattie McGrath will be aware of what I mean because we have discussed it in his local area. There could have been haste in closing some institutions at the time without sufficient progress being made on building community services and supports for people afterwards and alternative avenues of care. I know a fair amount about Roscommon but not enough, so tonight's meeting will inform me further.

I can give the Deputy a sincere commitment that I will approach this with a fully open mind. I will assist and support the Deputy and his Oireachtas colleagues every step of the way in holding the HSE to open, transparent and full accountability and communication. We will do everything we can to provide assurances, first, to the residents in the Rosalie unit, as well as to the wider community who care so much about it.

Deputy Eugene Murphy: I appreciate that.

Water Services Infrastructure

Deputy Mattie McGrath: Irish Water is proposing to pump yet more water into Dublin's cripplingly compromised, leaking water supply system. The Shannon project would be one of Ireland's biggest infrastructure projects, but the analysis on which it was based was littered with mathematical and analytical errors. Corrected analysis, using Irish Water's selected methodology and its current leakage targets, shows that, technically, no new raw water source is needed, although the Kennedy analysis notes that Dublin would benefit from diversification away from its current almost exclusive reliance on surface water sources. A much smaller and less expensive alternative to the Shannon project could provide this. The Shannon project is yet another surface water source and it would be a reckless waste of scarce financial resources.

I mean no disrespect to the Minister of State, Deputy Phelan, but I am disappointed that the Minister, Deputy Eoghan Murphy, is not present. The Kennedy analysis has notified Irish Water of the errors in its analysis and that many of its public statements about the need for this project have been false or highly misleading. Irish Water's reaction to the Kennedy analysis has been highly defensive. Instead of addressing the issues, Irish Water makes unrelated and irrelevant statements. Its responses deny the most undeniable errors and even back-track on issues that it had conceded during its meeting with Emma Kennedy in February 2017. Instead of attempting to justify its position on many issues, Irish Water gives itself a clean bill of health without providing any substance, stating simply: "Irish Water do not accept this observation."

The Minister of State's former colleague and the former Minister, big Phil the enforcer, as I used to call him, set up Irish Water and gave it far too many powers. It is a monstrosity, as I said at the time, and I oppose it. It is also known in Irish as Uisce Éireann. This project is going to be a white elephant like the children's hospital and will cost billions. Irish Water says it will be €1.2 billion but it will probably run up to €2 billion. It is to pump water into the Dublin system where 57% of the water supply is leaking from the pipes. If it was happening in one's

24 January 2018

household one would not go off and spend €20,000 on something without first getting the pipes fixed. We must cut our cloth according to the measure, as ordinary people who are paying the bills must do. This is outrageous and cannot be allowed to proceed.

I compliment Mr. Minihan in Tipperary on his research on this. He is one of the landowners affected. He is not the only person but he is aware of the madness of it and the measure of the pipe and the corridor required. It will create great construction jobs - I do not deny that - but it is wrong and silly. The leaks must be fixed first. Not only is water leaking from the pipes into the ground, but contamination material is seeping in. Huge amounts of chlorine, fluoride and so forth must be used to clear the water and make it safe to drink, causing huge damage to people's health with cancer risks and so forth. This is madness. It is bonkers, as the Minister for Finance said with regard to the women who had to leave their jobs due to the marriage ban. It is bonkers to spend that type of money and wreck a community in the country to take water that is not needed. Fix the leaks and there will be surplus water in Dublin. The Minister must examine that. Irish Water cannot be allowed to pull the wool over people's eyes like that. If it does it will be a case of fool me once, it is my problem but fool me twice, it is the Government's problem. The Minister of State is an understanding man. He is a saner type than the last man we had from Kilkenny in this area. He was a bully, and nothing short of it.

This project cannot proceed. I am not anti-Dublin and I want it to be given water, but it should fix the leaks first and ensure there is proper accountability for the water already there with meters on all houses and junctions. I was never opposed to that as we must
3 o'clock know what we are using. It is a valuable resource. Treated water being pumped in will put more pressure on a system that leaks like a sieve and allows contaminants to seep in from sewers and other substances under the ground. It is not on. I appeal to the Minister not to give me a speech written by Irish Water or by an official in his Department. I urge him to re-examine this and to go back to the drawing board. We cannot have another monstrosity like the children's hospital and Irish Water.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I am obliged to inform Deputy Mattie McGrath of what is in the reply but I will go off script. I do not agree with the Deputy that the children's hospital is a white elephant. It has been spoken about for all of my lifetime, just as this issue has been discussed as well.

I am taking this matter on behalf of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, who could not be here but is glad the Deputy has raised this issue regarding the steps Irish Water has taken to address the need for a new water supply for the eastern and midlands region.

Since 1 January 2014, Irish Water has had statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level. Irish Water as a single national utility is taking a strategic, nationwide approach to asset planning and investment and meeting customer requirements.

The requirement for a new supply source for the Dublin water supply area was first identified in the greater Dublin water supply strategic study published in 1996. The greater Dublin area, GDA, is the water resource zone that includes Dublin city and county along with significant sections of counties Kildare, Meath and Wicklow. While the GDA is served by eight individual treatment plants, over 80% of the water is sourced from the River Liffey catchment and 11% is sourced from the River Vartry catchment.

Irish Water assumed responsibility for the project following its establishment in 2014 and published a project need report in 2015, which covered the GDA and a wider benefitting corridor to encompass parts of the midlands. Irish Water reports that the sustainable availability of the GDA raw water sources will be utilised to full capacity by 2026. A new source is, therefore, needed in addition to an ambitious programme of leakage reduction.

Irish Water's proposed water supply project for the eastern and midlands region is the result of extensive studies and research and four phases of public consultation. In total, ten options were identified and examined in detail. Research has covered vast criteria, including geographic, demographic, technical, environmental and economic factors. Feedback received from public consultations has been factored into the development of the final proposal by Irish Water at all stages.

Through this process, the Shannon Parteen basin option was identified as the preferred scheme because, via its pipeline route to Dublin, it will deliver the widest benefit to the greatest number of people with the least environmental impact. The Parteen basin scheme comprises the abstraction of water from the lower River Shannon at Parteen basin in County Tipperary, with water treatment at nearby Birdhill. Treated water will then be piped 170 km to a termination point reservoir in south Dublin. Supplies of treated water will be made available to midland communities along the route.

While parallel work is advancing on water conservation projects in the region and nationwide, water saved from fixing leaks will not be enough to meet future demand. Irish Water indicates that raw water sources for the greater Dublin area will be at capacity by 2026 and that the rest of the eastern and midlands region faces similar challenges.

Irish Water is currently preparing a planning application, including an environmental impact report and Natura impact statement, for the water supply project. It intends that the planning application will be submitted to An Bord Pleanála towards the end of this year and water from the project will be available from 2025. Subject to planning approval, it is anticipated that construction will be carried out over a three-to-four-year period commencing in 2022, assuming a positive outcome for the planning application.

The project is intended to meet the domestic, commercial and industrial needs of a region comprising 40% of the population into the medium to long-term future to 2050. It must be recognised that water infrastructure is already struggling to meet the current need and without this project, the eastern and midlands region of the country would face water shortages within ten years. That could mean rationing commercial and domestic supplies and severely impacting economic development and future foreign direct investment. The evidence and assessments clearly show that a long-term and sustainable source of water is needed for the eastern and midlands region to provide future generations with a secure water supply.

Deputy Mattie McGrath: I am very disappointed. I spoke to the Minister of State after the Joint Committee on Housing, Planning and Local Government, of which I am a member, received analysis of the project which suggests that Irish Water's position on the project is rife with basic mathematical errors and misleading statements about its necessity. The document we received from Kennedy Analysis makes for absolutely terrifying reading in terms of the utter waste of hundreds of millions of euro of public money that we do not have. That money could be spent tackling the issues of patients being left on hospital trolleys or waiting for cataract surgery. Ms Emma Kennedy, whom I met last week, has forensically deconstructed Irish

24 January 2018

Water's estimates for the project and clearly demonstrated that, at the very least, a complete overhaul of the entire project is necessary. I appeal that the Minister not be blind to that. It is taxpayers' money that will be spent, not mine or that of the Minister of State.

As Kennedy Analysis proved, the problem in Dublin in this regard is that its water mains are in a third world state of decay, having been neglected for decades. Some 57% of the water put into the supply system pours through holes and cracks in pipes and goes into the ground, never reaching taps. For there to be 57% leakage is astonishing and far from normal. The Shannon to Dublin pipeline project does nothing to address that, despite its suggested cost of over €1.2 billion. The Kennedy Analysis refers to an OECD study carried out in 2016 to observe leakage levels in cities around the world. Only four cities had leakage levels over 40% and they were all in Mexico. Dublin did not take part in the study. What are we hiding? Are we shamefully afraid to admit to our horrible waste of water? How can this pipeline address this scandal? It will not.

The Minister, Deputy Eoghan Murphy, must call a halt to this project and hold an all-party briefing on the matter to educate Members. On behalf of Liam Minihan, Sarah Kennedy and others, I ask the Minister what will take the cobwebs from his eyes? We are trying to come out of a recession and boost the country.

The Minister of State has stated that land and house owners in the midlands will get water from the pipe. However, they will not be allowed next, nigh nor near the pipe because of the water pressure within it. It is untrue to say that people in that area will be supplied from the pipe. I know, having turned on a tap after a leak, that the pressure will be too much. The Minister should go back to the drawing board, look at reality and not have another con and another tribunal in 20 years' time into this monumental waste of money.

Deputy John Paul Phelan: On the points the Deputy has raised, it would be a good idea to have a briefing with Deputies-----

Deputy Mattie McGrath: Please.

Deputy John Paul Phelan: -----from the mid-west area, including Tipperary-----

Deputy Mattie McGrath: And those from Dublin.

Deputy John Paul Phelan: -----and Deputies from Dublin with Irish Water and I have no problem facilitating that.

I fully agree with the Deputy's points regarding the amount of water that is wasted. A huge amount of time has been devoted to that subject in this Chamber over the past five or six years. It is equally important to point out that Irish Water has made significant improvements in certain parts of the country, as the Deputy is aware. There has been a 20% reduction in the amount of treated water going straight into the ground. The improvements are still not enough and the Deputy knows as well as I do that there are parts of the city and country with water infrastructure that is completely outdated, leaking and unsuitable for the future.

Deputy Mattie McGrath: Leaking both ways.

Deputy John Paul Phelan: The purpose of the scheme is to look toward the longer-term future for Dublin and the eastern region. It is not correct to say that the regions through which the pipe passes will not be supplied. They will not be linked in to the main pipe, or at least not

legally so, but there are methods-----

Deputy Mattie McGrath: Or illegally. They are going to blow it sky high.

An Leas-Cheann Comhairle: Deputy McGrath should allow the Minister of State to respond.

Deputy John Paul Phelan: -----of ensuring that there will be services to the midlands-----

Deputy Mattie McGrath: All for Dublin.

Deputy John Paul Phelan: -----as well as Dublin and that forms part of the scheme. We have to ensure-----

Deputy Mattie McGrath: To Dublin or to hell.

An Leas-Cheann Comhairle: We will move on if Deputy McGrath does not allow the Minister of State to reply.

Deputy John Paul Phelan: Deputy McGrath is, like myself, a country man at heart-----

Deputy Mattie McGrath: Dublin-centric.

Deputy John Paul Phelan: -----but we need a thriving capital city and environs, such as east Meath, where Deputy Thomas Byrne is from. That part of the country has experienced huge development in recent years-----

Deputy Mattie McGrath: There is plenty of water in east Meath.

An Leas-Cheann Comhairle: Deputy McGrath is being very disorderly.

Deputy John Paul Phelan: -----with more to come and needs an adequate water supply. However, I am happy to arrange a briefing on this scheme and will revert to the Deputy.

Deputy Mattie McGrath: That will probably never happen.

An Leas-Cheann Comhairle: That concludes Topical Issues.

Shortage of Teachers: Motion [Private Members]

Deputy Thomas Byrne: I move:

That Dáil Éireann, recognising the importance of teachers and valuing the contribution that the profession has made to Irish society —

accepts that:

— a real crisis exists whereby demand for substitute teachers vastly exceeds supply both at primary and second-level schools;

— there are major challenges in Irish second-level schools in securing the right teachers, with the right subject combinations, to ensure that all pupils can study the subjects of their choosing;

24 January 2018

— pay inequality has contributed to a teacher recruitment and retention crisis that will continue to have severe repercussions for the school system unless it is urgently tackled;

— during this crisis, hundreds of Irish teachers are working abroad on a temporary basis;

— the report of the Teaching Council entitled ‘Striking the Balance - Teacher Supply in Ireland: Technical Working Group Report’, while completed in December 2015, was not published for some 18 months until the matter was raised a number of times in the Dáil; and

— the Minister for Education and Skills has been slow to address this issue and was mistaken in his view expressed in May 2017, that his Department ‘does not have evidence of a general shortage of primary teachers, including for substitute teachers’, and that his Department was mistaken in the view expressed in January 2018, whereby it stated that ‘there is no overall problem with teacher supply’;

acknowledges that:

— problems of teacher supply and supply of substitutes are widespread across Ireland;

— many unqualified persons are supervising children where no substitute teacher can be found;

— all relevant education partners find extreme difficulties recruiting teachers with Gaeilge, and teachers of foreign languages, and as a result schools are reported to be considering dropping language provision, and that fears have been expressed for the future of our national language;

— teachers of STEM (science, technology, engineering and maths) subjects are in extremely short supply with numbers training to be such collapsing;

— overall applications to become second-level teachers have dropped precipitously, from almost 3,000 in 2011 to just over 1,000 in 2017, with only 600 applications this year as of 9th January, 2018, with an extended closing date;

— the cost to become a teacher by obtaining a Postgraduate Masters in Education (PME) is increasingly expensive and it can cost up to €15,000 to complete a PME;

— there is no organization of PMEs by the Department whatsoever in terms of subjects and taking up to six years to study to be a second-level teacher is considered unnecessary;

— special schools, special education, children with special educational needs and children in schools serving disadvantaged communities are suffering disproportionately from this crisis;

— the number of teacher retirements is significantly way ahead of Department of Education and Skills forecasts;

— the Minister’s proposal to recruit homemakers on to Springboard courses to

enable them to become teachers has not been acted on and neither has any other proposal of the Minister; and

— the education partners have been vocal during this crisis and have come forward with numerous ideas and solutions;

and calls on the Government to:

— agree a roadmap with teaching unions on how full pay equality will be achieved and in conjunction with that organize a recruitment and advertising campaign aimed at bringing home young Irish teachers temporarily working abroad;

— establish substitute supply panels again at primary level;

— consider, on a temporary basis, allowing teachers who job share to substitute during their days off in their own schools;

— further expand, on a temporary basis, the opportunity for teachers on career break to act as substitutes;

— make it easier for retired teachers to act as substitutes in the short-term, but ensure that this in no way interferes with the normal teaching labour market;

— reconsider the need for a second year in PME programmes;

— rapidly expand undergraduate programmes of initial teacher education to qualify people to be second-level teachers;

— ensure that teachers based in Northern Ireland can register to teach in the Republic of Ireland in an efficient, economic and fair way;

— ensure that teachers qualified abroad are facilitated into the Irish education system in a reasonable way;

— expedite the work started following the publication of the 2015 Teaching Council Report; and

— establish a body within the Department of Education and Skills working with education partners tasked with coordinating policy matters concerning teacher supply.

I will be sharing time with Deputies Breathnach, Lawless, Aindrias Moynihan, O'Loughlin and Smyth. This issue has been bubbling away in the education system and teaching profession for several years. The motion states that a real crisis exists whereby substitute teachers at primary level cannot be sourced and, in many cases, schools cannot get the right teachers for the right subjects at second level. This crisis has several causes but the Minister for Education and Skills, Deputy Bruton, has denied it exists. As recently as spring 2017, less than a year ago, the Minister said there was no issue regarding substitute teachers at primary level. The latest mantra from the Department of Education and Skills is that there is currently no overall problem with teacher supply.

I welcome the teachers, principals and union representatives who are present in the Public Gallery. I would have liked for more teachers to be here but those teaching at primary level are

either finishing their job or starting the second part of the job, which is preparing for tomorrow's classes, while second level teachers are probably still in class. I welcome their representatives to the Public Gallery.

This problem has been denied and denied. As a result, action has not been taken. When the Minister was put on the spot about this problem by the National Association of Principals and Deputy Principals, NAPP, last year, he said he was going to encourage homemakers to take free Springboard courses. That was top-of-the-head and back-of-the-envelope stuff from the Minister because it was not acted upon. I do not believe it was ever a serious proposition. The very fact that it was put forward as an idea in the public media showed how little the Minister thought of this problem. The Fianna Fáil leader, Deputy Micheál Martin, made the accusation this morning that the Minister has been lethargic and inept on this issue. I have already outlined the Minister's slowness in realising that there is a problem. That lack of realisation continues to this day and is reflected in the motion before the House.

The Government does not recognise there is a problem at all on this issue. This lack of recognition is also evident in the suppression of the report *Striking the Balance: Teacher Supply in Ireland*, which was submitted to the Minister's predecessor, Deputy Jan O'Sullivan, in 2015. The report was sat on for 18 months. I raised the matter of the report twice during Priority Questions and wondered where it was. Teachers, unions and a number of former Ministers for Education and Skills all saw this as a problem and asked me to highlight it. The report was finally published last June.

The truth is that we have a system of educating and training teachers that is in a mess. There is undergraduate provision to qualify people as second-level teachers. While that exists, it is currently underdeveloped. The postgraduate masters degree in education has, let us be honest, been a failure. It is in urgent need of a review, as is called for in the motion. The postgraduate masters degree in education for second-level teaching can cost up to €15,000 after one has completed the three or four-year primary degree. It is no surprise that the number of graduates studying for this decreased from 3,000 in 2011 to way fewer than 1,000 this year. The numbers have gone down by nearly 75%. This is a shocking statistic and yet the Minister remains in denial. Let us remember that the implementation of the Minister's plans and policies for the Irish school system - be it in the context of his promoting careers advice under pressure from Deputies this side of the House or promoting subjects such as science, coding, maths and foreign languages - depends on having good, qualified and professional teachers available. The Minister's policies are threatened by the lack of availability of good-quality, educated professionals. The fact that the Minister is in denial is a real problem.

There is a major issue regarding substitute teachers in primary schools. Considering all the training days that teachers are required to do - and days for other purposes when they are outside the school for sickness and so on - the Minister is presiding over a crisis where there are no substitute teachers available to teach those children. The Minister can say it is a problem of success and that all the positions are full. While this is partially correct, it is also the case that the Minister has not looked at some of the initiatives that have been put forward by the Irish National Teachers Organisation, INTO, regarding teacher supply panels. I do not know why they have not been looked at yet.

The Minister is also ignoring the elephant in the room. Perhaps it is not a surprise that he is ignoring this particular elephant. I refer to teachers who are working abroad. Yesterday, the Taoiseach encouraged people to go abroad. I felt like a fool when the Taoiseach said that

because I have brought forward this motion, which specifically calls on the Government to engage in a recruitment drive to encourage young professionals to come home to teach in Ireland in order that we might show them how highly we value them as teachers. This is being utterly undermined by the Taoiseach, along with any of the plans the Minister may have boiling away in the back of the Department to encourage people to come home, although we have not seen much evidence of that. It is utterly destroyed by the Taoiseach's suggestion that all is grand, that we do not want these people and that they should make their money abroad and then come home. He is out of touch with reality and what he said badly affects our children.

This is the first time a range of solutions relating to the crisis has been put forward in one motion. I do not claim to be the fount of all knowledge. The fount of all knowledge is the education partners. They put forward these ideas to the Minister, to me and to the Joint Committee on Education and Skills. In this motion, we have distilled some of the ideas we approved of. I am willing to listen to the debates and suggestions by Members of the House to try to put pressure on the Minister to act on this crisis.

Let us consider the foundations of the crisis that is sending teachers abroad and that encourages constituents - such as one I met last week and who is studying chemistry in Dublin City University - to not become teachers. First of all there are costs associated with the postgraduate qualification and then there is the pay scale inequality. This is at the root of this crisis. It is about time that this was admitted. Teachers are saying, in their correspondence with me and in their comments on the public airwaves, that they do not feel valued. They do not feel that the State wants them, values them or wants to pay them properly. They are on a different pay scale. We have rehashed the arguments in this House time and again. It is about time that the Minister became a champion for those teachers. If the Minister took on the rhetoric that I have taken on, publicly and among his Government colleagues in Cabinet, it would have a transformative effect on the perceptions that young teachers have of themselves and of how members of the public regards their career. By refusing to take that step and advocate for pay scale equality the Minister is contributing to the negative impression that young teachers have of themselves and how they feel they are valued by the Government.

As so many of my colleagues who are anxious to speak on this issue, I shall yield time. I will be back, however, and I look forward to listening to the remainder of the debate.

Deputy Fiona O'Loughlin: There is no doubt that there is a recruitment and retention crisis in the education system, despite what the Minister and the Government say. I engage with and receive correspondence from teachers in my constituency regularly regarding the chronic shortage of substitute teachers available in our area. Four days ago, a principal from Robertstown national school emailed me to say that having spent numerous hours of personal time over the weekend making calls and sending texts and emails, no qualified teacher was available. An unqualified teacher supervised the class for two days, after which the principal had to put the learning support teacher into the class for the remainder of the week. This deprived other children of the support to which they are entitled. There are currently no teachers available in Kildare to cover substitution and schools are unable to fill temporary or fixed-term teaching posts.

The Catholic Primary Schools Management Association survey carried out last year shows that 89.69% of schools were experiencing difficulty in sourcing substitute teachers and that there were a significant number of days when children in our schools were not taught by qualified teachers. This time last year, only 30 stand-in teachers were available nationwide to cover

24 January 2018

absences across 3,300 schools each day. The INTO has said that it would take 800 such substitute teachers to cover the schools in the State.

The Minister for Education and Skills has said that there is no evidence of a teacher shortage. This completely contradicts what public representatives are hearing on the ground. The lack of Irish language teachers risks the future of our national language and the shortage of science, technology, engineering and maths teachers threatens our economic future. Teaching needs to attract the very best graduates. Our children deserve nothing less. The shocking fact that just six physics teachers are expected to graduate in the next two years should be a wake-up call for the Minister and his Department. Shortages of teachers in Irish, home economics and European languages result in the use of out of field teachers for these subjects. Surely this is unacceptable for our education system. The Minister describes these as pinch points and I believe this drastically underestimates the gravity of the situation. The collapse in the numbers applying for teacher training courses, a drop of more than 60% between 2011 and 2017, is highly concerning. Only 600 individuals have so far applied to complete the two-year professional masters degree in education. The expense of this course is most certainly a barrier that prevents people from applying. The cost of €11,000 is unaffordable for most students who have finished their primary degree and, without a shadow of a doubt, this is not unrelated to the inequity in pay levels and our two-tier system.

To address the crisis, full pay equality needs to be achieved, middle management needs to be restored and a recruitment and advertising campaign aimed at bringing home young teachers who are working abroad needs to be put in place. At Christmas, I met two such teachers who had come home to get married. They were working in Dubai to get a down payment together to buy a house. We need to re-establish substitute supply panels at primary level. We also need to establish a body to work with education partners in co-ordinating policy matters concerning teacher supply.

We must invest in our teachers and their professionalism and develop a long-term plan to ensure that all of our schools and children have the quality teaching professionals they need. The quality of our education system and our teachers has been widely acknowledged and a recent international review concluded that this rich resource should be highly valued. Recruitment and retention of quality teachers in our schools should be a key policy concern for all of us. The added workload and worry for principals such as the principal of Robertstown in Kildare whom I mentioned earlier and for parents, is simply unfair and needs to be addressed without delay.

Deputy Declan Breathnach: The Minister knows that to fail to plan is to plan to fail. On 8 November 2017, I asked a question about the programme for Government which refers to education as the key to giving every child an equal opportunity in life. I stated, “Despite the commitment in the budget to reduce teacher-pupil ratios and provide new teachers, schools are experiencing significant difficulties sourcing substitute cover, with substitute teachers not available within 80 km of many schools.” On the increase in the number of teachers and various developments in teaching, the Taoiseach replied:

We are not having a significant difficulty hiring teachers. However, it may be that because we are hiring teachers and so many of them are securing permanent jobs, fewer teachers are available to do substitution.

I spent 35 years teaching at primary level and 23 of those as teaching principal. Last week I

contacted every school in my constituency, both primary and secondary, for their views. I will not elaborate more than anyone else but, without being repetitive in order to ensure others have their speaking time, the key issues were pay inequality and substitute teachers, which was the second most complained about issue. I have been told by many of those schools that, in their experience, substitutes are extremely hard to find. One of the key points being made is that lots of schools were relying on B.Ed students because they are off at the moment. This crisis will continue to grow unless the Minister deals with it.

I have previously referred to the cost of living. Living in cities and commuting 80 km to do substitute work does not pay. Something needs to be done about the system for the return of retired teachers to fill the gaps. Others have referred to the shortage of teachers in certain subject areas and gluts in others. Finally, it would be remiss of me not to say that it is time the moneys given to primary schools were the same given to secondary and other schools in capitation payments. In terms of funding, the primary sector is on the back foot.

Deputy James Lawless: I acknowledge the presence of teaching and union representatives in the Gallery. I commend my colleague, Deputy Thomas Byrne, for tabling the motion. It is currently an important area in education. As party science spokesperson, I will focus my comments on STEM. The gap in STEM subjects and the number of STEM teachers at second level has been well documented in any number of reports dating back to the 1990s, the most recent one being a report from November 2016. The Minister has also acknowledged it in recent times.

I attended the conference of the Irish Science Teachers Association in Maynooth approximately six months ago where I again heard a call for greater emphasis on STEM subjects, a greater input into STEM teaching and a greater number of STEM graduates to enter the system. I also met representatives of the Institute of Physics who had similar concerns. The issue is manifesting in a scenario where many science subjects are being taught by teachers whose primary degree may not have been in that particular science subject. For instance, a lot of biology teachers may be teaching physics or chemistry, which some refer to as the physical sciences. This is not ideal for a number of reasons. We also see gender imbalance. We see less of the physical sciences being taught in some girls-only schools. In some schools, these subjects are not even being offered. A lot of this links back to the difficulty we have in retaining or attracting STEM graduates into the profession at present and, despite numerous reports, the lack of action from Government on it.

The Minister has alluded to some schemes that may be possible. There was talk over Christmas about taking people from industry. I do not have a difficulty with that. However, an accommodation will have to be reached with the unions on how someone could enter the profession mid-stream. It does seem to make sense, however, that someone working in industry or in a professional capacity outside the classroom could be retrained. I might bring something to bear in that manner. Continuing professional development for teachers in the subject area is another possibility to enable people's skills in their subject choice to remain honed.

Many Irish graduates and teachers are now travelling abroad. They may be working as interpreters in European Union positions, etc. As a result of the course change, a difficulty is expected to arise soon in the teaching of home economics.

There may be an opportunity to collaborate in a pilot initiative involving some of the teachers in institutes of technology who have Teaching Council numbers and would be qualified to

24 January 2018

teach in secondary schools. I believe that video-link technology is making that available in some schools already. These ideas need to be explored urgently to address the gap.

I yield to my colleague, Deputy Aindrias Moynihan.

Deputy Aindrias Moynihan: Táim chun díriú ar an ngéarchéim mar a bhraitear é sna Gaelscoileanna agus sna scoileanna Gaeltachta. Tá sé soiléir go bhfuil géarchéim ann agus is iad na daltaí atá thíos leis nuair nach bhfuil na múinteoirí ar fáil. Ní bheidh ach an t-aon deis amháin acu i gcomhair bunscolaíochta agus meánscolaíochta agus tá sé ag sleamhnú uathu toisc an géarchéim. Go rialta, bíonn ar scoileanna post a fhógairt thart ar trí huaire sara bhfaigheann siad aon iarrthóir cáilithe nó b'fhéidir sara bhfaigheann siad aon iarrthóir in aon chor. Ní rud eisceachtúil é seo agus is thar na hábhair éagsúla atá sé. Tá an deacracht agus an géarchéim sin ann le tamall. Tá sé curtha in iúl don Roinn agus do na húdaráis éagsúla ach is amhlaidh gur in olcas atá rudaí ag dul.

Tá laghdú ar an líon daoine atá ag tabhairt faoi na cúrsaí. Tuigim go bhfuil sé laghdaithe thart ar 60% sna hollscoileanna idir 2011 agus 2017. Ag an am céanna, tá líon na ndaltaí ag fás. Mar shampla, tá a fhios againn go bhfuil dream mór sa tríú rang anois agus go mbeidh an dream seo sna meánscoileanna sara bhfad.

Tá daoine ag dul thar lear chun breis airgid a thuilleamh. Bhí líuntas ann do mhúinteoirí a bhí ag múineadh trí Ghaolainn agus sa Ghaeltacht. Caithfear a leithéid a thabhairt ar ais arís i dtreo is go mbeimid ábalta daoine a mhealladh chuig na scoileanna Gaeltachta agus Gaelscoileanna.

Minister for Education and Skills (Deputy Richard Bruton): I move amendment No. 1:

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

“recognises the vital role that the teaching profession plays in Irish society;

welcomes this Government’s ongoing commitment to providing for an adequate supply of teachers to meet the needs of schools;

notes that:

— as part of the Government’s plan to make the Irish education and training service the best in Europe by 2026, the Government has prioritized investment in education with total investment in education increasing by €1 billion in the last two years;

— the additional investment which the government is making in education has allowed 5,000 additional teachers to be successfully recruited in the past two years, with the total number of teachers increasing from 61,380 in 2015/2016 to 66,454 in 2017/2018;

— the total number of teachers increased from 57,549 in 2012/2013 to 66,454 in 2017/2018 with the creation of over 8,900 new teaching positions;

— the Department of Education and Skills are now creating more new teaching positions than at any other period in the history of the State;

— in the last five years the number of graduates from initial teacher education

programmes has remained constant with over 8,000 primary school teachers graduating from initial teacher education, and over 7,800 second-level teachers;

— an estimated 1,870 primary teachers and 1,523 post-primary teachers will graduate from initial teacher education programmes in 2018, which is in line with graduate levels in recent years;

— differential pay scales were introduced by the then Government in 2010, in response to the financial crisis;

— the Government is committed to achieving the right balance between addressing the legitimate expectations of public service workers for increases in their pay, while ensuring that the Government continues to exercise a prudent approach to the overall management of our public finances;

— the Minister for Education and Skills and the Minister for Public Expenditure and Reform entered into an agreement with the teaching unions which resulted in newly qualified teachers receiving pay increases of 15-22 per cent, the second moiety of which was paid on 1st January, 2018, and that the starting pay for a newly qualified teacher straight out of college is now €35,958; and

— under the Public Service Stability Agreement 2018-2020 (the Agreement), the starting salary for a teacher straight out of college will be over €37,600 from October 2020;

recognises that the teacher unions have outstanding pay demands that this agreement does not meet in full - however it does represent significant progress, and does not close the door to the trade union movement seeking to advance the issue further;

further notes:

— the commitment in the new pay agreement to consider the issue of newly qualified pay within 12 months of the commencement of the Agreement and the commitment in the Public Service Pay and Pensions Act 2017 to provide a report to the Oireachtas on this issue in March 2018, which will provide detailed cost estimates for pay restoration;

— that the equalisation of pay scales would mean that a newly qualified second-level teacher straight out of college would have a starting salary of €43,900 from October 2020, and that a primary school teacher straight out of college would have a starting salary of €41,500;

— that the full year cost of new entrant pay equalisation in the education and training sector would be in the order of €130 million and would be over €200m across the public service;

— that if the Department of Education and Skills spent €130m more in pay in 2018 it would mean that there would be less funding available to hire more new teachers, to hire new special needs assistants (SNAs), to invest in tackling educational disadvantage or to promote curriculum reform;

— the vital role that leadership plays in schools, and recognises the 2,600 extra

24 January 2018

promotional opportunities created in schools in the last year;

— that the number of teachers retiring from the profession has remained constant in the last three years, and that a similar number of retirements are expected in 2018 as in 2017;

— that the creation of over 1,000 net new teaching positions each year in primary schools in the last number of years have provided strong employment opportunities for primary school teachers graduating from initial teacher education programmes, and that as a result, some schools have reported a difficulty in hiring substitute teachers; and

— that, notwithstanding the fact that some 2,850 extra second-level teachers have been recruited in the last two years, that some second-level schools have reported some difficulties in recruiting teachers in certain subject areas;

acknowledges that the Minister for Education and Skills has taken a number of steps already to enhance the availability of retired teachers and teachers on career break for substitution purposes;

notes that the Minister for Education and Skills has received and considered the advice of the Teaching Council;

acknowledges that the Minister is considering a range of new policy interventions to deal with teacher supply and substitution issues in schools, and that a programme of action will be announced shortly; and

welcomes the undertaking of the Minister to consult and engage with partners in advancing initiatives.

I welcome this debate. However, it is important that we have a balanced debate on the issue of teaching supply and the trends in provision for teaching. It has been a major priority of mine to win additional resources in order that we can set as an ambition that by 2026, we would have the best education and training service in Europe. We have been rolling out a substantial investment both in teaching and in further and higher education - it is €1 billion extra in all.

I have provided additional resources to employ 5,000 additional teachers in just the past two years, which is a huge ramp-up in the pace of recruitment into the teaching profession. I have successfully filled that. That is 5,000 net posts. As there are retirements, the gross figure is that well over 7,000 people have been recruited into strong, permanent provisions in the education sector. That has included restoring guidance counselling, reducing class size, providing for the roll-out of the junior cycle and many other very significant investments in the quality of our education system and supporting the teaching profession in delivering excellence. I have also taken other measures to substantially increase the attractiveness of the teaching profession. The Deputies opposite forget that it was me who negotiated, with my colleague, the Minister for Public Expenditure and Reform, the restoration of 75% of the gap created in 2010 when entrant pay to the teaching profession was cut by the then Government. That was substantial progress on this issue. I recognise, as others have done, that the teachers' union continues to want to pursue this issue. The most recent pay agreement provided for just such a process and that started virtually immediately after the signing of the agreement. All teachers' unions are engaged in that process. That is a sign of the Government's good faith in this respect.

I have also increased the attractiveness of the teaching profession by providing for 3,000 additional promotion opportunities, which are very significant. I have been around the various conferences and met very young teachers who are taking leadership posts within schools as a result of the opening up of those positions. One in three posts within the teaching profession will be a promoted post. These are significant improvements. I have made it easier also to get a contract of indefinite duration because teachers were finding it hard to get permanent contracts and I negotiated improvements on that front.

It is important that while we consider this issue, we recognise very significant investment is being made in improved teacher supply and providing for priority areas where young people need support, be it in well-being, new systems of assessment, new subjects and so on. Overall, the graduation level of young people entering the teaching profession is stable. There are almost 3,500 graduates from the colleges. That number has been stable over recent years. The number of retirements has also been stable, if not falling, in recent times. They are in line with the Department's forecast.

Deputy Thomas Byrne: No, they are not.

Deputy Richard Bruton: Indeed they are. I can provide the Deputy with the data if he is interested.

Deputy Thomas Byrne: We had that discussion during the Estimates.

Deputy Richard Bruton: In addition, as he probably saw, the recent graduate survey by the Higher Education Authority found that 73% of graduate teachers are being placed in jobs in Ireland. That is a substantial increase over the past few years. More young graduates are getting jobs in Ireland and the numbers emigrating are falling. Significant numbers are studying science, which is a very important area for the future.

I assure the House that I am working to make sure that we deal with the areas where there are difficulties in teacher supply. I recognise that this year it is becoming more difficult than it was last year to, for example, fill substitute positions. Last year, I increased the number of days that persons on career breaks could work from 40 to 90 in the case of primary school teachers and for secondary teachers from 150 hours to 300 hours. I am in discussions with the Teaching Council of Ireland and the various stakeholders on further measures we can take in respect of difficulties with substitution.

I also have real ambitions, as Deputy Byrne mentioned, to improve our performance in areas of science, technology, engineering, mathematics, STEM, foreign languages, Irish and other subjects where there are pinch points, such as home economics and so on. I have moved to take action in these areas. I increased the provision for those entering home economics, introduced a Gaeltacht policy specifically for the development of excellence in the Irish language in the Gaeltacht, provided for additional resources in the National University of Ireland, Galway, NUIG, to see that additional teachers would be educated and to upgrade and support the teaching of Irish in schools that commit to an immersion approach. These are really important elements.

In the depths of the recession, there was a very conscious policy to discourage the giving of substitute hours to people retiring from teaching. That position has changed and we now recognise that people who retire from teaching can be a very valuable resource for providing substitution. More than 60% of those who retire from teaching retire before the age of 60.

Many of them are available to deal with some of the pressure points that emerge in providing substitution. There is scope for seeing more development in those areas.

I am in no way complacent about our needs in this area. We faced a very significant bulge in the primary school population and that is moving to second level. We are planning for the increased number of teachers we will need in the second level system to respond to the growing numbers over the coming years. We also need to recognise that the system, and I think Deputy Byrne adverted to this, that has been in place for many years for admission to teacher education has been pretty blind to the subject areas of need. That was not a satisfactory approach and we need to be more conscious of the subject areas of need in planning provision for student places with the institutes of higher education.

Several Deputies referred to the fall off in applications for the master's degree. They rightly recognised that part of this is because some years ago, on foot of work by the inspectorate, it was recognised that the one year master's, the higher diploma, H. Dip., as it was then, did not provide sufficient pedagogical instruction or learning for young people to go into the classroom. That was extended. I would be very slow to reconsider a decision that was made some time ago on grounds of teaching quality. I recognise that there is a cost element and that has definitely contributed. However, numbers accessing all the other routes into education, other than the master's in primary education, PME, at second level have been very robust.

This is an important debate and I recognise the importance of responding and making sure we deal with these needs. I will be announcing a comprehensive set of measures soon, following consultation with relevant partners in the area. I thank the Deputy for bringing the matter to the House. I was disappointed that he did not recognise in his motion any of the progress we have been making in this field but that is politics. I assure the House that I will be working not only to sustain the progress I have made in the past two years, but to identify areas where we need to do better, particularly in our ambitions for STEM, foreign languages, the Irish language and many other areas where we have genuine national ambitions.

Deputy Kathleen Funchion: We support this motion and I thank Deputy Byrne for bringing it forward. It is not rocket science to know that teacher shortages are caused by pay inequality. People who qualify as teachers now, having worked hard and probably having taken out a loan, will be on lower pay than those they work beside. On top of that he or she is not going to be able to afford housing, either mortgages or rents, at current prices. The option of going abroad is so attractive to graduates and that is why they are doing it. Unless we address the issue of pay and equality we are quite simply not going to be able to address the issue of teacher shortages. It is really coming to a crisis point. It has implications across the sector, in both primary and post-primary schools. Schools are forced to advertise and re-advertise positions and very small numbers are applying for certain posts.

My biggest concern in all of this is the children, the students. Substitute teachers are doing their best when filling in for other teachers, but they may not have the qualifications. A maths teacher might be filling in for an English teacher, or vice versa. That is not adequate and it is not fair that we are asking our students to do their best in their exams but are not providing them with proper teaching. In primary schools if a teacher is absent there are often combined classes where two or three classes are put together. How is any student supposed to learn in that situation? They will not; it is that simple. This is particularly true for anyone who is vulnerable in any way or who has an additional learning need or difficulty. That is completely unfair on our students and our children and it is not good enough. We need to ensure that all of our

teachers are qualified and trained to the highest standards in the subjects they are teaching. I simply do not believe, particularly as a parent, that we should be sending our children to school in situations where substitute teachers cannot finish a curriculum. It is not their fault. That is the situation they are faced with.

The Teaching Council technical working group carried out a report in December 2015 entitled *Striking the Balance - Teacher Supply in Ireland*. It was submitted in early 2016, but it was only published last June. This report makes a number of recommendations aimed at tackling the current teacher shortage. The Minister must consider this report and listen to what the various management bodies, the teachers unions and school principals are saying about this. The issue is not going to resolve itself. We must acknowledge that there is an issue and that there is a difficulty.

We must look at the pay inequality as a first step towards addressing the shortages and the inadequacy of the substitute teachers. This all has a knock-on effect on our next generation and potentially on the mental health of young people and of our teachers. A number of teachers in my constituency, Carlow-Kilkenny, have come to me and said that they are really struggling to make rent. Those who are planning a marriage or planning to buy a house simply cannot do it unless they are fortunate enough to have some sort of help or savings. The reality for most student teachers leaving third level is that they do not have savings. Newly qualified teachers are doing an excellent job and are bringing a whole new dynamic to the classroom. They are very aware of mindfulness and the emotional well-being of the children. That is brilliant, but they are not getting the support they need and we are going to lose them to other countries where they will get the respect and the pay they deserve. This is going to have a negative effect on our children and how they progress in school and ultimately whether they have a chance to go on to third level education.

If a substitute teacher is not qualified in a particular subject they are teaching, a student in that class may be able to afford to get grinds. That is fine for some students, but others cannot afford to do so and they will be left behind. We are widening the educational inequality gap rather than actually trying to bridge it. We are creating problems for ourselves down the line and I really believe that pay inequality is the big factor in all of this. I ask the Minister consider the report and address the issue seriously. He has highlighted some improvements that have been made, but we really are at crisis point. We are going to get to the stage where kids will be going into schools and there simply will not be any teachers there to teach them. We cannot expect those students to go on and do exams and to progress well in their own lives if we are not going to give them the tools they require at the beginning.

Deputy Carol Nolan: Gabhaim mo bhuíochas do Theachta Byrne as ucht an rúin seo a chur os ár gcomhair mar tá sé fíor-thábhachtach. Caithfimid an fhadhb seo a fhuascailt chomh luath agus is féidir. As a former teacher who spent 12 years in the profession, including three as an acting principal, I want to point out that this has been an issue for some time. I remember being in a school in Trumra in County Laois in 2012, a rural school, and having difficulty with sourcing substitute teachers at that time. It has been a problem for some time, but it certainly is becoming worse. It is impacting greatly on the teaching profession, which is being undervalued and is not being given the respect it deserves. Morale is low among teachers, as has been pointed out by several trade unions, including the Irish National Teachers Organisation, INTO, the Teachers' Union of Ireland, TUI, and the Association of Secondary Teachers of Ireland, ASTI, for some time now. We teachers have been saying it ourselves for some time. It needs to be addressed. Enrolments are increasing and teachers are retiring and our young teachers are

going abroad, as Deputy Funchion pointed out. Why should they stay here and be disrespected? They are doing the very same work as other teachers working alongside them but are getting paid less. It comes down to having respect and giving people fair play. In order to resolve this we must look at the pay issue. A commitment must be made.

We know there is dissatisfaction. The facts are there. CAO points have dropped significantly in 2017, with a small reduction in applications for primary teaching courses and a marked reduction in secondary teaching courses. The most dramatic drops in applications were seen in specialist courses such as home economics. The situation for secondary school teachers is absolutely appalling, with the casualisation of work. Secondary school teachers who have spent years training and see the job as a vocation rather than a career are being treated in an appalling manner. They are expected to work four hours a week and they are not given any fair play in terms of contracts. That needs to change.

The Minister is aware of teacher shortages and that they are particularly severe in specialist education, including in maths, science and languages, as well as in locations with higher costs of living, such as Dublin. While geography plays a role, socio-economically disadvantaged urban and rural schools experience the greatest shortages. I spent time as a principal, and I commend principals from around the State for the work they do and indeed the teachers who teach alongside them. An extra burden is put on principals, which is unfair. It must be resolved as soon as possible. It affects pupils. We have to think of our children and give them the best opportunities possible. There are fantastic, high calibre teachers out there. There still are, and we are fortunate to still have some. Many of them are gone, however. We need to bring in incentives - pay equality would be a good start - in order to entice them to come back.

Whilst some of the current conditions are a legacy of the increased demand for teachers during the Celtic tiger years when schools adopted lower teacher-pupil ratio policies, the Minister for Education and Skills, Deputy Bruton, now claims that the recently strengthened economy is again to blame for teacher shortages. It is not. The teaching profession has always been highly regarded. Teacher unions insist that the two-tier pay gap is causing the crisis in filling short absences. That is absolutely correct. I have heard that from teachers myself. I worked alongside young teachers and tried to encourage them. They did their best, but their morale was low and it still is.

A snapshot of the current crisis can be gleaned clearly from a recent survey which was carried out by the Catholic Primary Schools Management Association, CPSMA, which says that its survey of more than 800 principals provides clear and compelling evidence of a nationwide shortage. It is beyond belief that the Department of Education and Skills stated that it believes there is no issue with recruiting extra teachers. There is an issue. One data set from the CPSMA survey indicated that more than 80% of respondents claimed they were finding it harder to recruit substitute teachers this year compared with last year, indicating that this shortage is getting worse. According to a recent report by the Irish Primary Principals Network, IPPN, up to 36% of schools were unable to source a substitute teacher on ten or more occasions since September last year. The fact is that out of 15,500 days of teacher absences between 1 September and 31 October 2017, schools had been unable to replace teachers for almost 4,000 of those days. It was further revealed that almost 5,000 days were covered by non-registered and non-qualified teachers. That is very unfair to our pupils. They are ill-prepared for examinations, and we need to resolve this problem quickly. The Gaelscoileanna are having particular difficulties in that special education teachers are being redeployed to supervise mainstream classes. I am not alone in believing that these shortages will, in time, have a detrimental effect on the quality of

education being provided to pupils, particularly to those with special educational needs.

I will conclude on the following point. If this teacher shortage problem is not urgently addressed, we will not be able to build the best education system in Europe, to which the Minister has aspired. One way of addressing this crisis is to simply end inequality in terms of teachers' pay. The Minister should give a commitment to equal pay for equal work. Bad policy always reaps negative consequences and this current teacher shortage is a prime example of that bad policy.

Deputy Peadar Tóibín: I spoke to a teacher on Friday who told me that in the past six years she has lost approximately €30,000 of her salary, and she expects to lose over €107,000 of her salary over her full career. Equal pay for equal work is necessary now. That is a key component of the problem in the area.

A shortage of teachers is most keenly felt in the Irish medium and Gaeltacht schools, and it is reaching epic proportions. There is a fear that the Government is deliberately neglecting the problem so that the status of Irish will erode to the point that the Department will claim it had no choice but to rid the school system of mandatory Irish. We know that for a long time it has been an ambition of Fine Gael to do that. In the 2012 election, the then Taoiseach, Deputy Enda Kenny, proposed that Irish would no longer be a mandatory subject and only changed his view on that due to the public outcry at the time. It appears to many now that Fine Gael is deliberately neglecting provisions for the Irish language to the point where it becomes impossible to recruit teachers, and that will present a problem for compulsory Irish. This is not just my view. It is echoed by leading figures in the Irish language bodies. Muireann Ní Mhóráin of An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, COGG, has said that the future of Irish language education is in jeopardy if there is not a sufficient supply of fully qualified teachers.

We have heard of the major difficulties in recruiting teachers being experienced by mainstream schools. Approximately 90% of 2,800 schools surveyed stated they had problems recruiting teachers and substitute teachers, but that problem is far more serious in Gaeltacht schools and in Gaelscoileanna, with approximately 94% to 96% of those schools saying they have difficulties. All but two schools surveyed said that they could not get a substitute teacher with the necessary qualification in Irish. I spoke to someone in one school who told me they had a teacher who said "Tar anseo" to a pupil. The pupil went over to the teacher but the teacher said, "No, 'tar anseo' means go in the other direction". That is the difficulty some of these Gaelscoileanna are having recruiting teachers with the necessary Irish.

What is the Department looking to do to fix this problem? Before Christmas, I put a question to the Department which told me it had no plans currently for the provision of Irish language education in Gaelscoileanna outside the Gaeltacht and it had no plans for one in the future. Currently, 23% of parents seek Gaelscoil education for their children. Only 5% of parents get that, and the Department has no plans to allow for a transition of English language schools into the Gaelscoil sector. That is compulsory English. The policy on the Gaeltacht education, thankfully, has arrived, about 50 years after it was called for by the cearta sibhialta na Gaeltachta group, but it will encounter huge obstacles in terms of progress due to the difficulties surrounding the recruitment of teachers.

There is apprehension on the part of schools about getting teachers to which they are entitled. In a scoil in Corca Dhuibhne, Scoil Naomh Eirc, parents are now paying for a teacher out of their own pockets. There is a need for a comprehensive plan for Irish medium education,

both inside and outside the Gaeltacht, because they are all dependent on each other. I implore the Minister to focus on this aspect of supply as well because it is doing major damage to those families who simply seek the right to raise their children in Irish.

Deputy Joan Burton: On behalf of the Labour Party, I wish to support and welcome this motion. I have read the Minister's reply and I am very disappointed. In his previous post, he was very fond of talking about the disruptive effects, in a positive way, of change. I and others have been drawing this problem of substitute teachers to the attention of the Minister for the past year and a half. I have correspondence here from around Ireland that I can give to him about schools that have specific problems, whether it is in Kilkenny, Dublin or the west, all of which are experiencing the same difficulty. Less well-off schools are experiencing more of a difficulty, perhaps because they do not have the network of retired teachers living in their area who may be available to do some substitution. This problem is a nightmare for many working principals who find they have to reallocate resource teachers to cover unexpected absences from the teaching staff.

There is a fundamental issue, and it cuts to the Minister's approach. Can he assure us that he does not have a model for Irish education, and for teachers in particular, which essentially makes large groups of them part of the gig economy because at the back of all of this is the fact that we have a growing young population, and we had an enormous school building programme under the previous Government which now continues? Those schools are full. They are located throughout Dublin and the counties, from Meath down to the south east where there is an enormous increase in the population. We had debates here about the need to build more houses so it follows, as night follows day, that we as a country, and the Government in particular, need to rethink our approach to the way we make provision for an adequate supply of teachers and how, having achieved very high levels of recognition in the various tests run internationally relating to the achievements of Irish pupils, we can continue to build on that.

Entire forests have disappeared to provide reports that allow us to speak about the necessity of STEM subjects, but how do we do STEM in a school where one or more teachers suddenly is missing? In Dublin West, many primary schools have 750 to 1,000 pupils and there are even more students than that in the secondary schools, particularly the newer, very successful ones. I have an endless supply of paper from the Minister telling me what he is not doing, so let us consider teachers' conditions and recruitment. We accept the arguments he has put forward about the additional recruitment of teachers in his amendment to the motion, but that was done by the previous Government in a situation where all recruitment had stopped around 2010 and where reductions in wages for entrants had started around that time.

The Minister has a couple of jobs to do if he is not to develop a gig economy atmosphere in staff rooms. I do not believe he wants that, but I believe he has not thought about it. We need to see a proper restoration and agreement with the teachers' unions about entrants' pay. The Minister has to address the issue of the extraordinarily high fees being charged for the postgraduate qualifications that now seem to be a standard requirement of teaching.

It should be borne in mind that notwithstanding the Minister's initiative, postgraduate fees of €5,000 a year for two years are beyond the reach of a lot of kids from ordinary backgrounds with low or modest family incomes. A lot of ordinary families work but do not have that kind of fee money to spend. While the Minister's initiative to address that is welcome, it is not enough. He must recognise and acknowledge that.

The Minister must reach an agreement with the teachers' unions and he must deliver on his statement that he would open through Springboard and other avenues possibilities for people interested in taking up teaching a little later in life, perhaps in their 30s. The Minister must make it much more accessible to them. Make no mistake about it, if we want to continue to attract world-class companies to Ireland, it will depend on our ability to attract well-trained teachers who are remunerated at a rate above the living wage in order that they can buy homes and establish families or pay the exorbitant rents the Government has overseen. We must return to the teaching profession respect and admiration for its professionalism and dedication to students. In my constituency, approximately 30% of students come from backgrounds which are not exclusively ethnic Irish. In every single school, however, the unwritten and unspoken motto has been that every child is welcome no matter what his or her background. That is a core achievement of this generation of teachers, in particular those who have been teaching in places like Dublin West for 20 years and they do not get enough recognition for it. There are many young people who are interested in taking up teaching, but there are barriers and inhibitors to them doing so. Chief among them is the message the Minister has sent. Relatively speaking, the sun is shining on the Irish economy and now is the time to go out and fix the roof to provide secure employment for the current and next generation of teachers to allow them to take pride in their profession.

The Minister has to get to grips with this. I have raised this with him as recently as just before Christmas but I have got the same answer on many occasions. I will read to him just one of the notes a principal teacher has sent me. In one of the local schools there was a lack of a substitute teacher in the case of a bereavement with the result that a resource teacher had to take a junior infants class for the week with a knock-on effect on resource hours. Teaching is very planned nowadays and people work at length on their educational programmes for lesson periods. Resource support is part of the week and the life of children who need it. The Minister is undermining the core efficiency, attractiveness and success of our primary school education system. I fully support the Minister on his desire to expand STEM and modern languages but it is not possible to do it when no substitution is available and we cannot attract really good new entrants to the profession unless the Government addresses the core issue of entrant salaries.

Deputy Ruth Coppinger: I wish to share time with Deputy Bríd Smith.

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

Deputy Ruth Coppinger: I welcome representatives of teaching unions who are in the Public Gallery. This is one of the longest motions I have seen in a while from the Opposition, as is the Government's proposed amendment. There are 11 points and a lot of suggestions in the proposers' motion. By the way, the proposers are the people who introduced the two-tier pay system in the first place. It is not a mystery because if pay restoration is the buzzword, we do not need the other suggestions, as well as getting rid of the two-year course for teacher training, which was introduced into the process in the past couple of years by Fine Gael and the Labour Party. The cost of that course makes it prohibitive, meaning that if one has to study up to six years to be a teacher, one might as well be a doctor and get paid twice as much.

Yesterday, the Taoiseach made an interesting statement when he was talking about his new unaffordable housing initiative. He outlined ways people could get a deposit for a house, one of which was the bank of mammy and daddy, if they happened to be as privileged as some of those in Fine Gael who got that or they could go abroad and work. It seems that teachers took that message on board a long time ago, which is the root of the problem. The INTO made the

point that €50,000 is lost by a primary teacher, which is the equivalent of a hefty deposit for a house. The ASTI points out that earnings over the span of a teaching career will be €70,000 to €100,000 less. It is not a mystery that young graduates do not stay in this country to be exploited and placed on part-time or if-and-when contracts as they are needed, on top of which they must pay rents and mortgage costs. Unless these issues are addressed, we will see the continuation of shortages.

The Government has attempted to minimise the scale of the problem. In its amendment, it says that the rate of graduates has been constant. The population has increased, however, and it is clear that people are emigrating. Primary school managers say 90% of schools have difficulties finding substitutes. It is fine to point to Gaelscoileanna but this is across the board. One in three substitutes is not qualified or registered. Parents should know that their children are being crammed into overcrowded classes if a teacher is sick or away. They should know that in secondary schools, unqualified teachers are teaching their children in exam years and that they have a lot of free classes. Learning support, of course, has been gutted to take teachers out for substitution. Again, the weakest and most vulnerable pay the price. The Association of Community and Comprehensive Schools reports difficulties finding modern language teachers, Irish teachers and science teachers. It is virtually impossible, according to the Joint Managerial Body, JMB, to obtain an effective physics or French teacher. That is because a person with science or maths can go into industry or go abroad and earn a hell of a lot more.

The motion mentions everything except the fact that pay and qualification allowances have been slashed while there are no permanent jobs for teachers who have spent five and six years studying. It is very hard to take this from Fianna Fáil, which introduced the bailout and austerity programme in the first place wherein public sector workers in particular were pinpointed as the cause of the problem when of course it was the private sector, banking, the construction industry and so on. It is very hard to listen also to the Labour Party which was in government right through this pay inequality, which has been raised as an issue not just in the last year and a half but for years. The former Tánaiste has only raised it in the past year and a half but the teaching profession has been raising it for a long time. The pay of teachers and all public sector workers must be restored. The money is there. Apple is just one classic example. If corporations were made to pay more tax, there would be no need for public sector workers and young graduates to pay the price.

Deputy Bríd Smith: Last November, the three teacher unions, namely, the INTO, TUI and ASTI, made a detailed submission to the Public Service Pay Commission on the emerging crisis in teaching.

There has been a sharp fall in the number of applications to teacher education courses, an increase in emigration among recently qualified teachers and difficulties in filling posts and employing substitute teachers. The submission to which I refer outlined how more than 3,500 persons with no qualifications worked in primary classrooms for 32,000 substitute days in 2016. No substitutes were claimed by schools for nearly 27,000 days and the situation has deteriorated since that submission was made in late 2017. The INTO president, John Boyle, said one of the consequences of pay inequality is serious teacher shortages here, while Irish teachers are employed abroad. He said in schools here “the erosion of young teachers’ morale and the growth of discontent are real life impacts of indefensible, unjust and discriminatory pay rates”. This morning, I received an email from a primary school teacher in St. Gabriel’s in Ballyfermot complaining about this matter. It states:

Those who began teaching after February 2012 will earn over €100,000 less over a 40-year career than a teacher who began prior to 2011. To date a teacher who went to the profession in 2012 has lost out almost €30,000 ... Singling out new teachers is unfair, unjustified and increasingly unacceptable in a rapidly growing economy.

This should not be news to the Minister and yet in his amendment to the Fianna Fáil motion, he seems to be blinkered and in denial that this is actually happening. I printed off four or five articles from various newspapers, including *The Irish Times* and other broadsheets, which alert society to the chronic shortage of teachers, to the crisis in substitution and to the really dramatic fall in the numbers of people applying for those posts. In his amendment to the Fianna Fáil motion, the Minister began by recognising the vital role teachers play in Irish society. None of us would disagree with that. He said the Department of Education and Skills is now creating more new teacher posts than at any other period in the history of the State. My goodness, we must have had a really sorry history. The Minister is not acknowledging the reality of the situation. That is what Fianna Fáil's motion is attempting to do, albeit late in the day from the party that helped to introduce the FEMPI legislation. It is trying to get rid of it but the real attempt to get rid of FEMPI was made by the ASTI two years ago when it voted for strike action against pay inequality and led a brilliant campaign across the country for equal pay for equal work. Its name was dirt in the House. I do not know if there was another party apart from us who actually supported 100% the action it was willing to take. Deputy Copping is a member of the ASTI-----

Deputy Thomas Byrne: Deputy Micheál Martin was a shop steward.

Deputy Bríd Smith: -----and at the time the word "ASTI" was like dirt because it was willing to go on strike to do something.

Deputy Thomas Byrne: Its name was not dirt in our party.

Deputy Bríd Smith: We will support the motion put forward by the Fianna Fáil Party and we agree with the measures it contains.

There is one measure that seriously needs to be taken. When unions decide to take action to deal with an injustice, all of us should get behind them and support their actions. We should not condemn them and not vote for a budget, either next year or the year after, that contains measures that discriminate against teachers, nurses, doctors and other public servants. Consistently, most of the parties in this House and an awful lot of the Independents have been endorsing a budget which is discriminatory and which has helped to lead to the current crisis in our schools. That is a great message to send out to the kids in future. It needs to be unpicked and undone as soon as possible.

Deputy Maureen O'Sullivan: Having been a second-level teacher for 36 years, I can testify to how worthwhile, rewarding and enjoyable a career it is. It is important to acknowledge that nobody goes into teaching to make a fortune but there are compensations, benefits and many positives and I enjoyed them for 36 years. I do not know if I will say the same about a career in politics but I certainly have that behind me with teaching. There is no doubt the teaching profession has been affected by the FEMPI legislation and that there is a direct link between it and the current shortages. This is about the inequality between teachers and those who have suffered six years of pay inequality and discrimination. We have all seen the figures. At this stage, a teacher who graduated in 2012 has lost €28,000 in salary. From my experience

24 January 2018

of teaching, I know that there is an element of things coming around in cycles. I remember a time when graduates got considerably more pay by going into private industry than would have been the case had they taken up teaching. The position now is similar because other careers are more lucrative than teaching. It is disappointing to hear people giving up teaching because of this. Dublin will suffer because of the cost of renting and buying property here.

There is another cycle. Some years ago, schools were no longer allowed to take on retired teachers. I can understand that move because its purpose was to give an opportunity to newly qualified teachers. We need to look at it now because of the shortages. Some of those retired teachers retired before they wanted to. They could be of great benefit to schools that are having difficulties getting substitute cover. The profession lost many good, experienced teachers due to the pressure some years ago for them to retire because unless they retired by a certain time their pensions would be affected. There was a concerted effort to get rid of those teachers who were being paid at the higher end of the scale. So much was lost in that particular exodus. It is opportune that we are having the discussion. I brought up my personal experience with the Minister some months ago. The Minister has outlined the statistics, the new teachers and the filling of posts, but I presented a reality which I, as chairperson of a board of management of a primary school, faced the past few months. We are still facing it. It is the result of career breaks for various reasons. There were a number of vacancies in the school and, having spent a full day interviewing in one month, another half day interviewing, and a further two to three hours interviewing, the posts were still not all filled so we had to resort to unqualified teachers. I had a difficulty with the five days because a class could then have a different teacher every five days. If a substitute cannot be found, a class is split - pupils will not be learning their own curriculum as a result - or support staff are taken from their work. Boards of management could benefit from guidance around the whole issue of career breaks. Schools cannot sustain a considerable number of career breaks in situations where half, if not more, of the staff are on a career break. Some of these career breaks happen because staff want to go to the Middle East because they will earn more money there. It also affects the staff.

I graduated in the days of the one-year H.Dip. We can all agree there were many limitations to it but we all survived into many years of good-quality teaching. We have gone to the other extreme now with the two-year course. It is costly and two years is a long time. It means it takes six years to train to be a teacher. The Teaching Council could be more proactive because it has all the statistics; it knows the numbers that are graduating. It knows the qualifications and the subjects. They could be more proactive by indicating shortages beforehand so they can be prepared for. They could also speed up registering, particularly retired teachers who did not realise they could come back to teaching and teachers who retired but who come from a time when there was no Teaching Council and who did not have to register in the first instance. I have come across teachers who have experienced long delays with the Teaching Council. It is extremely rigid and there seems to be no leeway.

I will leave it at that. There are other things I would like to have brought up but I am sharing time with Deputy Broughan.

Deputy Thomas P. Broughan: I warmly welcome the motion and agree with the proposed solutions, many of which seem to make eminent sense, such as agreeing a roadmap with the teaching unions on how we can achieve full pay equality as soon as possible, re-establishing the substitute supply panel at primary level, the use of teachers on career breaks, job-sharing and retired teachers, the swift registration of qualified teachers from Northern Ireland and other countries and to expedite the work started after the Teaching Council's 2015 report. These are

all valuable suggestions and I urge the Minister to adopt them.

Last week, I asked the Minister for Public Expenditure and Reform, Deputy Donohoe, if his Department had received a request from the Department of Education and Skills regarding the shortage of teachers in key subject areas at second level. He told me that he had been “informed that there is not a teacher shortage but rather a shortage of teachers in some specific subject areas”. This is typical Fine Gael spin - a shortage is not a shortage, although there is a shortage and the specific subject areas with reported shortages are those in the critical STEM subjects of science, technology, engineering and mathematics. That area had much publicised strategic plans announced late last year in budget 2018 and so too did digital learning. Fine Gael Governments and Ministers - with the notable exception of Minister of State, Deputy Cannon - have an appalling record of ignoring the importance of education in coding and computer science for our future social and economic development. The Minister, Deputy Richard Bruton, seems to have just copped on that coding in particular was depending on volunteers at local level, with community and after-school bodies and so on, to develop. It is so critical for Ireland’s future as a digital nation.

In a reply to a recent parliamentary question, I was told that of the approximately 2,900 additional posts due to be filled in 2016-17 not all had been filled. Budget 2018 announced approximately 1,300 additional teaching posts in both levels of primary and secondary but in October *The Irish Times* reported management bodies saying, quite accurately, that “At second-level, the situation is complicated by an oversupply of teachers in some subject areas - such as English and geography - and an undersupply of teachers for languages, science and maths”.

While conflicting figures for the number of graduating teachers are circulating, principals, teachers and their unions are clearly telling us that there is a crisis in filling key posts in STEM subjects. The Minister has a heavy responsibility in this regard. Like other Deputies, I have received a lot of correspondence from teachers who receive unequal pay for equal work, who are struggling to make ends meet and who are concerned that some students may be missing out on stable expert instruction in important subjects. The lack of substitute teachers is also highlighted as a real concern.

The ASTI, INTO and TUI trade unions made a submission to the Public Service Pay Commission in which they highlighted the need for pay inequality to be urgently rectified. Not only do new entrants start at a lesser salary, incremental credits were also changed and qualification allowances were abolished. ASTI, my own union, reports that there has been a reduction of 62% in applications for teacher education courses. That is a great cause for concern. The Higher Education Authority has said that the number of recently qualified teachers emigrating has increased five-fold.

The Teaching Council’s report entitled *Striking the Balance - Teacher Supply in Ireland: Technical Working Group Report*, from December 2015 made several useful recommendations which included the setting up of a standing group to examine the supply needs of the sector for both primary and secondary levels into the future and improvement in data collection, particularly also with regards to education and training boards. These are recommendations that the Minister should take very seriously and act on urgently.

We must wonder why Fine Gael has steadfastly refused calls to restore urgently pay levels newly qualified teachers who were hired on lower pay scales after the crash. Our education system was a major factor in our economic advance during the Celtic tiger and the excellence of

our teachers was a cornerstone of our social and economic development. The Minister, Deputy Richard Bruton, is now at the steering wheel and it is important that he listens to this debate and adopts the positive resolutions which come from it.

Deputy Michael Fitzmaurice: I welcome this motion which has my full support. Some eight or ten years ago there was an abundance of teachers and some of them had no jobs. Now we are looking at a shortage, especially in certain areas. With whatever statistics are being collected, this situation should have been forecast. Equality and pay for young teachers is very important. It must be made attractive to bring people in. I agree with previous speakers that the Teaching Council needs to step up to the mark. We have all seen how when people are trying to register, there is so much rigmarole and it takes so long. It should be an efficient body which does this quickly. It holds up progress. Its job is to get the person in line to take up work as quickly as possible but it is not doing this.

It is worrying when one speaks to the multinationals and the high-tech firms here. We need to be at the forefront of subjects such as maths, physics and science.

People take career breaks, there is no point in saying that they do not, but as I have said previously, in health and other areas where there are problems in staffing numbers, we should dangle a carrot in front of people. For instance, we could tell them in college that they can have €3,000 annually if they sign up to remain in the country for a certain number of years. There is not much point in Irish taxpayers paying for education for people to then go to Dubai and various countries in the Middle East. Our country cannot afford that. We need to have a radical rethink. If someone wants to do that it is fine, they may do so, but they may have to pay for it. On the other side, things such as fees can be dropped in order to attract people into the area provided they are willing to remain in the country and work here for a certain time, after which they can go.

Deputy Danny Healy-Rae: There is a scarcity of teachers all of a sudden. It has something to do with the postgraduate courses which are now two years instead of one. The cost then deters students because it costs around €15,000 to do it. Take the example of a young fellow from Kilgarvan or Kenmare, and I know one to whom this has happened. It is impossible to do the course without having a car since part of it involves going to a selected school, it could be Bandon, Clonakilty, Kenmare or anywhere. A car is needed to go from the house to college. I know of one fellow who got a place on the course and everything but he was unable to get insurance for a car. He did not go ahead with taking his place on the course. That is one example of what is happening.

Conditions in Dubai are far better than here. They are paid better wages and are flown home once or twice a year. Ireland is not competing because the teachers are not being paid enough.

Many students have decided that teaching is not the way to go because of the wages and everything that it takes to become a teacher. If they stay in accommodation in Cork or Limerick, say, it costs over €100 every week and then there is €12,000 for the course. When all that is added up, it gives a reason why many students are not going into teaching.

Deputy Michael Healy-Rae: I thank Deputy Thomas Byrne and his party for bringing this very important motion before the House. As my brother, Deputy Danny Healy-Rae, has stated, we are very fortunate in Ireland that we have such a wealth of fine young intelligent men and women who want to be teachers but unfortunately so many difficulties and obstacles are put in

their way. One thing that drives me mad about teaching is where we have a very bright, qualified person who is looking for a full-time job. He or she applies for jobs, sends out CVs and goes for interviews but the jobs are gone, often before they are even advertised. Wherever that job is going is a done deal. It is awful because everyone deserves the same crack of the whip.

It is true that awful expenses are put in the way of people who want to be teachers. They must be really determined to get there and it is great when they eventually succeed. Our young students who want to become teachers have such an uphill battle that it is easy to see why they would be put off. We do not want that to happen, we want them to continue and become our teachers of the future. They play such an important and integral part of our lives by teaching our children, who are the next generation.

Deputy Michael Collins: Shortages of teachers at primary and secondary level are alarming considering the trust we put in them to educate our children. I am on a board of management and have seen first hand the difficulties faced by our excellent principal in Schull, Diarmuid Duggan, in securing substitute teachers. I have been told that many schools throughout west Cork - this is probably replicated across the country - use SNAs because they cannot get replacement teachers, which is unfortunate to say the least. Many teachers emigrated during the economic downturn and they remain abroad. The Government must introduce an incentive to bring them back to Ireland because they currently have no financial reason to return.

The pay inequality that exists in the education sector is undoubtedly a factor in the crisis relating to the shortage of teachers. This must be addressed by the Government. In particular, there is an extreme shortage of SNAs in Irish-teaching schools and this must be addressed in order to protect the language and give those with physical disabilities a change to learn it. It is important that the Government to consider allowing, on a temporary basis, teachers who job-share to substitute in their own schools on their days off.

Deputy Mattie McGrath: I, too, compliment an Teachta Byrne for tabling this motion. I welcome the students who are in the Gallery.

This is a developing situation. It did not happen today or yesterday and the Department should have seen it coming. I attended a briefing of the education and training board, ETB, in Tipperary recently and the shortages there, especially in Irish, mathematics and sciences, are frightening. In trying to get teachers to even apply, there is a problem across the board.

I note the inequality regarding new teachers. I refer to the so-called yellow-pack nurses and what I might call the “green-pack” teachers. These teachers are anything but green; they have studied and their parents have supported them. As Deputy Danny Healy-Rae stated, when they live in the country, they must travel and must have a car. In that context, there is the racket of insurance and everything else.

We want to keep our brightest and best in the system here in Ireland. We want them in order that they might impart their knowledge to our children. Indeed, I have children at all levels of education. I am a member of the university of life and I am learning every day.

The Minister is long enough in the Department to know the position. He has hung on through changes of Taoisigh. He would want to do something about this matter. It is staring the Minister in the face like a bloody buachalán buí growing in his front garden. It is just there. Teachers are emigrating to Dubai and elsewhere. Why would they not do so, particularly as they will get respect, parity of esteem and support?

24 January 2018

I will say something to the trade unions. I note the presence here of trade unionists, former trade unionists, socialists and others. The unions were not fair either. The unions are represented in the Gallery, I have been just told. Tá fáilte rompu but they were not very good to the students or the young people when they pulled up the ladder and they got the deal done for themselves so that they will get nice pay and to hell with the newcomers such as the young fella. Mol an óige agus tiocfaidh sí. The unions did not mol any óige; they just stood on them and left them go to hell.

It is time we listened and time we did what we should do. Teachers are our brightest and best. We want them. The Minister's grandchildren will be teaching and my great-grandchildren, hopefully, will be teaching. They will have much to learn as a result of the hames the Government is making of the country, and much to teach the people as well.

The Minister should support the young teachers and keep them in Ireland. The Minister should allow them to exercise the good tuition that they have benefited from and the broad experience they have now with all the modern technology. He should support the young teachers.

As I stated to the unions as well, the day they made that deal was not a good day. I accept that there was a crisis but they looked after themselves. They pulled up the ladder and closed the shutters to keep the people down, and that was not good enough. Union bosses were over here today. I will bring it back to the union bosses because it is not the first time I have said it. I mean it. Fair play is fine play with me. They should respect these young students and teachers and support them and they will look after future generations, who will be in safe hands. They will be imparting their knowledge to our children, grandchildren and great-grandchildren.

Deputy Ruth Coppinger: On a point of order, that was voted through Dáil Éireann by Deputies - people who were elected.

An Ceann Comhairle: I thank the Deputy.

Deputy Ruth Coppinger: On a second point of order, it is not just lads who become teachers.

Deputy Mattie McGrath: Men, just to be classifying them.

Deputy Ruth Coppinger: Women exist as well.

An Ceann Comhairle: That is not a point of order.

Deputy Mattie McGrath: Deputy Coppinger never makes a point of order.

Deputy Ruth Coppinger: A point of information then.

Deputy Brendan Smith: I compliment my colleague, Deputy Thomas Byrne, on putting forward a comprehensive and practical motion. I hope that the Minister can give it favourable consideration. The motion is comprehensive. It deals with all aspects of the crisis facing second-level and primary schools in regard to teaching replacements.

From speaking to a principal and a deputy principal of a large second-level school in my constituency, I am aware that they regard the replacement of teachers who may be out sick or on career breaks as a crisis. One school told me that it advertised twice, last October and again at Christmas, for a career guidance teacher and it did not get a single applicant. It is the same re-

garding accounting and business - advertised at Christmas and no applicants. Action is needed. Schools indicate that much of their extracurricular activity will go by the wayside if there is not an improvement in the supply of teachers.

The slowness of the Teaching Council in registering students has been mentioned already. One proposal put to me is that the application for teacher registration should be put in process when a student is doing his or her postgraduate masters degree in education and that should be approved pending his or her final qualification. This would help to eliminate some of the delay.

The additional in-service hours required in respect of the reformed junior certificate cycle are increasing pressure on schools as well.

A number of years ago, one of the Minister's predecessors, Mr. Ruairí Quinn, brought in legislation in regard to minimising the amount of time that retired teachers could get back in the workplace and in the classroom and I was one of those who contributed. I advocated that under no circumstances should we be allowing those who had retired back in when there were qualified teachers available. At present, if a retired person goes back in, he or she goes back on the first point of entry of the scale. That is neither sensible nor attractive when these people are obliged to forgo their pension payments. Those retired teachers would have left the classroom on the maximum point of the scale.

I am told that teachers who are fully qualified but who are not registered with the Teaching Council can only be employed in a substitute capacity for four days in a row and then they must break that particular service and then may be employed again for four days. That is utterly ridiculous where their services are needed. These issues need to be addressed as a matter of urgency.

Deputy Lisa Chambers: I compliment my colleague, Deputy Thomas Byrne, on putting forward such a coherent and substantive motion. I welcome the teachers' unions in the Gallery and thank them for being here with us.

First, we must acknowledge that there is a problem rather than switching to speaking about curtailing career breaks or that we have not had a decrease in numbers when we know that student numbers went up, teacher numbers went up in line with them but this has not dealt with the issues in terms of shortages. No doubt, a bit like in the case of nurses, we are training our teachers for export. Two friends of mine, a young couple, both teachers, have been working and living in Dubai for the past two years because they could not sustain themselves on the salaries here due to the cost of living. Ninety per cent of primary schools are finding it difficult to get a substitute teacher. Unqualified persons are teaching our children. There are classrooms often left with no teacher to teach our children.

Pay inequality seems to be the big issue. It seems to be the reason we cannot attract teachers into the profession and also why we cannot retain them. Recently enough, I had cause to visit Newport national school in Mayo. I met the principal and two male teachers, both of whom qualified a year apart. One was on the old pay scale and one was on the new pay scale. The teacher who was getting the better salary was there in support of his colleague. He was there because the inequality is impacting on morale in the school as a result of the fact that the individual sitting beside him was down €30,000 for the past five years. They are working together, side by side, and they know they are getting paid less for the same work. That teacher was there in support of his colleague and I am sure the same is happening across the board. No doubt

24 January 2018

while not every teacher is affected the same, they all share the same goals in ensuring equality across the board - equal pay for equal work.

Deputy Eugene Murphy: Like Deputy Lisa Chambers, I thank Deputy Thomas Byrne who has given us a chance to enter into this debate. Like other Members on this side of the House, I met teachers' representatives in the Roscommon-Galway constituency.

Unequal pay in the teaching profession must end. That is the bottom line. Those who began teaching in 2012 will earn over €100,000 less over a 40-year career than people who began prior to 2011. To date, a teacher who entered the profession in 2012 has lost out to the tune of almost €30,000. That would be a nice deposit if some of those young teachers wanted to build houses. The current position is grossly unfair and the Minister knows it. Pay inequality is a major contributing factor to the lack of available substitute teachers at primary level. Children are missing out while many new teachers educated and trained in Ireland by the taxpayer end up going abroad. I heard a Minister state, only in recent days, that we have to stop these teachers going abroad. The fact is that they cannot afford to stay here. They are being forced out. Those teachers are heading off, as Deputy Lisa Chambers stated, to places such as Dubai because they are not getting fair treatment here. The sad fact of the matter is that they are heading abroad to receive equal pay and proper rights.

In spite of the pay cuts and in spite of still-too-high class sizes in this country, I want to pay a glowing tribute to our primary and secondary school teachers. In this day and age they face many challenges they did not have to face in the past, and I think every Deputy in this Chamber recognises that. Therefore, I say to them, "Well done," and I hope their unions will bring back that message loud and clear from this side of the House. I accept that some progress was made between 2013 and 2016 and that the qualification allowance is now incorporated into the pay of post-2012 entrants into teaching. However, we still have two pay scales, which is not acceptable. Like my colleagues here, I hope the Minister will take on board what we are saying, listen to the unions and, once and for all, bring this to an end.

Deputy Dara Calleary: I, too, thank Deputy Byrne for giving us the opportunity to debate this matter. I will be brief. It is unfair of Deputy Mattie McGrath to attack the teachers' unions. They have worked hard in recent months and years to achieve progress on this, and we will have a report on pay equalisation by the end of March. The Minister was able to magic up €40 million yesterday to start to resolve the pension issue. He will have to magic up an awful lot more millions to bring equality to our health system and, especially on his watch, our education system. Tá seans ann freisin, agus Bliain na Gaeilge againn, nach mbeidh mhúinteoirí ann chun an Ghaeilge a mhúineadh sna coláistí agus sna scoileanna sa bhliain atá ag teacht. Má leanann an tAire ar aghaidh ag seasamh ar ais, ní bheidh aon mhúinteoirí againn. Muna bhfuil airgead sa mhúinteoireacht, ní bheidh suim ag daoine sa ghairm seo. An é sin an bhealach is fearr chun Bliain na Gaeilge a cheiliúradh? The Minister was proud of his work on his Action Plan for Jobs in the then Department of Jobs, Enterprise and Innovation. We need action now in the Department of Education and Skills. The Minister can no longer continue to stick his head in the sand while every number is going against him and every statistic shows that the people we want, this year's leaving certificate class, are fleeing teaching because it is not considered as financially rewarding as so many other areas that could be dealt with without cost. The Minister showed that if there is interest on the part of the Minister, money can be found. Find the interest and the money will follow.

Deputy Frank O'Rourke: I too like my colleagues, welcome the opportunity to speak on

this motion brought forward by my colleague, Deputy Thomas Byrne. I acknowledge his good work in this area. Other Deputies have alluded to two major problems. Teachers are leaving from their early 20s to their mid- to late 30s and working abroad in cities such as Dubai because of the better pay and conditions available there, and that is a problem. Furthermore, the cost of living in Ireland is going out of control. I have raised this a number of times in this House. Young teachers cannot access mortgages, save the deposits required or make their payments. They cannot even afford motor insurance. The cost of living is therefore a major issue. Pay and conditions also need to be addressed to attract them to stay in this country. I have spoken to staff from a number of schools but I focused on two particular schools before coming in here today. Staff from one school told me it has a real shortage of teachers in the area of special needs. That is a major problem and a big difficulty for them. Furthermore, there is a major problem with teacher shortages in languages, including Irish, home economics and physics. One such school was not able to find a metalwork teacher, as a result of which it had to shut down that subject this year, starting in September of last year, and was not able to make it available to students. It is an awful shame that students who could be very applied in that area are not able to access a subject that could be one of their strengths because of a lack of teaching resources. As all my colleagues have outlined, this is a major issue. I am sure the Minister is aware of it and I hope he and his officials will be able to address it. I welcome the union representatives here this evening. I know that many management bodies in the different schools gave detailed submissions to the Department before Christmas outlining these issues and highlighting the problems in the hope that the Minister might deliver solutions.

Minister of State at the Department of Rural and Community Development (Deputy Seán Kyne): Is mian liom buíochas a ghabháil leis na Teachtaí a d’inis a gcuid scéalta, a chur chomh mór leis an díospóireacht seo ar sholáthar mhúinteoirí. Tá ról ríthábhachtach ag múinteoirí i sochaí na tíre seo. Tá an t-ádh linn go bhfuil múinteoirí den scoth againn atá tiomanta do ghairm na múinteoireachta. Sula ndéanaim cur síos ar na ceisteanna tábhachtacha atá curtha chun cinn ag na Teachtaí Dála, sílim go bhfuil sé tábhachtach béim faoi leith a chur ar chúrsaí áirithe. Tugann an Rialtas seo tús áite d’infheistíocht san earnáil oideachais. Tá sé mar aidhm ag an Aire go mbeidh seirbhís oideachais agus oiliúna na hÉireann ar an tseirbhís is fearr ar fud na hEorpa. Tacaíonn an Rialtas leis an aidhm seo. Tá méadú de €1 bhilliún tagtha ar infheistíocht san earnáil oideachais le dhá bhliain anuas. De bharr na hinfeistíochta breise seo, d’éirigh leis an Aire níos mó ná 5,000 múinteoirí breise a earcú le dhá bhliain anuas.

Deputies have raised a number of questions. Deputy Calleary mentioned funding. An extra €1 billion has been provided in the past two years within the Department funding. Department funding has reached its highest ever level, at more than €10 billion for the coming year. This Government is recruiting more teachers now than at any other time in the history of the State. This is very significant and has been welcomed, I assume, by many Deputies here. It is important to note that the number of graduates from initial teacher training colleges has also remained constant in the past five years. We have seen more than 8,000 primary school teachers and more than 7,800 second level teachers graduate from initial teacher education. In 2018, it is estimated that about 1,870 primary teachers and 1,520 post-primary teachers will graduate. This is in line with graduate levels in recent years.

Deputy Michael Collins mentioned SNAs. The number of SNAs in our schools has also increased, and from September will have increased to more than 15,000 SNAs across the sector. This is also to be welcomed.

The motion before us references the issue of pay. It is important for Deputies to remember

24 January 2018

that differential pay scales were created by the last Fianna Fáil Government in 2010 in response to the financial crisis during its last term. The Minister, Deputy Bruton, concluded an agreement with the teachers' unions in 2016 which gave newly qualified teachers a pay increase of 15% to 22%, the second payment of which was received by teachers on 1 January this year, meaning a teacher straight out of college will start on nearly €36,000. Under the new public service stability agreement, the starting salary for a teacher will be more than €37,600 from October 2020. I accept that teachers' unions have outstanding pay demands and that this deal does not travel the full distance they wish to achieve, and I know a number of Deputies have highlighted that, including Deputies Lisa Chambers and Eugene Murphy. However, significant progress has been made, and the door is not closed to the trade unions seeking to advance the issue further. A commitment is included in the new agreement to consider the issue of pay for newly qualified teachers within 12 months of the commencement of the agreement.

Deputies have also raised a number of issues reported by some schools regarding the difficulty in recruiting substitute teachers in primary schools and issues around recruiting certain subject teachers at second level. One of the consequences of having recruited thousands of new teachers on permanent contracts in primary schools is that young teachers are less likely to want to take up short-term, temporary or substitute roles, which arise in schools for a number of reasons, including the need to cover sick leave and career breaks. A number of measures are being taken in the immediate short term, including ensuring, in as far as possible, that as many retiring and retired teachers remain on the Teaching Council register. The Minister is considering other measures in this area to alleviate pressure and he will make an announcement in this regard shortly.

Some post-primary schools have reported shortages in recruiting teachers in specific subjects at post-primary level, such as the STEM subjects, as alluded to by Deputy Broughan, Irish and home economics. Part of the reason for this is an imbalance in the availability of teachers in certain subjects, with an oversupply of teachers in some areas and an undersupply in others. The Minister is considering a range of measures to resolve these issues and has already introduced some interventions, including an increase in the number of students admitted to St. Angela's, Sligo, to follow the home economics programme, which is one of the areas of tightness, with further expansion in future years. As part of the policy on Gaeltacht education, the Minister has increased the number of places in the professional master of education programme in NUI Galway. The Minister is considering what further actions are necessary.

The number of people applying for teacher training has broadly remained constant in recent years, with similar numbers applying to train as primary school teachers at undergraduate and postgraduate level, as well as to train as a second level teacher at undergraduate level. Reports that there are only, for example, six students in training to be physics teachers are completely incorrect. Twenty-one physics students are currently in a PME course to become a second level teacher. However, the postgraduate PME route is only one way in which to graduate as a second level science teacher. There are now a number of options to train as a science teacher at undergraduate level, including in UL, DCU, UCC and St. Angela's. In the 2016-17 academic year there were 467 students training to be science teachers. However, there has been a fall in the number training to be second level teachers at postgraduate level. This issue must be carefully examined, and will be, by the Minister.

Teacher supply planning is a complex matter and requires good underlying statistics and analysis across a number of areas. Advice submitted by the Teaching Council provides useful guidance on the development of a long-term teacher supply planning model for primary level

and more general advice for post-primary. I acknowledge the number of suggestions made by Deputies, including Deputies Maureen O'Sullivan, Fitzmaurice and Brendan Smith, regarding the Teaching Council.

The Minister and his officials are working on a range of proposals to address the current difficulties in teacher supply and substitution. In advancing proposals, there will be consultation with relevant groups and stakeholders. A number of steps have already been taken and a programme of action will be announced shortly by the Minister. I thank the Deputies for raising this matter. The Minister is committed to working with all stakeholders in the best interests of schools, learners and academics.

Deputy Barry Cowen: I want to add my voice to that of our spokesperson and my colleagues who have spoken in favour of the motion and I commend them on doing so. Like many Members of the Houses, in recent months I have been approached by members of the teaching profession and their unions in my constituency. I am fearful for the morale of the profession in light of the differentiation which continues to exist and I hope the Government, on foot of the amendment inserted in the pensions Bill at the behest of Deputy Calleary, caters for the commission to feed into the process as quickly as possible in order that progress can be made.

Many of the teachers affected by this are facing purchasing homes, starting married life and various new costs of living, and their ability to deal with them is greatly strained. There needs to be an indication by the Government to ensure they get the support they deserve and they continue along a very noble profession. Many of us would say it is a vocation. I agree with this and I acknowledge the great work done on the State's behalf in the education of our children. I hope the Government takes the earliest opportunity to ensure we restate our commitment to them and our support for them, and right this wrong. This needs to be done to stop the flow, whereby in many instances they must leave the State to pursue their chosen field.

The Taoiseach stated the way in which applications are made through the CAO for various professions is cyclical. I do not believe this is necessarily the case. Morale and the commentary taking place are what is affecting the ability to attract people to the profession.

Deputy Jack Chambers: I have met young teachers who are members of the INTO in my constituency. The cumulative loss to them over their working lifetime will be between €70,000 and €100,000. The Government's policy of pay inequality needs to end. Teachers are leaving the country *en masse* and it cannot continue. The Government needs to properly reward teachers with decent pay and conditions, and its failure to deliver acceptable working conditions has led to our best and brightest leaving *en masse*. Who can blame them when it appears the Government and the Minister have no appetite to address properly the myriad problems in the sector? There has been a complete collapse in the numbers applying for teaching courses. The State Examinations Commission is pleading for schools to release teachers to assess leaving certificate and junior certificate oral and practical examinations.

A record number of Irish teachers are now working abroad and there is a complete shortage of suitable substitute teachers. These points are particularly stark. We know our graduates, be they teachers, nurses or doctors, are among the best trained in the world, but other countries also know it and, unlike Ireland, they are willing to pay decent wages because they recognise and appreciate the importance of the teaching profession. London, Dubai and Sydney will continue to reap the benefits of Ireland's talented young teachers until the Government agrees a roadmap with teachers on how full pay equality will be achieved. This is what today's motion calls for.

24 January 2018

The issue of substitute teachers is one that has been raised with me locally on numerous occasions. In my constituency of Dublin West, the Dublin 15 primary principals' network has conducted considerable work in the area. In a letter to the Minister, they stated they have grave concerns about the unprecedented lack of teachers available to fill posts. They also note this is having a serious impact on the day to day running of schools, the safety of our children and the quality of our learning. It is not good enough that the Minister has failed to address this issue and, with the Taoiseach, has his head in the sand on this matter. It is important that he addresses it, attracts young teachers home and keeps new graduates working with full pay equality.

Deputy Jackie Cahill: I compliment our spokesperson, Deputy Thomas Byrne, on tabling this issue in Private Members' time. The crisis in teaching and its impact on our education system, if unresolved, will cause long-term damage to our economy. If we do not restore the prestige of the teaching profession, in how we value it as a society and how we reward it by way of salary, the best young men and women will not choose teaching as a career. Ongoing pay inequality has resulted in a recruitment and retention crisis for teachers. There are also major difficulties for schools in securing substitute teachers when required.

Recent reports of a total collapse in the number of people applying for teacher training courses are no surprise. The costs of training keep increasing and more and more of the burden is put on prospective teachers. Prospective teachers pay more in fees to qualify and receive lower pay when they complete their training. At present, the cost of training is almost €11,000 and people simply cannot afford such fees. Evidence of the crisis is there for all to see and it is reflected in the fall in applications for teaching courses, the difficulty recruiting examiners, the extra €80 million needed in 2017 as projected teacher retirements doubled, the record number of retired teachers plugging school gaps, and the 3,000 unqualified teachers employed in the system. Action is required now. The Government must engage seriously with all stakeholders, including the Opposition, parents, teachers, the unions and employers. The Government must acknowledge there is a crisis. It must also realise that although this crisis happened because of the recession, the recession can no longer be used as an excuse for the Government's continuing inaction.

Deputy Thomas Byrne: Gabhaim buíochas le gach duine atá ag tabhairt tacaíochta don rún seo. Tá siad ag taispeáint an taithí atá acu ar an bhfadhb seo óna bheith i dteagmháil le múinteoirí agus é sin i ngach Dáilcheantair. Tá an Twitter hashtag #TrasnaNadTonnta ag cur soiléireachta orthu siúd atá thar lear agus atá Gaeilge acu. Tá a fhios againn go bhfuil a lán Gaeilgeoirí ag obair san UAE, i Bahrain agus i dtíortha eile mar sin. Táimid ag iarraidh a rá leo sa rún seo go bhfuil fiúntas leo agus gurbh fhearr linne dá mbeadh siad anseo ag múineadh in Éirinn agus gur féidir linn é sin a dhéanamh má deir an tAire leo go mbeidh pá cothrom acu anseo, go bhfuil fiúntas ag baint leis an bproifisiún seo agus go bhfuil meas ag an bpobal agus ag an Rialtas orthu.

I thank everybody for their support for the motion. Many people have raised the issue and it has received support from all sides of the House except the Fine Gael Party. Deputy Danny Healy-Rae really summed up the issue of the professional master of education, PME, in terms of the costs associated with it, not only fees but also travel costs to college and to work experience and accommodation costs. If we listened to what the Minister said, he completely agreed with us on the PME. It is not organised and it is a disaster. He does not know what teachers he will have next September and he has admitted that. It is unsatisfactory. We must look at it again. We cannot simply be slaves to the third level lobby on this issue, and I say this with the utmost respect for it. As the leader of my party said this morning, postgraduate courses in

general are becoming a cash cow for colleges, understandably in some ways because of the lack of funding from Central Government, but this has to end. We know there are other ways for teachers to qualify and the Minister needs to accelerate them and take his head out of the sand.

The unhinged rant of Deputy Mattie McGrath was unfair and unwarranted in terms of people in the Gallery. It was wrong. The trade union leaders I meet are extremely strong advocates. They meet every party and have robust exchanges with them on behalf of their members on this issue. They certainly challenge me and I am sure they challenge the Minister. I compliment the unions on the work they did last year in bringing the newly-qualified teachers 50% of the way. The Minister was in Cabinet when that happened. For myself, I put on significant public pressure in this regard, as did my party and other colleagues throughout the House. I worked with the unions at that time and saw not only their determination but the determination of their members and how serious were the young and older professional people who wanted to make it right. It is about time the Minister actually said he believes in pay equality and works towards it because everybody agrees with it.

I compliment Deputy Calleary on his work on the public pay Bill. There was some talk about that before Christmas but the bottom line is because of what Fianna Fáil put forward, the Government must come back with a report on this, more than likely before the teacher conferences. That will help to bring the debate forward.

Another instructive signal in the debate was that among all the Opposition, and certainly in my party, we were fighting for speaking slots. People were looking for a minute to speak on it as they are passionate about the topic. That includes the Rural Independent Group, Sinn Féin, the left and everybody else, and Fianna Fáil in particular. There were two speakers from the Fine Gael Party struggling to fill the time they had. That, coming from the largest party in the House, says a lot about how it views this problem and the priority attached to it. Why were there so few Fine Gael and Government speakers on the matter? Let us be honest, this is what teachers and principals are talking to us about. It is crucial for the country. The foundation of our economy, society and nation is in education. It got us up the ladder individually and as a country. We must take it seriously.

Nobody has queried any of the solutions I proposed. The only criticism I received, mentioned by the Minister of State, Deputy Kyne, and put around the media this morning, was that it was misleading people to say there were only six physics graduates. That figure is reported in *The Irish Times*. Some have suggested there are fewer but the ministerial response was that there were 21 such graduates. Everybody agrees the number of science, technology, engineering and mathematics, STEM, teacher trainees is at a crisis level. The Government is splitting hairs over figures when it does not know them; if it did, the figures would be in the amendment. The truth is the Government does not know the figures or have any control over them. It is part of the problem.

The Government should work with the unions, the education partners and management bodies. There are temporary solutions but there should be a review. The Ministers should work hard with their Government colleagues and we will support them every step of the way if they decide to advocate for pay equality. I know the unions will support the Minister if that happens as well. I am sure the unions will continue to challenge all of us, as I will challenge the Minister on the matter until it is resolved.

Amendment put.

24 January 2018

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 25 January 2018.

Business of Dáil: Motion

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I move:

That, notwithstanding the Order of the Dáil of 23 January 2018, Government business for tomorrow shall be: No. 11, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) Regulations 2018, back from committee; No. 12, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 2) Regulations 2018, back from committee; No. 13, motion re proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 3) Regulations 2018, back from committee; No. 1, Intoxicating Liquor (Amendment) Bill 2017 [*Seanad*] - all Stages; No. 5, Companies (Statutory Audits) Bill 2017 - Second Stage (resumed) if not previously concluded; and No. 31, statements re report of the Joint Committee on the Eighth Amendment of the Constitution (resumed) if not previously concluded.

Nos. 11, 12 and 13 shall be brought to a conclusion after 40 minutes and the following arrangements shall apply: the motions shall be debated together but decided individually; speeches, which shall be confined to a single round for a Minister or Minister of State and the main spokespersons of the parties or groups, or a Member nominated in their stead, shall not exceed five minutes each, and all Members may share time. The weekly divisions shall take place on the conclusion of the debate on the motions. The statements re report of the Joint Committee on the Eighth Amendment of the Constitution shall commence not later than 5.40 p.m. or on conclusion of Second Stage of the Companies (Statutory Audits) Bill 2017, whichever is the earlier, or if that Bill has previously concluded, the statements shall commence on the conclusion of all Stages of the Intoxicating Liquor (Amendment) Bill 2017 and the order shall not resume thereafter. Topical Issues shall commence not later than 8.40 p.m. and the Dáil shall adjourn on the conclusion of Topical Issues.

Question put and agreed to.

Companies (Statutory Audits) Bill 2017: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I will continue from where I finished. Section 7 implements an option in the European Union, EU, directive that was not previously exercised. It provides that the Irish Auditing and Accounting Supervisory Authority, IAASA, may add to the contents of the audit report. This will give IAASA the flexibility to ensure that Irish audit report requirements are kept up to date and in line with international best practice into the future.

Sections 9 and 10 are not related to the EU audit requirements but together introduce an important and urgent amendment to the current law on filing a company's annual return. The changes in the Bill effectively reinstate the rules that were in place prior to the 2014 Act but now in the District Court. This is because the number of orders granted under the current law

is undermining advancements made in timely filing of annual returns. This is an important transparency measure and safeguard for third parties such as suppliers and other creditors who rely on the information supplied by annual returns.

Sections 16 to 45 are concerned with the functions and powers of, and the interactions between, the bodies charged with the various aspects of audit oversight. This is an appropriate point to speak about the nature of audit oversight and how it is arranged under the Bill. Public oversight of auditors encompasses five specific tasks. These are the approval and public registration of people and firms to act as statutory auditors; the adoption of auditing standards; the continuing education of auditors; quality assurance inspections of audit firms and auditors; and a system of investigations and discipline. Until June 2016, the oversight system was arranged with a number of competent authorities. The main examples were the Irish Auditing and Accounting Supervisory Authority, known as IAASA, and the six recognised accountancy bodies. With the introduction of the new EU laws, there has been a move to a structure with just one competent authority that is to have the ultimate responsibility for public oversight of audit. The Bill retains the designation of IAASA in this regard, which was introduced in the 2016 statutory instrument. This gives IAASA the responsibility for the oversight of all five tasks.

I welcome this change. It is clearer and reduces the possibility for gaps or conflicts. However, the recognised accountancy bodies have an acknowledged expertise and experience in the area of audit oversight. This has been built up over many years. They have made an important contribution to the development of audit as a profession and consequently it is right that we recognise that fact and secure their involvement into the future. For these reasons, the Bill takes an option in the EU directive and sets out the everyday management of some of the five tasks to be carried out by the recognised accountancy bodies. The model in the Bill follows from the one put in place in 2016 and introduces some new features to further support good co-operation and ensure effective enforcement. The recognised accountancy bodies conduct the approvals of all statutory auditors and oversee their continuing education. They also have responsibility for quality assurance inspections and investigations and discipline with respect to audits of businesses that are not public interest entities.

When it comes to the audits of public interest entities, IAASA is charged under the EU regulation with performing quality assurance inspections of those audits. Moreover, any investigations that arise from those inspections must be done by IAASA and any resulting disciplinary action is also a matter for IAASA. IAASA is also responsible for the adoption of auditing standards. The recognised accountancy bodies perform their tasks as a condition of being ‘recognised’ and under the supervision of IAASA. Therefore, alongside provisions on the objects, governance, functions, funding and powers of IAASA are sections covering the recognition of the accountancy bodies and the grounds for that recognition. A key part of recognition is that the body carries out oversight tasks on its own members to the satisfaction of IAASA. Accordingly, the Bill provides powers for IAASA to direct or intervene in how the tasks are performed. Section 28 enables IAASA to take a task back from a body on a case-by-case basis. Section 30 provides the mechanisms where a body is unable to perform an oversight task and allows another body to take over that task. Section 32 extends IAASA’s existing powers to undertake certain inquiries to include an inquiry into how a recognised accountancy body performs the tasks. Section 33 provides for new settlement procedures which are designed to avoid the need for lengthy legal proceedings in cases where both parties agree. These changes in the oversight system are designed to ensure that IAASA has the appropriate capability to match the fact that it has ultimate responsibility. They are also intended to give flexibility, so that the recognised ac-

countancy bodies and IAASA can work together to provide a streamlined and efficient service.

Sections 34 to 39 set out IAASA's investigation and sanctioning powers with respect to auditors. They also make some amendments to those powers with respect to other members of accountancy bodies that are not approved statutory auditors. Section 35 is detailed and provides for administrative sanctions. It includes rules on the application and publication of those sanctions and on appeals and reporting of breaches. Similar to earlier provisions, there are also new proceedings here for settlement by agreement, this time directly with auditors. These are not required by the directive, but are considered important tools to avoid lengthy and unnecessary legal proceedings. The maximum fine is €100,000 for an individual statutory auditor or per statutory auditor in the case of a firm, which could result in a fine of up to €5 million if a firm has 50 auditors. In the interests of fair procedures, these sanctions are subject to court approval unless they are agreed as part of the settlement process. The fines are increased from those in the 2016 statutory instrument. This section also includes additional administrative sanctions not contained in the directive in order to better align IAASA's powers with the sanctions the recognised accountancy bodies may apply to their members.

When it comes to directors of companies who have contributed to breaches of audit rules by a statutory auditor, the Director of Corporate Enforcement is the competent authority. The Bill provides sanctioning and investigation powers for the director that are similar to those of IAASA. The remaining sections here are technical, mainly relating to operational matters, such as exchange of information, avoidance of conflicts of interest and delegation arrangements within IAASA.

Section 51 inserts the new Part 27 into the Companies Act 2014. This Part contains 124 sections and is arranged in 21 chapters. In summary, this Part sets out in detail the rules governing how statutory audits must be carried out, the standards that auditors must meet and how IAASA and the accountancy bodies supervise those audits and auditors. With respect to the conduct of audits, this Part provides for IAASA to add to international auditing standards and to allow for a proportionate approach to small undertakings. There are also provisions on the additional report that an auditor must prepare in the case of a client that is a public interest entity. These provisions enable IAASA to add to the requirements of the report and state that the report must be given to the directors and they may submit it to regulators such as the Central Bank and the Revenue Commissioners. There are also obligations on public interest entities, for example, the requirement to have an audit committee. Some of the more high profile requirements of public interest entities, such as audit rotation and the cap on non-audit services, are provided for directly by the EU regulation.

The question of the mandatory period for the rotation of its statutory auditor by a public interest entity was considered thoroughly in the context of determining the approach taken in SI 312 of 2016 and it was decided that the appropriate period for Ireland was ten years. Members may recall that this is in line with the recommendation of the report of the Joint Committee of Inquiry into the Banking Crisis published in January 2016. An exceptional extension to this period of up to two years is permitted, subject to an application to and determination by IAASA.

The provisions in Part 27 include requirements that both IAASA and the bodies have quality assurance inspection regimes in place. They also provide for the investigation and disciplinary procedures of the accountancy bodies, the rules for the public register of auditors that is kept by the Registrar of Companies and the process for aptitude tests. Audit offences and the procedures for investigating and sanctioning auditors are also included. Measures on third country

auditors are contained in this Part.

Finally, sections 53 to 72 make amendments to a number of legislative Acts to replace the term “public auditor” with “statutory auditor”. This does not change the requirements of the audits to be carried out under these legislative Acts.

This brings me to the end of this substantial legislative measure. A small number of amendments are under consideration which I plan to bring forward on Committee Stage. Deputies may have other proposals for amendment and I look forward to debating those in due course. I commend the Bill to the House.

Deputy Niall Collins: Fianna Fáil supports the Companies (Statutory Audits) Bill 2017 and will examine amendments to strengthen it further and to ensure there is proportionate impact on small and micro-sized businesses following its enactment. However, we have serious reservations about the loss of the audit exemption to small companies. I will return to this later.

As a policy response to the global financial crisis, the European Commission proposed an audit package of legislative reforms in 2011 to strengthen the independence of auditors and to ensure further transparency for the financial information of companies, while creating a single market for statutory audit services. The statutory audits Bill enshrines elements of the EU audit package proposals, comprising a 2014 EU directive and regulation, in primary law with respect to the regulation of statutory audits and auditors. However, there has been haphazard implementation of the EU audit package in Ireland. This has necessitated creating a single regulatory framework at this juncture to ensure coherence in primary legislation for statutory audits and practitioners.

With regard to white collar crime, the Government’s announcement last November that the statutory audits Bill would form part of the package of reforms to enhance powers to clamp down on white collar crime was disingenuous. In fact, the package being spun was a rehash of existing legislative proposals not enacted, which date back as far as 2013. White collar crime reforms have been a fig leaf under Fine Gael. In the 2011 programme for Government, many commitments were entered into in this area but were not delivered.

The collapse of the longest running criminal trial in history, involving charges against Seán FitzPatrick, represented a damning indictment of the Office of the Director of Corporate Enforcement, ODCE. Ministerial oversight of the ODCE under successive Fine Gael Ministers with regard to insufficient staff resources leaves, and has left, a lot to be desired. This was the biggest case the ODCE was ever involved in but it was left exposed. To this day, there has been no form of accountability. The intention to establish the ODCE as an independent agency to enforce company law has long been signalled and is overdue. The Minister, Deputy Humphreys, must honour the commitment she has given to publish an account of the investigative failures identified by Judge Aylmer and the steps that are being taken to address them as a result of the trial.

As I said, we have serious reservations about the loss of the audit exemption. This will impose an unnecessary administrative burden on the SME sector when the Government should be doing all it can to reduce the cost of doing business in Ireland. SMEs are the backbone of the domestic economy, with nearly 1 million people employed in approximately 238,000 active enterprises. Some 92% of all SMEs are micro-enterprises, having fewer than ten employees. The Government has turned a blind eye to the concerns of accounting practitioners and the

SME community with the proposal in the Bill to change section 343(5) of the Companies Act 2014. This would result in the automatic loss of an audit exemption for companies that apply to the courts to extend their filing deadline. Currently, a company can apply to the District Court for an extension to file its annual return. If the court is content, an extension may be granted and the annual return is considered to be received on time. The consequences of the late filing - penalties or loss of audit exemption - will not apply for that annual return. However, the Bill proposes that the application must be made via the High Court and that the District Court will only be empowered to waive the filing fee if a company is late in filing. Accounting representative bodies have strongly criticised the loss of the audit exemption for late filing. Although a strong regulatory environment to ensure compliance is necessary, any new laws must impact proportionately on small businesses. Although the audit exemption mainly applies to small and micro companies, the cost of applying to the High Court will be prohibitive and, according to the Institute of Certified Public Accountants, outside the financial capacity of most such companies. It would also place a disproportionate administrative burden on the SME sector, which is contrary to the Government policy of reducing costs for small businesses. Accountancy bodies have said the audit exemption loss for late filing is an overly punitive sanction and makes section 345 ineffective in all cases, including genuine *force majeure* circumstances. On a practical note, this would result in companies changing accounting firms at the very last minute due to the fact that many such firms are not registered auditors.

The Consultative Committee of Accountancy Bodies considers this administrative and financial burden to be:

disproportionate to the late filing offence for small companies. The cost and disruption which can arise from switching accounting services provider seems to us to be contrary to government policy to ensure Ireland remains an attractive business environment for companies of all sizes.

The Government will say that in 2016 there was a large increase in applications to the District Court for late filings and audit exemptions. It is likely that resulted from the very uncertain financial reporting environment for small businesses that year, which was due to the severe delay in the Government transposing a 2013 EU accounting directive. The Government was over two years late in enacting that directive in Irish law, which was alarming considering it is to the benefit of Irish SMEs as it simplifies financial reporting requirements and reduces the administrative burden and compliance cost on such companies.

We look forward to addressing the issues I have highlighted on Committee Stage.

Deputy Maurice Quinlivan: As this is my first recent exchange with her in the House, I would like to congratulate the Minister for Business, Enterprise and Innovation, Deputy Humphreys, on her appointment before Christmas. I wish her well in her new role and look forward to working constructively with her on several issues under her remit over the remainder of the term. I thank the staff of the Oireachtas Library and Research Service for their work, assistance and briefing on this complex and lengthy Bill. As usual, their assistance was excellent and made our job far easier. Unfortunately, I was unable to attend a presentation on the Bill in the AV room but a very informative and helpful video was produced, which I watched.

The Bill stems from a European-wide reform of auditing practices, introduced in response to the financial crisis that crippled Europe and bankrupted this country almost a decade ago now. Although the financial crisis across Europe was severe, it was catastrophic in Ireland, primarily

due to the mismanagement of our finances by Fianna Fáil and its totally *laissez faire* approach to regulation, to the benefit of its friends in the banks. The European reforms culminated in the EU audit package, which consists of regulation 537/2014 and directive 2014/56/EU, which amended a previous 2006 directive. The mandatory aspects of the directive and regulation were introduced into Irish law via SI 312/2016. This Bill aims to enshrine the provisions of the statutory instrument into primary legislation, in addition to implementing the optional provisions of the audit directive and regulation, and to consolidate it all into one piece of legislation. The key aims of these reforms will place new obligations on statutory auditors designed to enhance their independence and the quality of their audits, place new and more stringent obligations on companies known as public interest entities and designate the Irish Auditing and Accounting Supervisory Authority, IAASA, as the competent authority with ultimate responsibility for the oversight of statutory auditors.

As all Members know, audits are incredibly important tools for determining through an examination of information such as bank balances, bookkeeping records and financial transactions whether an organisation is providing a fair and accurate representation of its financial position. That information is critical for investors, creditors and stakeholders of undertakings and it is crucial that it is accurate and reliable. Reform and changes are needed as a number of deficiencies in audit practices were identified in the aftermath of the financial crisis. The collapse of Anglo Irish Bank and the nationalisation of other Irish banks are clear and expensive reminders of how old auditing rules failed in financial institutions here. Problems were also identified in this area on a pan-European basis. An excessive familiarity between the management of a company and its audit firm was identified as risking conflicts of interest and posing a threat to the independence of statutory auditors and their ability to exert thorough professional scepticism. A lack of choice of audit firms due to the dominance of certain global players was also identified as a concern.

The majority of changes under these reforms will affect public interest entities, PIEs. These include companies such as banks, insurers and companies that are listed on the main market. The Bill will introduce the option of the State having the ability to designate an undertaking as a PIE if the undertaking is of significant public relevance due to its size, business or number of employees. It also seeks to strengthen the audit committee for public interest entities. These committees are established to provide a link between the board of a company and its auditors, serving as an intermediary to maintain a level of separation and independence between a client and its auditors. Another change is the ability of an auditor to provide other services such as tax, bookkeeping, payroll, valuation and management services to the client company. By restricting the other services an auditor can provide to a client company, conflicts of interest are reduced. I note that Ireland is to avail of an exemption in regard to certain tax and valuation services.

The audit regulation also introduces enhanced cooperation between competent authorities across EU member states, in addition to the establishment of an EU body, the Committee of European Auditing Oversight Bodies. It is intended that the option to add to the requirements of an audit report is to be exercised in the Bill by giving the IAASA the power to lay down additional requirements to the contents of the audit report in the future should it see the need to do so. That is important as more detailed information provided under increased requirements will result in more transparent and informative audit reports.

Prior to the introduction of SI 312/2016, a number of competent authorities were designated for the purpose of public oversight, including the IAASA, the Registrar of Companies and

24 January 2018

recognised accountancy bodies. Article 23 of the directive now sets out that a member state will designate only one competent authority, which in Ireland will be the Irish Auditing and Accounting and Supervisory Authority. The Bill will allow the IAASA to delegate tasks under the directive to other authorities or bodies, although the IAASA retains ultimate responsibility.

The former Minister for Business, Enterprise and Innovation, Deputy Fitzgerald, cited the Bill as one aspect of the recently announced measures to enhance Ireland's corporate, economic and regulatory framework. All measures that aim to govern and police the corporate environment are welcome as Ireland has a shameful history of allowing companies and individuals in some institutions to flout the law, bring the country to ruin and face no repercussions. The Minister, Deputy Humphreys, may be aware that I have raised serious concerns about the way in which white collar crime is currently investigated in this country. To say that it is done poorly would be an accurate understatement. My concerns centre on the performance and functioning of the Office of the Director of Corporate Enforcement, ODCE. I recently highlighted that it has brought no prosecutions or achieved any convictions in the past two years; in 2017 it only had 35 staff and five gardaí to police all white collar crime in Ireland; it has surrendered almost €6 million of its designated funding back to the State in the past three years; and it has only brought 43 prosecutions in the past decade, which is a shockingly low number over that period of time. I have also previously raised concerns about the number of director restrictions that the previous Minister, Deputy Fitzgerald, cited as being work done by the ODCE. Figures provided to me in a previous exchange indicate that some 886 restrictions were carried out by the ODCE, which is very questionable. The Bill will not give the ODCE more responsibility. However, the problems in that organisation are a discussion for another day. This Bill will designate another body, the Irish Auditing and Accounting Supervisory Authority, IAASA, as the competent authority for oversight of statutory audits. IAASA will be responsible for ensuring the new standards and regulations concerning auditing in Ireland are met and it is imperative that the IAASA has the resources, personnel and oversight required to effectively monitor and police the new rules. This is something on which I will be following up.

The Minister will notice in our future exchanges that I am strongly in favour of holding criminals who sit in boardrooms to account in the same way other criminals are held to account. I note with concern that in the recently published legislative programme for the spring-summer Dáil session, the companies (enforcement) Bill, which aims to overhaul the Office of the Director of Corporate Enforcement, ODCE, is listed under the section for all other legislation and not under priority legislation. Having witnessed the collapse last May of Seán FitzPatrick's trial due to the botched investigation by the Office of the Director of Corporate Enforcement investigation, I thought this would have made reform of the agency all the more urgent.

The numerous problems and failings I have highlighted to the Minister regarding the functioning of the ODCE provide more evidence for the imperative to restructure the agency. The Oireachtas Joint Committee on Business, Enterprise and Innovation has sent an invitation to the ODCE to appear before it and, subject to legal approval, hopefully will get a chance to probe these problems further. I urge the prioritisation of the companies (enforcement) Bill to ensure white collar crime begins to be investigated and prosecuted effectively.

I want to highlight an issue of concern with section 9 of the Companies (Statutory Audits) Bill 2017. This section deals with the issue of audit exemptions and in particular the proposed significant change that where a company fails to file its annual return on time in the Companies Registration Office, the current option of applying to the District Court for an exemption would be removed. The Companies Act 2014 introduced the option, under section 343(7), for a com-

pany to apply to the District Court for an extension of time to file its annual return and, if obtained, it retained its audit exemption. Section 9 of the Companies (Statutory Audits) Bill 2017 repeals this section 343(7) of the Companies Act 2014. I recognise the importance of companies complying with their legal obligations with regard to the publication of financial information and I consider that in most circumstances the ten-month period allowed for preparing and filing this information should be sufficient. Some SMEs, however, will find themselves in this situation for a range of reasons and will be impacted by this change. Businesses have contacted Members to express their concern over this aspect of the Bill, and I have previously highlighted this matter in parliamentary questions to the Minister. At this stage of the legislative process, I wish to highlight the strong concerns SMEs have raised about this aspect of the Bill and to flag that I may propose some amendments to this section on Committee Stage. I have a concern about the effect Brexit will have on the Bill. The EU audit package was developed only a few years ago, but at that time it was assumed that Britain would be in the EU for the foreseeable future. Many audit firms in Ireland have major operations in Britain and work on an all-island basis. Has the Minister received assurances that Britain will maintain these new standards that are to be introduced after the UK leaves the EU, to ensure undertakings find it easier to implement changes and to maintain a harmonisation of high standards?

As for the optional provisions relating to the sanctioning powers and disclosure to the public, is the Minister satisfied that the powers to be implemented under this legislation are sufficient to act as an adequate deterrent?

The briefing paper on this Bill, helpfully put together by the Oireachtas Library and Research Service, indicates that of the six options in the investigations and sanctions section, the State is to implement two of these and will leave aside four. In particular, the publication of sanctions under Article 30c.3 is not to be exercised.

I welcome the Bill brought before the Dáil with the intention of strengthening auditing practices in line with our European colleagues. Sinn Féin will support the Bill, despite the EU audit package reforms being diluted as they progressed through the European legislative process. These reforms, however, aim to have more oversight and higher standards for the auditing process, which is welcome.

If Fianna Fáil had focused on such measures when it was in power, the total economic collapse of the State could have been avoided. I hope this legislation will prevent a repeat of the Fianna Fáil failures in this area that compounded the financial crisis in 2008, which resulted in the emigration of hundreds of thousands of our citizens and a decade of hardship for many others. I commend the Bill to the Dáil.

Deputy Jan O’Sullivan: The Labour Party will be supporting this legislation. I welcome the Minister to her brief and I also wish to let the House know that I have been appointed as spokesperson in this regard. The Minister now faces three Limerick spokespersons from the Opposition but whether that bothers her, I am not quite sure.

Deputy Heather Humphreys: Of course not.

Deputy Jan O’Sullivan: In welcoming this legislation I thank the Oireachtas Library and Research Service because I needed its guidance and data to understand a lot of the technicalities. It is a long Bill with much technical detail in it. The overall purpose of the Bill is very important and I very much welcome it, along with the EU audit package on which the Bill is

based. Some of the measures are already in place but the Bill, while consolidating the legislation, also brings in new measures.

In some ways this is closing the door after the horse has bolted because of the failures that led to the economic collapse and the fact that we did not have appropriate oversight and regulation at that time. There was a very cosy relationship between the former office of the Financial Regulator and the big banks and lenders. The issue concerning the ODCE has already been raised by previous speakers and I support their calls to beef up that office. I also agree with the other comments with regard to the collapse of the trial of prominent bankers.

It is important to make the point that this kind of regulation is welcome, in this case in respect of the auditing of large companies and especially the financial institutions. I wonder, however, if we had had more of this oversight in the past, whether it would have saved us from the economic collapse and the effect it had on the State and the people. We need transparency and really good auditing, particularly for the kinds of bodies to be covered by this legislation.

In the briefing paper provided to Members and commissioned by the Oireachtas Library and Research Service I found the list of stakeholders in the appendix very interesting. They are certainly big beasts and the list includes the Central Bank of Ireland, Chartered Accountants Ireland and the Chartered Accountants Regulatory Board, the Institute of Certified Public Accountants in Ireland, the Association of Chartered Certified Accountants, PwC, KPMG, EY, Deloitte, Mazars, the Irish Stock Exchange, the Irish Funds Industry Association, BlackRock, Banking & Payments Federation Ireland, Smurfit Kappa, Aer Lingus, the Irish Tax Institute and the Revenue Commissioners. Between them all there is a lot of money involved in their kinds of business. This legislation is really important, therefore, in ensuring that there is absolutely proper financial regulation. The stakeholders' comments are included on the various elements we are discussing today. In considering the reasons for reform of the rules governing statutory audits, the briefing document states:

The new rules address a number of shortcomings observed in respect of audit practices:

- Deficiencies, and in some instances misstatements, in audit reports have been observed by the competent authorities of Member States.

- Doubts have emerged among investors on the credibility and reliability of the audited financial statements of banks, other financial institutions and listed companies, as highlighted by the economic and financial crisis. It is understood that this has limited the ability of investors to rely, with confidence, on reports of statutory auditors.

This reference to investors and stakeholders is interesting because I believe the public and public representatives also need this level of transparency. These issues should not just be the preserve of a certain elite that understands the language and some of the loopholes that existed in the past. The briefing document also notes "An excessive familiarity between the management of a company and its audit firm, risks of conflicts of interest, and threats to the independence of statutory auditors can challenge the ability of statutory auditors to exert thorough professional scepticism." We need to ensure there is thorough professional scepticism when it comes to auditing companies, especially those that control a lot of money.

The briefing document also notes "[a] lack of choice of audit firms emanating from high concentration levels in the top-end of the audit market". Again, this is about not just having a small number of bodies that basically control the market. Effectively, that is not competitive. It

can also mean that these small number of bodies control the kind of auditing that is done. The briefing document further notes “[a] systemic risk as the audit market is effectively dominated at the top end by four networks”. I think that would be worrying to any of us. Therefore, it is welcome that this is being addressed.

I had to go to the glossary a few times to understand all the terms, for example, IAASA and PIE. PIEs are public interest entities. These are of “significant public interest because of their business, their size, their number of employees or their corporate status being such that they have a wide range of stakeholders”. Obviously, they are of public interest and, therefore, I think the public interest is paramount in all of this. It is not just about restoring investor confidence; it is also about restoring public confidence.

The briefing document notes:

The main objectives of the reform are to:

- ensure further transparency in respect of the financial information of companies;
- provide statutory auditors with a strong mandate to be independent and exert professional scepticism;
- contribute to a more dynamic audit market in the EU; and
- improve the supervision of statutory auditors and the coordination of audit supervision by competent authorities in the EU.

All of that is very important.

To refer to the issue raised by the previous two Deputies around SMEs and the audit exemptions and extensions relating to late filing, etc., a balance is needed between the burden on small business and the requirement to have oversight and good governance. We need to get that balance right. I have not been lobbied by small businesses, as others have, but I am willing to listen to them. However, it is important that we get the balance right and that we ensure good governance and proper oversight in all companies. As others will be proposing amendments, I assume we will be returning to the issue at a later stage.

Under the theme of independence and objectivity, the briefing document states:

The Audit Directive notes some of the threats to independence as being:

- self-review, self-interest and advocacy;
- financial, personal, employment, business or other relationships with the audited entity;
- holding a material and direct beneficial interest or engaging in any transaction with financial instruments of the audited entity (except interests owned indirectly through diversified collective investment schemes);
- acceptance of gifts with a value higher than considered trivial or inconsequential;
- acquisition by merger with or acquisition of the audited entity by another entity which results in interests or relationships which may compromise the independence af-

ter the effective date of the merger or acquisition.

As public representatives, it is important that we, first, have some grasp of this and, second, ensure that we hold bodies such as IAASA, which is the body that will be over all of this, to account and ensure that they have the necessary powers and strengths to carry out their work. The briefing document states that the policy implications will require that “audit reports [are] more detailed and informative and their work will be more closely monitored with strengthened audit committees”. That relates to public audit reporting.

This probably will not get a large amount of public attention but it is very important. As I say, I am not too sure to what extent the public will be watching. However, when one reads the list of stakeholders at the back of the briefing document, people with power and money and influence will be watching. It is, therefore, important that we as public representatives represent the public interest in this regard.

I welcome the Bill. We will be supporting it and I look forward to further debate.

An Ceann Comhairle: I call Deputy Mattie McGrath. He has 20 minutes.

Deputy Mattie McGrath: I am not sure if Deputy Healy-Rae is coming.

Déanaim comhghairdeas leis an Aire freisin. I congratulate her on her appointment and wish her well. One never knows where I might bump into her. The last time it was down in the sleepy Nire valley over the holidays. She was most welcome there. I hope she had a good stay at what is a small business of a great business woman. God rest her late husband who was a great friend of mine. They worked very hard. There is a personal touch as well. I hope the Minister and her colleagues enjoyed their stay.

I am happy to speak on the Companies (Statutory Audits) Bill which seeks to transpose EU Directive 2014/56 into Irish law. I note from the document commissioned by the Oireachtas Library and Research Service that an EU audit package updated existing EU law on statutory audits in three main areas: the framework for public oversight; the obligations on statutory auditors when auditing the financial statements of their clients; and the obligations on public interest entities with respect to the appointment of, and interaction with, their auditors.

In particular, the audit directive was aimed at improving audit quality and included measures to strengthen the independence of statutory auditors. The audit regulation was directed at the statutory audits of public interest entities. The mandatory provisions and a number of the optional provisions of both the audit directive and the audit regulation were transposed into Irish law in 2016 through SI 312 of 2016. It is now proposed that the remaining optional provisions of the audit directive and audit regulation, which could not be transposed into Irish law by way of secondary legislation, will be given effect in Ireland by way of primary legislation, that is, through this Bill.

All of this sounds fine and dandy and, indeed, who can argue with a process that attempts to outline in a more specific way the general obligations imposed on public interest entities? I note provision will be made for enhanced reporting requirements that will facilitate the IAASA in carrying out its necessary oversight responsibilities. I worry about all these agencies and quangos. They are mushrooming despite promises by Taoisigh and many others that we are going to cut them out. Fine Gael came into Government in 2011 stating that it would banish them, but it must have put fertiliser on them because they are spreading and mushrooming the same

as a right crop of weeds, and they cannot be stopped. The cost of them all is what worries me, as well as the ineffectiveness of most of them. They do not seem to know what they are at or if they are coming or going or what are their duties or roles. I say that not lightly or flippantly. I say that seriously.

My difficulty, as with so much of the legislation in this area, has to do with enforcement. We can have all the IAASAs we want, and we have acronyms of all shapes and sizes, but if we have no enforcement and they are toothless, fruitless and useless, as are many of the regulators, what good are they? We are just creating optical illusions to the effect that we are doing something about white collar crime and poor audits and accountability. We are ticking the boxes but we are not shaking the boxes or putting our hand down into the boxes to see what is inside. We are just ticking boxes and getting it out the gap for another while. It might be a small while but it is just not effective and there is no comeback or payback to the State and, above all, the taxpayers on the street. Mrs. O'Brien, Tommy O'Neill, Joe Bloggs and whoever are the people who are paying the piper all the time. They are the ones who are aghast to see what has happened in this country with the repeated cycle of bust and boom.

I note from the explanatory memorandum to the Bill that section 931 deals with fair procedures and the possibility of referral to the Director of Corporate Enforcement, with the more significant sanctions for audit breaches being subject to confirmation by the High Court. That is a sentence in itself. We only have to look at the recent experience with our own banks and financial institutions to recognise the massive deficits at the heart of our corporate enforcement system. There are monumental deficiencies and inaction. There are many financial regulators from the Central Bank down and their staff. There is the Office of the Director of Corporate Enforcement. They all have layers of management, senior, middle and junior and some of the Garda Síochána are involved in their processes as well but what did they achieve? They slept while Rome was burning. There was no accountability and no one held to account, which was worse altogether. The Minister comes from a county with a very strong business ethos and she worked in the credit union. I was amazed when I first travelled to Monaghan and the Border counties at the amount of industry and initiative in private business there from furniture making to mushroom growing, turkeys and poultry farms.

Deputy Heather Humphreys: The ducks.

Deputy Mattie McGrath: The ducks as well but there is too much ducking now. That is what is wrong. There is only one duck farm left in Emyvale but there are a lot of people ducking around here and in these organisations. They think they cannot be found. They are not being found and will not be found because no one is looking for them, apart from the eejits outside here paying taxes. I do not mean that in a bad way about the poor unfortunate taxpayers. They are well able to duck and they are well able to suck eggs but they are not able to do their business. That is why I worry about this as well and will it change one iota.

Not even a detailed package of measures contained in the Government's report, entitled Measures to Enhance Ireland's Corporate, Economic and Regulatory Framework, a right mouthful, seems to have worked in combatting serious white collar crime in this State, because there is no follow up. They are nice statements in flowery glossy reports and documents to tell the EU we will tick another box and do this or that. Dúirt bean liom go ndúirt bean léi. That is what it is all about. There is no real, meaningful and tangible result. I do not see any major breakthrough. That is what the Government document states. That report is gathering dust on top of the last one and the ones before it. The next one will go on top of it.

24 January 2018

We are still grossly under-resourced in this area. In many ways it is not being addressed with the urgency that it requires. The Minister must know that because she sees the diminishing business, especially in rural Ireland. Today on Questions on Promised Legislation I brought up the latest Economic and Social Research Institute, ESRI, report which shows that over 52% of economic activity takes place here in the capital, Baile Átha Cliath, and the concerns of the Organisation for Economic Cooperation and Development, OECD. I am not anti-Baile Átha Cliath. I spoke about the water today but to fix the leaks it would not need the water from the country. Let it be self-sufficient.

If we keep pumping everything into business here it will destroy Cavan, Monaghan, Tipperary and even Kildare which is close to Dublin, and every other county because all the big business interests are coming in here. I know this because I met the head of the Industrial Development Authority, IDA, in New York on the eve of Paddy's Day last year. He said it cannot get companies to go outside Dublin, to Limerick, Galway or Waterford or anywhere. Everything is Dublin-centric. That is very bad because of the pressure on housing, roads infrastructure and quality of life. The Minister's boss has gone to Davos. I hope he brought that report with him to read on the plane because this is alarming and it has been said by several economic bodies and experts. It did not have to be said by anybody because we can see it, when we try to drive in or out of the capital. We need to rectify that and get a regional balance. The Taoiseach told me this morning about people wanting to live in Dublin. They cannot live in the country because they will not get planning permission. We have more directives and guidelines on where people can live or not in rural Ireland. Regional development needs to be examined.

As an example of the under-resourcing I point to the report of the Law Reform Commission in 2016 commenting on the Oireachtas Committee on Public Accounts', PAC, Interim Report on the Committee's Examination of Bank Stabilisation Measures 2013. Where did we hear that before? In its report PAC noted the lack of provision for reckless trading for financial services and called for an examination of the need for "a provision which would provide for presumptive liability or presumptive sanctions for directors of failed financial institutions". They were two fine reports, one in 2013 and 2016, with a lot of presumptions but no actions. What did we do about it? I did not see anyone held accountable. This is the problem. The committee also suggested that current systems, structures and procedures for investigating directors suspected of corporate wrongdoing should be reviewed and streamlined, and that the Law Reform Commission should review relevant aspects of the law in respect of enforcement against individuals. Has any of this happened? I accept that this is a very complex area, but I can give one example of where people might lose faith that we are taking the audit process seriously from a public policy point of view even at State level, within the EU. The research document provided to us ahead of this debate refers to Article 34 of the 2013 Accounting Directive which refers to situations in which "in the course of audit, he, she or it has identified material misstatements in the management report, and shall give an indication of the nature of any such misstatements". It calls them "misstatements". Can we not just be honest and name them as what they most likely are, potential corruption, within the audit review? To return to our well-documented history, the financial regulators gave clean bills of health to the Irish banking sector, an audit performed by some very well-known accounting firms that turned out to be utter rubbish. Many of them were brought in afterwards to give advice on how to get those banks back on the road. One would think we are all illiterate, dumb and blind.

That is the way it has happened. It is one thing to have all these fine auditing rules and directions in place but the real issue is what happens when we need to enforce the rigours of the law.

We need to get real and deal with the Bill. Small business people are put to the pin of their collars every day of the week. We heard auditors from the EU this evening at the Oireachtas Joint Committee on European Affairs. Departments roll out directives, reams of paper, regulations and rules for all the ordinary people, whether it be the Road Traffic (Amendment) Bill 2017 or the directives on spreading slurry or any issue relating to health and safety. I am all for health and safety but it is totally over the top because it incurs costs for small business people, the self-employed or those employing between five and ten people, who are trying to stimulate businesses. They have fought through the recession. We are told there is a bit of an upturn but they cannot see it. They are smothered with paperwork. The Minister should talk to people in her own county. I am sure she listens to them every day of the week. They are choked and smothered. There are statutory audits and this Bill but we are getting nowhere. We are not tackling the serious serial offenders in corporate and big business, gnó mór. There is a monopoly in the beef industry - one business which controls the whole industry. I compliment Seamus Maye who has written many reports on this. The farmer does not see a bit of profit on the whole hindquarter of the animal. There is a fodder crisis in the west and probably in the Minister's county too because there was no summer and no crops saved. We are trying to send out fodder but the prices are controlled by a cartel in the beef industry.

We have the same problem with milk conglomerates. They started off in Monaghan, Tipperary, Kerry and everywhere else around the country as small farmers groups that came together. That turned into the likes of Avonmore, in Tipperary, and Glanbia, and those companies abandoned every rural community and closed every little creamery and co-op. One might have to travel 30 miles now to find a co-op in order to get supplies. These companies abandoned the ethos and spirit of self-help and the ethos of the great people who set up the co-operative movement. The conglomerates have shareholders, AGMs and profits.

The problem also exists in the concrete industry. There have been many decent, hardworking people in family businesses driven out of the concrete industry so that one or two companies can control the whole market. It is a racket, and there is a cartel in operation. I have gone to Cement Roadstone AGMs in recent years. Some of the shareholders are happy, but what is happening all over the world with these companies is unsavoury to say the least. What went on in the Wicklow Mountains with the small companies there and in the case of families in Tipperary that I gave employment to for decades is disgraceful. There is a monopoly in place.

What happened to Seán Quinn? We can like him or lump him, but he provided plenty of employment in his area. I visited his place when I was in Monaghan, Fermanagh and Derrylin a long time ago. I saw the industry he provided. There were 400 trucks. The sand was moving. He provided employment there. There was obviously greed involved, with his gambling in financial businesses - not gambling in the other sense of the word - but he got little support from the Government. I met him at the time it happened. What is going on now? The place is a shadow of what it was before.

Deputy Heather Humphreys: There are 700 jobs there.

Deputy Mattie McGrath: Thank God. How many were there before he left? How many self-employed subcontractors were working for him?

Deputy Heather Humphreys: There are 700 jobs there now, and it is growing.

Deputy Mattie McGrath: He supplied that many, but had no help from the previous Gov-

ernment, of which Deputy Humphreys was a member from 2011 to 2016. Thankfully, there are 700 jobs left. However, there were a couple of thousand jobs at one point, not counting all of the self-employed people. Throughout the country, there are many laws for the little people but no laws for the others.

Consider the situation during the sham trial of the bankers. Not one was prosecuted successfully. In America, any bankers who commit crimes are locked up and behind bars. They are entitled to their good name and are innocent until proven guilty, but here the Office of the Director of Corporate Enforcement, ODCE, made pathetic efforts to prosecute bankers. This included the shredding of hundreds of files by an employee in the DPP's office. It would not be seen in a thriller movie. In another trial that is taking place at the moment, the jury has been dismissed. Nothing has come from these trials except huge costs to the State and huge payments to firms of lawyers. Nobody has been prosecuted. These were sham trials. This is happening before our eyes every day of the week.

I have a list in my pocket of small businessmen who were in court yesterday. I met a man and woman from Cork yesterday evening who asked me to mention their names. They were Mr. and Mrs. O'Brien. They came out of the court and said they wanted to jump in the river. They were in business since 1980. They were trying to raise their family. I have a court list which shows that there were 122 or 123 cases like that from yesterday alone. Think of the inefficiency of that alone, where all of those people had to come into court on the same day at the same time. The barristers and solicitors were with them and they had the meters turned on. The Minister understands that phrase. The 122 or 123 cases were listed for yesterday alone. It is the same for the next four days again. These are ordinary people, many of whom are trying to cut a deal in respect of their debt and provide the banks with perhaps 70% of what they owe. The banks will not accept it from them, but there are vultures - friends of the banks - waiting to buy for 17%, 20% or 25%. I put forward a motion here, along with Deputy Fitzmaurice, before the budget which, if accepted, would have added a 50% penalty or surcharge to those vulture funds when they are buying properties of distressed businessmen or farmers from the banks. The banks would not do business with these people but they would sell to their cosy cartel friends for practically nothing. A 50% surcharge such as we suggested could go to the Exchequer and be used to provide beds in hospitals, more infrastructure, more teachers - whose services are badly needed - and orthodontic treatment. It could also be used to provide for the people who are being bussed to the North by Deputy Danny Healy-Rae and Deputy Michael Collins to have their cataracts treated. What is happening? Nothing. Those companies can do what they like because there is one law for the rich and one law for the poor.

I have serious concerns about this legislation. I will be tabling many amendments. I look forward to debating it on Committee Stage.

Deputy Danny Healy-Rae: I have to begin with the most important thing that is affecting so many small companies throughout the country. First, however, I must declare that I have an interest in a family plant hire firm. I must write it up and leave it here because I seem to be telling this story every day, and several times on some days. My brother also has a small shop, so I have to declare those interests.

Small sole traders and small hardware suppliers, different kinds of people who are only barely existing in many places - they are family units working together and trying to keep their houses and families going - seem to be getting an awful doing on a constant basis from larger companies which go bust. After a few months or maybe a year, those big companies are up

and running again but the poor small companies are left behind. They do not get paid and they have no redress. It is not a level playing field as far as those companies are concerned. Many of these small operators do the work but they are only classed as subcontractors because the big, principal contractors get the jobs. The reason for this is that there is a pre-qualification requirement that a company has to have a certain amount of millions of turnover. For many jobs, this means that there are only four or five people who can actually tender for it. If these companies do not take proper care in their operations or if they have tendered incorrectly they will catch the small fellow.

A few years ago one such company went bust. It provided accounts before Christmas to show that it had €4.5 million worth of rolling stock. By St. Patrick's Day of the following year, it was bust and many small business people who had borrowed and who were trying to keep going were left without their money. I hope someone is listening to me. Those people grouped together and wrote to the Director of Corporate Enforcement, who, at that time, was Mr. Paul Appleby. They explained how much this principal contractor had in assets and how he had acquired the assets. The Director of Corporate Enforcement wrote to the receiver who was appointed by the principal contractor. The latter got his solicitor to write to this unfortunate group of people to challenge them to prove what they were saying. I would have thought that it would have been in the interests of the Director of Corporate Enforcement to find out if what these people were saying was right, but that is not what happened. They had to withdraw under pressure from the principal contractor's solicitor. Is it a fair country we are operating in? We feel that the receiver was appointed by the principal contractor that was going bust. It should not happen that way. A receiver should be independently selected by the Director of Corporate Enforcement in the interests of fairness to everyone. That was not fair because those poor people were left without their money. That principal contractor is back working again and he still has all the assets he acquired through the company he let go bust. That is happening day after day to the small fellows because they cannot survive. The big conglomerates are catching the small fellows, so to speak. The big companies are able to siphon off assets and come up with many other ways of surviving and getting back in action again. The small operators have to abide by all the rules and regulations. They are out there doing the work, abiding by all the health and safety regulations and so on. In many cases, they are personally responsible if anything goes wrong. The principal contractor can get away with that under the guise that it was the small operators who were doing the actual work on the ground, and often ends up not paying them at all. Many people believe that is very wrong and that the Director of Corporate Enforcement or that section of the law is not holding these principal contractors to account.

The multinational supermarkets represent unfair competition for small shops throughout the country. They have offers which tempt the customers to shop in them. In time, they will have a monopoly and there will be no small shop in rural areas like Sneem, Gneevgullia or Scartaglin. If someone wants to make a simple purchase in the morning like a bottle of milk, they may have to drive ten miles to the nearest big supermarket.

Mention was made earlier of Seán Quinn. When that case happened a number of years ago, many people looked up to Seán Quinn in terms of the employment he provided. I do not agree with Deputy Mattie McGrath that he gambled. I believe he did not gamble. It was clear that Anglo Irish Bank falsified its yearly accounts to show it had much more on deposit than it had. Seán Quinn took its word and invested in more shares. That was the mistake he made, but he was led by the yearly accounts, which were clearly falsified. We have not heard of anyone sorting that out yet. As I understand it, Seán Quinn has not got any fair play in that regard.

24 January 2018

Vulture funds were mentioned also. I know of a family living over their business that owed €900,000. A vulture fund now has that case and it will not sell the business, which is actually a home, back to the owners for what they owed.

Deputy Mattie McGrath: No.

Deputy Danny Healy-Rae: The vulture fund has told them they must get out. That is very wrong. I know of other cases where the people who got into trouble are prepared to pay back what they owe, with interest, and the vulture fund will not take it. As Deputy Mattie McGrath said, the vulture fund must have favourites or an idea that it can squeeze more money out of somebody else, but that is so wrong. We talk about fair play and law and order but there is no law and order when we see things like that happening.

Something needs to be done about the way principal contractors are appointed, the reason they have unfair advantage and the way they are leaving many sole traders behind and not paying them. I am talking about the owners of small shops, small hardware stores, service suppliers, petrol stations where vans get diesel and so on. These are people who went out and worked for them in the dark and in the rain only to find that they are owed €20,000, €30,000 and €40,000. The amount is not long mounting up when fittings, parts or whatever are taken into account. They are left behind, and it is a crime. It is actually stealing from good living, hard working people.

Deputy Mattie McGrath: Daylight robbery.

Deputy Danny Healy-Rae: In a short space of time, these principal contractors are back in action again.

Much more needs to be done to rectify the wrongs that are being meted out to small suppliers, small operators, sole traders and families that work together to try to keep their household going because they get left behind when these fellows decide to pull the plug. They have everything organised, hid away, put in other people's name and so on. More people must be employed to follow up these people to ensure that they get what they deserve for the wrongs they do to others.

Deputy Michael Fitzmaurice: I wish the Minister the best in her new position. She will be a loss to her previous Department. We might have crossed swords many a time but, in fairness to her, she was helpful and she did her best. We could have a row, but she always came back and talked to the person. I am aware that in her new role she is involved with the credit unions. I would encourage her, as a person who knows them inside out and, I believe, who ran one successfully, to bring her counterparts and our Minister for Finance on board to make sure that credit unions have a future and are given more leeway. In light of the businesses we are talking about this evening, it is no good having money in one's account if one cannot get it out.

I am aware that strong auditing is needed but every week we come into this House we adopt some new European Union regulation. As a country, can we not have our own process, especially when it comes to taxes and auditing? The more we incorporate all these EU rules and regulations, the more we are probably heading for a different tax base. We need to hold on to our 12.5% rate but I am fearful that we are being undermined from the back by different rules and regulations. I know that through statutory instruments or whatever legislation is going through the Oireachtas now that the Minister is trying to blend things together, but every week we come in here to deal with some statutory instrument or EU regulation with which we have

to be compatible. I believe in transparency, having proper due procedure and making sure that everything can be audited correctly. I wonder, however, why we constantly adopt everything Europe throws at us.

The Minister talked about small and medium companies and then she talked about larger companies. No one is better placed than the Minister to know about the one worry I have, given where she is from. A lot of small businesses around the country kept the door open and the light on during the recession and they employ one or two people in local towns. They are ferociously important to their areas. I worry about more red tape, paperwork and regulation. It costs them money. The more powers are created, the more paperwork must be done. To be blunt, it costs more money. I fear for many of these companies, including small companies on the construction side. I am not criticising Irish Water, but I note that at one time smaller companies which did €50,000, €100,000 or €200,000 worth of work were able to tender for local authority contracts. We are told how great LAQuotes is, but the statistics tell us that it has reduced the number of people who are fit to tender. The smaller operator who might have two or three employees cannot withstand the amount of paperwork and forms they have to fill in to get through the LAQuotes or eTender process.

I had a debate about costs with a person from Irish Water the other day. One has to be realistic looking at the price of jobs now when the cost of a four inch pipe, for example, has increased massively in the past two or three years. That is because we have pushed out the tidy and efficient small companies and let a smaller number of larger operators come in. Basically, that means less competition. In business, small is beautiful. Small companies around the country are efficient and they give steady employment. They keep going. One will not hear of a big bang in those small companies compared to what happens when one large operation goes. I worry that with this legislation we are going down a road which puts more expense and paperwork on those companies. That is fine if one is Google or any of the larger operators. They have audit firms and tax experts who tell them how to do X, Y and Z. The smaller company paying €2,000 or €3,000 a year to get its books done cannot afford to have all these so-called experts. SMEs provide a good service to this country and employ massive numbers of people.

I do not doubt that we need a certain amount of regulation. That was touched on earlier. While we have seen over the past few weeks problems where a company in another country's construction sector has gone bust, we have also seen tenders for schools given out to companies here which did not have a great record ten or 12 years ago but were let back into the game again. Unfortunately, things may not have worked out. When we are looking at these things, do we not look at the track record? Should a book not be kept with a history of whether the subcontractors of those companies were paid? As was rightly pointed out earlier, when the big guy goes, it is the small subcontractor, or "subbie" as we call them, with a few workers who is stung. We do not seem to be tackling that. Some companies which have gone into receivership were planning for the future. Notwithstanding the Office of the Director of Corporate Enforcement and other bodies which are supposed to watch over this, one finds at creditors' meetings that Revenue gets first call and everyone else has to sit on the fence and wait to see if there is any few bob left. Most times, nothing comes. We need to ensure that we scrutinise some of those companies that go into receivership because, unfortunately, it is the smaller operators who are getting caught.

I have stated my fear of rising expenses for smaller companies. When one looks at bigger operators, including the likes of the vulture funds which came into the country and pay €250 on however many millions in profit, they have been given breaks which have not been given to the smaller operator. Some of these companies, in particular the vulture funds, are out of control,

24 January 2018

but nothing is being done about them. I have an instance where a person is willing to provide the money he owes over the next year. They want expenses and high interest for the second part of it, which interest constitutes daylight robbery in my opinion, but they will not give an answer. At the same time, they have rung an auctioneer to sell the piece of ground. If that is not thuggery, nothing is. The client is willing to pay the expenses, which they are not sparing to be blunt. If it were me, I would stare at them a bit tougher, but some people are not in that position.

Vulture funds are in this country doing that to our own. If they are buying a lot of this stuff for 30% or 40% of value, they are going for 100% and interest. Even if one is going to give it to them, they will still try to put a person through the humiliation of telling an auctioneer to keep things going until the fund has made up its mind. That is deplorable and it is causing mental health problems, especially in the farming community, but nothing is being done. If one gets onto the Central Bank, one will get a lovely letter that such a one is regulated. Notwithstanding all of the regulations, these people get away with paying €250 tax. I acknowledge that some loopholes are being closed, but they will screw the Irish people over. They want to make €3 from every €1 they put in. They take this approach even for the person who is willing to sit down with them and do a deal. The people doing that are putting in massive expenses for receivers and other things and still they will not give an answer. That is a matter of record. They will not give an answer; they will keep pondering it. They will keep telling the receiver to leave it and to tell the auctioneer to keep going to try to really humiliate the person concerned. That should not be allowed in any country. We are bringing in legislation on a different issue this evening because we are doing it for accountability and audits. How do we control people who are out of control?

I wish the Minister luck in her new position. I ask her to bring the matter to the Department of Finance. She understands it from her background with the credit unions and dealing with people and their money. We can give out about everyone in the world and everyone who took out loans. We can say they were struggling. We can give out about every builder in the world. At the end of the day, sooner or later, we have to face up to one reality. Whether it is this year or next year, we have to give our people a chance to get back on the road to being able to contribute to their country. If one is in between the devil and the deep blue sea, one is not achieving one's potential and one is not in a frame of mind to achieve it. The State needs to wake up to some of these things.

When she is replying, will the Minister clarify if what is proposed will cost SMEs? I am talking about small set-ups and the cost of audits? Will it cost them a lot more money? That is my concern. It is fine to bring in reams of legislation but I worry that SMEs may be placed in such a situation. When some people are doing audits, they have to have their accountants and the whole lot there with them. All of these things cost money. The Minister said settlement figures can be reached and that is great providing both parties are reasonable.

Provision is made for raising fines but I hope it will not just screw the small set-ups. I do not mind about the big set-ups. Many of them are well able to afford it. If there are one or two people working with someone in a small set-up, I can guarantee that they are paying a fair bit more than €250 tax in a given year. People who were attracted into the country and are turning over millions are able to get away with things that are intolerable as a result of loopholes. It has been exposed here by many Deputies. The ODCE needs to be well set-up with facilities and manpower in order that it might identify some of the stuff that is going on. I worry at times if there have been special purpose vehicles to copy what the Government did seven or eight years ago. Is that going on in order to facilitate people who are starting another chapter and leaving

subcontractors broke? The Government needs to consider companies tendering under eTenders, especially for school buildings, because there is a schedule and it needs to be done quickly. There should be some clause put in so that if subcontractors are not paid or are treated poorly, they can have some body or adjudicator to report it to, which would prevent bigger operators from getting the jobs. It would put manners on them for once in their lives. A lot of blackguarding is done by the larger companies against small subcontractors.

Will the Minister also comment on the EU regulations? Do we have to absorb everything? If they were our own, that would be grand, but why do we have to keep absorbing reams of paperwork out of Europe? Every place one goes now, they talk about all the stuff that comes from Europe that they have to comply with. With regard to tax harmonisation, is this a brick at the backdoor to sooner or later try to come in the front door? They will have all the pillars set up, including the 12.5%, and then they will say that Ireland has the same auditing as them.

Money for smaller companies around the country needs to be increased. Many SMEs are in trouble. They are small set-ups. They might be living over a shop or a pub, especially in rural parts, and they need some facility to address this. We can do whatever we want and say whatever we want about them but at the end of the day, they can employ people and that is what a country needs. They can turn over a new leaf in their book but they need a facility to do it. What is happening a lot is that once they get into any debt at all, they are blacklisted and cannot raise money elsewhere. I am talking about a sound financial system and that everything is gone through to make sure it is right. It is hard to take. Some of the SMEs might have a loan of €200,000 or €300,000, which was bought at 30% or 40%, and these so-called vultures are back after them for the 100%. They are finishing people in business and jobs. That is all I have to say on the matter. I thank the Minister.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank the Deputies for their good wishes. I also thank Deputies Niall Collins, Quinlivan, Jan O’Sullivan, Mattie McGrath, Danny Healy-Rae and Fitzmaurice for their valuable contributions to the debate on the Bill. I particularly welcome their general expression of support for the overall objective of the Bill, as well as for many of its key features such as further enhancing the powers of IAASA as the competent authority with ultimate responsibility for oversight and having a straightforward, national legal framework for statutory auditors and audited entities.

In reference to the point Deputy Niall Collins raised regarding the ODCE, I am conscious of the shortcoming identified by Judge Aylmer in his ruling in the case of DPP v. Seán FitzPatrick has been the subject of significant concern. It is important to understand what factors led to such mistakes being made and we must take appropriate steps to address these shortcomings and ensure they are never repeated. While I cannot publish Judge Aylmer’s report, I intend to publish, as soon as possible, an account of the investigative failures identified by the judge and the steps being taken to address them. These include ongoing reform within the ODCE and the establishment, as announced by Government in November, of the ODCE as a new, independent company law enforcement agency to provide greater autonomy to the agency and ensure it is better equipped to investigate increasingly complex breaches of company law.

To respond to Deputy Quinlivan who also raised that matter, the heads of Bill to establish the ODCE as an agency is a priority and is due to be published by the end of June. The final Bill will be published by the end of the year.

I want to reassure Deputies that organisational reforms of the ODCE were commenced

in 2012 in order to ensure a more efficient and effective use of its resources. These included reorganising the structures of the office, recruiting additional expertise, including six forensic accountants, a digital forensics specialist and two enforcement portfolio managers. As senior level vacancies have arisen, there has been a reconfiguration of the skill sets, competencies, roles and responsibilities associated with those posts in order to better reflect the organisations needs. This reconfiguration has fundamentally amended the investigative procedures used by the office leading to members of An Garda Síochána taking the lead in all criminal investigations and fostering a greater culture of risk management. The ODCE annual report for 2016 points to a number of key successes during the year.

Several Deputies referred to the loss and audit exemption proposed in the Bill. I am already aware of concerns about the amendment of the audit exemption provision. I have received some representations on behalf of small business regarding the removal of section 347 of the Companies Act 2014. I brought forward this amendment in the Bill because I consider it an appropriate and necessary measure to protect the interests of users, people who look at a company's financial statements, perhaps people who are doing business with the company. Sometimes they are small companies themselves. Nevertheless, I will consider the points made by the Deputies.

Deputy Quinlivan mentioned Brexit. I cannot say for sure but indications from the UK's Financial Reporting Council are that it intends to maintain high standards.

I agree with Deputy Jan O'Sullivan that one important objective of this Bill, and the EU regulation alongside which it sits, is to ensure and support independence and scepticism between auditors and their clients. The caps on non-audit services and rotation every ten years are very important. I believe the public interest is taken into account regarding the new powers and administrative sanctions of IAASA. The ten-year rotation whereby a company must change its auditor is at the lower end of terms that we could have chosen.

Responding to Deputy Mattie McGrath, the White Paper on measures to enhance Ireland's economic corporate regulatory regime was published in early November. It has several actions, each assigned to a Department - Finance, Justice and Equality or Business, Enterprise and Innovation - each with a detailed timetable. The Government is committed to meeting these actions.

There are also other developments and a number of avenues that are being pursued in respect of white collar crime. The Law Reform Commission is examining aspects of it and the Company Law Review Group, which is under my remit, is examining enforcement of company law.

IAASA is not a new quango or agency. It was established in 2003 and has built up expertise over time. The Bill gives IAASA the ability to impose higher fines than previously so that it is certainly not a toothless organisation.

Deputy Mattie McGrath: Does it bite?

Deputy Heather Humphreys: The Bill is designed to enhance enforcement with new powers, for instance, adding to standards, to issue directions to accountancy bodies. Most of the key changes on audit in the Bill are aimed at improving audits of public interest entities which are usually big companies.

Deputy Danny Healy-Rae mentioned several issues. One of the protections for small busi-

nesses is having access to information, financial and otherwise, on the companies they supply and do business with. They need to know that they are doing business with a company that is financially sound. It removes some of the risk when they can see that companies are financially sound and the likelihood is that they will honour any commitments into which they have entered. That is one reason the Bill addresses timely filing by companies with the proposed changes to the loss of audit exemption. We want companies to file their accounts on time.

To respond to Deputy Fitzmaurice, almost all small companies in Ireland qualify for the audit exemption. This Bill does not change that so there is no additional cost. The Companies (Accounting) Act 2017 simplifies financial reporting obligations for small companies and raises the threshold so that more companies qualify for the audit exemption and the reduced reporting regime.

The thrust of this section of the Bill is to get companies to file their accounts within the ten-month time limit from the end of the financial year. We do not want companies running late so that when they submit information, it is historic and of no use to anyone. That is the purpose of the relevant part of the Bill. Prior to the legislation passed in 2015, the Companies Registration Office, CRO, granted 497 waivers in 2014. When it went to the District Court there was 1,200 applications of which 1,109 orders were granted for late filing. In 2017, there were 1,067 applications of which 832 applications were granted. The numbers of those not filing accounts on time increased significantly. All we are asking is for them to file their accounts on time. They continue to have an audit exemption.

The Bill avails of several options which could not be taken in secondary legislation. The cumulative aim of these options is to improve audit quality. These will only be of use once the Bill have been enacted. I hope that we can bring the Bill through this House efficiently and I look forward to Members' continued engagement on this important legislation. I am happy to work with everyone to produce the best possible legislation that will provide both the necessary oversight and protections with minimal burden on small businesses.

Question put and agreed to.

Companies (Statutory Audits) Bill 2017: Referral to Select Committee

Minister for Business, Enterprise and Innovation(Deputy Heather Humphreys): I move:

That the Bill be referred to the Select Committee on Business, Enterprise and Innovation pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

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

Deputy Donnchadh Ó Laoghaire: The eighth amendment of the Constitution should never have been part of it. I firmly believe that abortion should not be dealt with in the Constitution. It is an entirely inappropriate manner of legislating for the matter. As the Attorney General at

24 January 2018

the time predicted, it has created great uncertainty, and it has cost lives. As the former master of Holles Street, Dr. Peter Boylan, told the Joint Committee on the Eighth Amendment of the Constitution, it has caused grave harm, including death. I will be campaigning on the basis of removing the eighth amendment.

This debate comes after the deliberations of the Citizens' Assembly, and the Oireachtas Joint Committee on the Eighth Amendment of the Constitution, the report of which we are discussing today. Gabhaim buíochas leis an tionól agus leis an gcoiste, go háirithe an Cathaoirleach, an Teachta Noone, agus comhaltaí Shinn Féin ar an gcoiste, an Teachta Louise O'Reilly, an Seanadóir Paul Gavan agus an Teachta Jonathan O'Brien.

On the debate as distinct from the issue, many Deputies have stated that they believe this need not be a bitter and divisive debate. I hope it will not be. I know people of integrity, decency and compassion who hold contrary views to me, and to see them denigrated for their views would grieve me just as much as if the position were the reverse. While there is undoubtedly considerable scope for criticising the impact and influence of the Catholic Church on social policy and on health care, people should not be insulted or denigrated on the basis of their religion or personal beliefs. I also hope that we will not witness any more of the cynical attempts to deploy appalling and traumatic imagery to traumatise women such as has been used in the past and, indeed, in the recent past.

It is true to say that we would not be in this space but for the perseverance and determination of repeal campaigners, some of whom have fought the eighth amendment for decades now. If I am frank, I do not believe that we would be doing this now if there had not been such a titanic effort from such people. We should recognise them.

On the issue specifically, I and Sinn Féin support this report. I wish to endorse the recommendations of the committee that the amendment should be repealed, that there should be access to abortion where there is serious risk to the mental health of the woman, to the health of the woman generally, and in cases of fatal foetal abnormality that are likely to result in death before or shortly after birth. I also believe - I should be clear that this is a personal view - that accessing abortion should be lawful with no restriction as to reason up to 12 weeks. I think that is right and appropriate and I hope that the people will vote to repeal.

Deputy after Deputy has spoken of their own thinking and how they have re-evaluated their thoughts on this issue over the course of time. It has become something of a cliché that it has been a journey, etc. Still, I know that I held a position in the past that was not the same as the position I hold today. From as a teenage holding a view that was probably broadly opposed, albeit vaguely, to abortion, to perhaps a position less rigid while at university, the biggest change in my views occurred while I was a member of staff here in October 2012, that is, following the tragic death of Ms Savita Halappanavar. It is fair to say that shocked the nation and it certainly shocked and shook me. Being in this building, I was in a position to attend several of the powerful events and vigils that took place outside the gates. It deeply affected me and it certainly was a landmark moment for me in terms of this debate. Since that time, I have read and thought about and examined this issue. I expect that I will continue to do so.

However, I expect that I will not read or learn anything which is likely to move me from what is now a firm and settled view, that the eighth amendment must go. For a start, it does not work. What is more, I have no doubt that the regime we have had for 30 years now has been incredibly unjust and uncompassionate. Since the amendment, hundreds of thousands of Irish

women have had to make that dreadful journey to Britain to get the health care that they could not get at home - solitary, heartbreaking, devastating journeys. Bhí an Taoiseach ag tvuíteáil Dé Luain faoi fheachtas Gaeilge darb ainm #TrasnaNadTonnta. Ní mór dúinn smaoineamh freisin ar na mílte ar sheol an tír seo thar sáile - trasna na dtionnta - de bharr nach raibh cúram sláinte cóir agus oiriúnach ar fáil dóibh anseo. The eighth amendment plainly does not stop abortions in Ireland; it simply stops legal abortions.

However, I believe that for those of us who favour repeal, while recognising the reality of abortion in Ireland, and moving to provide for that reality is a factor in our deliberations, we should not limit ourselves to mere cautious and reluctant pragmatism. It is a factor and the reality that exists. Indeed, it is a reality that restrictive abortion regimes do not mean a lower abortion rate, far from it. However, we should also be able to consider the strong arguments made by medical professionals at length and in detail at the committee, and the effect the eighth amendment has had on the decision-making abilities of clinicians.

We must consider the extent of what we are asking, indeed, forcing, our women - our friends, sisters and loved ones - to do. It is they who should be at the heart of our considerations at all times. We should not and cannot coerce women into parenthood against their will. We have no right. Let us be clear - that is essentially what the eighth amendment attempts to do.

It is a deeply personal choice, one which is undoubtedly complex. The debate creates a great deal of nuance. However, I believe it is a decision that women and their doctors should be trusted to make. In my view, as well as recognising during this debate the reality that exists, we should state firmly and clearly that this is something we believe in - how else do we expect to convince the public? We should state clearly that to repeal is an act of respect and, indeed, an act of love for our women. To remove the eighth amendment from the Constitution is the moral thing to do, it is the ethical thing to do, and it is the right thing to do.

Deputy Eoin Ó Broin: The first political campaign I was involved in was the referenda in 1992. I was the chair of the Irish Society in the University of East London and ourselves and the Women's Society decided that we would come over and play an active role in that campaign. We did so, obviously, because we had strong views that there should not be restrictions on the right to travel or the right to information and because we did not want to see further restrictions to the already very limited access to terminations.

The group was diverse. We were not just young university students. It was a university that had great diversity in terms of age and of region of Ireland that students came from, both first and second generation, and all sorts of opinions. However, something that informed all of us was, as Irish people living in Britain, we had direct experience of the huge impact that being forced to travel to Britain for terminations was having on our friends, on our mothers or sisters, and our neighbours. We saw at first hand the trauma, the stigma and the shame that women dealing with these crisis pregnancies were forced to endure because of the regime that was in place here. Many of us, because we approached this in a human way, came to understand the great complexity of crisis pregnancies, the need for greater compassion, and, crucially, the need to look at all of this from the point of view of the woman.

Unfortunately, in the intervening years much of the debate became polarised and that human aspect seemed to get lost in much of the commentary. On the positive side, there has been very significant change not only in the opinions, but also the mood and the tone of the conversation that we are having. My colleague, Deputy Ó Laoghaire, is absolutely right that the tragic and

unnecessary death of Ms Savita Halappanavar was a catalytic moment in changing that. It was not only the events themselves, but the very courageous journalism of people, such as Ms Kitty Holland, who went to great efforts so that we would understand the human cost of the eighth amendment in that particular case.

During the debate around the Protection of Life During Pregnancy Bill 2013, there was a genuine change of tone here in this Chamber, irrespective of the positions that Members took in that debate. My sense of it was that we were having a more considered, more thoughtful and, in broad terms, less judgmental debate which could only be good.

This has continued in the work of both the Citizens' Assembly and the special Joint Committee on the Eighth Amendment of the Constitution, and I genuinely commend all those who participated in the assembly and the Oireachtas committee. I commend in particular the Chairman of the committee, Senator Catherine Noone, who did an exceptionally good job in very difficult circumstances to produce the report we are discussing. At earlier stages of this debate I listened very carefully to members of the committee, particularly those who came out of that process with views different from those they had going into it. I think this was a result of very careful, very thoughtful deliberation on the information and on the expert opinion that was presented to them.

Sinn Féin, as is known, strongly welcomes the option of straight repeal that the committee report recommends. We are also very supportive of the recommendations on the very sensitive issue of terminations in cases of rape and fatal foetal abnormality. Those parties that do not currently support unrestricted access to abortion up to 12 weeks' gestation, and our party is one, need to carefully consider the evidence and the recommendations of the two reports. Sinn Féin will review our policy on these issues in advance of any referendum. Like many of my colleagues, I will strongly argue internally in the party for it to move on to support unrestricted access to abortion up to 12 weeks' gestation if for no other reason than the fact that, for example, if one believes that a survivor of rape should not be forced to carry to full term, the only way that person can access a termination is by way of an unrestricted period, in this instance up to 12 weeks. The committee's recommendation in this regard is both correct and compassionate.

I also welcome other aspects of the report - for example, the strong recommendation to end the criminalisation of women who access terminations and to repeal section 22 of the Protection of Life During Pregnancy Act. While we talk about the substantive issues in the report, we should not lose sight of those other important recommendations. This is also the case with regard to recommendations on contraception, sex education, obstetric care and counselling, which are really important parts of the work of the committee and of which we should be mindful.

I appeal to all of us - Members of this Chamber and members of the public - irrespective of our views during and after the referendum, which I hope will take place soon, to have a calm and respectful debate. I absolutely respect the right of other Members of this House to hold differing and contrary opinions, but this is such an important and sensitive issue that we must be able to have this conversation in an honest, open, thoughtful and calm way. Furthermore, those of us who want to see repeal of the eighth amendment, irrespective of other differences we may have as to the kind of legislation we will support afterwards, need to unite around that campaign and ensure that the maximum level of unity of the pro-repeal sections of our society is achieved to secure that outcome. I also make an appeal for us to be mindful of the fact that many people are still grappling with these issues and struggling to reconcile their desire for compassion and

understanding with strongly held views on the issue of abortion. Those of us who have a settled view and want to see the eighth repealed and a more woman-centred legislative regime put in place afterwards have a job to convince people that is the right course of action. Then, when we repeal the eighth, as I hope the citizens of this State will do, let us ensure we draft and pass the best possible legislation that trusts women and guarantees their right to the health care that they so rightly deserve.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Acting Chairman for the opportunity to speak in this important debate on the eighth amendment of the Constitution. I am very conscious that we are discussing a sensitive and complex subject. I am fully aware there is a wide range of views within this House and throughout our country on this issue but I am heartened by the tone of the debate so far, and I hope it is possible for us to continue to have a respectful and considerate debate. My personal position is that constitutional reform is necessary and I support the repeal of the eighth amendment. I also strongly support a woman's right to bodily autonomy. The Joint Committee on the Eighth Amendment of the Constitution and the Citizens' Assembly before it have shown us a good example in this regard. While the views of their members may have been different, the debate never became personal. Today, each of us is approaching the issue from a position of wanting to contribute to the common good and do what is best for the people of Ireland.

I wish to make one point about the debate on the repeal of the eighth amendment and using Down's syndrome to present one's views. This is very disrespectful to children and adults with Down's syndrome and our families. It is also causing a lot of stress to parents. People with Down's syndrome should not be used as an argument by either side of the debate. It is up to each individual to make his or her own decision as to which way he or she will vote in the upcoming referendum. I ask all sides not to exploit children and adults with Down's syndrome to promote their own views. I speak as a parent of a daughter with Down's syndrome. Our children and fellow parents listen to the radio, watch the TV and read the media articles, and the tone of this debate is crucial. Respect must be top of the agenda.

Before getting into the substance of their recommendations, I wish to take a moment to commend all the members of the Joint Committee on the Eighth Amendment of the Constitution on their work and to thank them all for their contributions. Senator Catherine Noone, in particular, must be thanked for her calm and balanced handling of the issue as Chairman. I also commend the chair of the Citizens' Assembly, Ms Justice Mary Laffoy, and the members for their careful deliberations and valuable contributions. As we all know, addressing the legal position on termination of pregnancy in Ireland would require a change to our Constitution. Last year, the Government put in place a process to examine Article 40.3.3°. A Citizens' Assembly was established, its first order of business being to consider the eighth amendment of the Constitution, Article 40.3.3°. The all-party Joint Committee on the Eighth Amendment of the Constitution was then established by the Oireachtas to consider the Citizens' Assembly report and its recommendations. I note that the recommendations contained in the committee's report represent the views of the majority of members but that there was not unanimous agreement on them, and I respect the views of those who dissented from the final report.

The main conclusion of the committee's work is that change is needed to extend the grounds for lawful termination of pregnancy in the State. In order to effect that change, the committee recommended that Article 40.3.3° be removed from the Constitution. The committee went on to make recommendations as to the grounds on which termination of pregnancy should be permitted in Ireland if Article 40.3.3° were repealed. In the first instance, the committee recom-

mended that termination of pregnancy should be lawful where the life or health of the pregnant woman is at risk, without any distinction between risk to physical health and risk to mental health. The committee recommended that assessments be made by no fewer than two specialist physicians and that gestational limits be guided by the best available medical evidence. Second, the committee accepted that it should be lawful to terminate a pregnancy that is the result of rape or sexual assault. However, there were concerns about the practicality of including rape as a ground in legislation. The committee was therefore of the opinion that it would be more appropriate to deal with the grounds of rape and sexual assault by permitting termination of pregnancy with no restriction as to reason up to 12 weeks' gestation, provided it is availed of through a GP-led service and delivered in a clinical context.

The committee recommended that where the unborn child is diagnosed with a foetal abnormality that is likely to result in death before or shortly after birth, it should be lawful to terminate the pregnancy, without gestational limit. Where there is a diagnosis of a foetal abnormality that is not likely to result in death before or shortly after birth, the committee recommended that the law should not provide for termination of pregnancy. This deals with the issue of disabilities also. This is a different recommendation from that put forward by the Citizens' Assembly, which proposed permitting the procedure up to 22 weeks gestation in such cases. I emphasise this because I hope the divergence between the Citizens' Assembly and the committee will help to reassure people about the careful consideration the committee gave to this issue.

In speaking on this point, I acknowledge the statement made yesterday by Down Syndrome Ireland. It has asked that campaigners on both sides of the debate refrain from using people with Down's syndrome as an argument or in presenting their views. I agree that to do so is disrespectful to children and adults with Down's syndrome and to their families. As Minister of State with responsibility for disabilities, I echo its call for the tone of the debate to be respectful towards all people with disabilities.

In my position as Minister of State, I also emphasise that I attach particular importance to the committee's statement that the State should provide specific resources so there are social supports for parents and better facilities for people whose children have special needs. This is a very important statement in the committee's report. We have to put in the resources for all children and adults with disabilities if we are to live up to the expectations of the committee's report.

The majority of members of the committee accepted the five ancillary recommendations set out by the Citizens' Assembly in its final report. They also made recommendations of their own, focusing on decriminalising abortion, free access to contraception, comprehensive sex education, and obstetric care and counselling. The Government is fully committed to ensuring that all women accessing maternity services should receive the same standard of safe, high quality care. Every woman from every corner of Ireland should expect, and be able to access, the maternity services she needs. The implementation of the national maternity strategy, *Creating a Better Future Together*, will, I am sure, help this aim to be realised.

Officials in the Department of Health, under the chairmanship of the chief medical officer, have established a group to address the recommendations and formulate an effective and comprehensive response to the issues raised by the committee in its ancillary recommendations. The group will cover the following areas in the Department itself and in the HSE: sexual health, primary care, acute hospitals, disability services and mental health, as well as any other areas subsequently deemed relevant.

I consider myself to be from the tradition of Wolfe Tone and the late Tony Gregory regarding an Ireland of Catholic, Protestant and Dissenter, with equality and diversity at the heart of our politics. Sometimes we are presented with the most difficult and challenging problems to deal with, areas in which the way forward may not seem clear cut. In these circumstances, I believe our health care professionals are best placed to advise on the optimal treatment options. We should allow them, in consultation with women, to exercise the clinical judgment and highest standards of medical practice which we know they uphold daily.

I stress again the need for all of us to recognise the sensitivities involved and for our discourse to be respectful of differing views and considerate of those who may be affected.

Deputy Declan Breathnach: Many disparate views will be expressed in the House and across the nation in this debate. The teacher in me would say a disparate view also exists on the definition of the word “sincere”, which we all sign at the bottom of many of our letters. The definition is thought to be based on the Latin *sine cera*, meaning without wax. This is my interpretation of it. It is believed to have come from the ancient firing of clay pottery, where unscrupulous individuals placed wax in the cracks and sold them as genuine. It is my sincerely held view and belief that regardless of whether one is at opposite ends of the spectrum in this debate or in what I believe is the huge middle ground, the sincere views held by people need to be respected. I am glad that everybody I have heard in the debate has said this, but I wonder.

I also believe that before anybody sets out their views on this issue, it is necessary once again to put the debate in context. Otherwise, the body of what I am about to say could be misconstrued. This context is as follows. In 2016, the Government established, as we in the House all know, the Citizens’ Assembly. Its report was discussed at the Oireachtas committee on the eighth amendment and a decision was made in the committee to put a question to the people on the eighth amendment. I want to state for the record that I made it my business to attend the launch of the Dáil committee’s report to acknowledge the work done by the committee in progressing to what I call a democratic referendum.

It is also important to say it is my understanding that the Government is clearly at a point where it is considering the wording of the referendum, and if we are to believe what we hear, it is having extreme difficulty in considering the most appropriate wording. This wording will eventually be placed on the ballot paper. While we all expect a referendum will occur in early summer, it is my belief that until the wording, and the draft heads of Bills that would be proposed if the eighth amendment were to be repealed, are available the House is talking in a vacuum.

I will now deal with the substance of my belief. I hate labels but, unfortunately, they are being used in the debate. I am pro-life. I spent 35 years teaching. In that 35 years I embraced disability and I witnessed first hand the great warmth, ability and talent of these children and, indeed, the career paths many of them have followed. It is on this basis, and not being overly gospel greedy, that I believe where there is life there is hope and that people can achieve what they want.

People have asked that certain disabilities not be mentioned, and I will not do so, but I want to say I am proud to have seen a child I taught complete a degree at Trinity College, despite the fact that person may not have been given the opportunity to live. When I was a schoolteacher, I debated this issue in sixth class, without expressing my view. The collective view of all children was always what that child said about the opportunity to achieve and to develop his or her

24 January 2018

talents. It is on this basis I hold a firm belief, and I want it to be respected, in the same way I respect the view of others.

If I thought for one minute that in supporting the repeal of the eighth amendment it would save one life, then I am quite happy with my stance on it. I know there are other ethical considerations, such as cases of fatal foetal abnormalities and where rape and incest have occurred. In all of this, I recognise there will be extraordinary cases, but my belief is we do not legislate for the few but for the common good. The few could be accommodated by better legislation rather than by a broad brush which would undoubtedly sweep all aside. I have a personal view, despite listening to the eighth amendment committee and the Dáil.

There is also a need to provide the medical community with sufficient clarity for it to do the excellent job it does, safe in the knowledge that the State and Legislature is on its side. I have not yet formed a definitive position on these matters and I will take the next period to further explore some of them. For example, although I am not a lawyer, it is my view that with a redrafting of the hippocratic oath taken by medical people, which has seen amendment or is different in many countries, the position of the medical profession could be strengthened in legislation.

The label of pro-life will be put on me but I fully respect the decision of anyone whose conscience tells them they are that other label, pro-choice. I may not agree with them but I respect their opinion on what is a deeply personal matter. I have no intention of telling anyone how they should vote on this matter. In my long period in politics going back over 45 years, I have never campaigned in a referendum as it is the people's democratic right to make up their own minds.

As we all know, a matter like this cannot be squared using the Whip system in political parties, regardless of what party one is from. We all would have differences of opinion in parliamentary parties. Again, the idea of being respectful and being tolerant of other views in the world should be appreciated. There has already been much negative campaigning and I do not want to see a return to the 1983 referendum. We need informed debate and I encourage people, when the referendum commission that is charged with giving a balanced opinion on this begins its work, to read about the two sides of the argument. That is more important than listening to politicians. It is important to remind people to do just what I have said. The commission is charged with giving an unbiased view and opinion that people should respect. The report should be read and digested before negativity enters any portion of the debate. The advertisements on both sides on social media can be bought by virtually anybody and people should be sceptical. Fake news on both sides is not unique to America.

The scenarios will be as follows. If a simple repeal is chosen and passed by the people, the Protection of Life During Pregnancy Act 2013 will remain the law until it is repealed by this Parliament. It would then be a matter for the Oireachtas to decide with what to replace it. I can imagine many long debates on that in future, whether I am in the House or not. If the provisions of Article 40.3.3° are amended, the Protection of Life During Pregnancy Act 2013 remains the law until it is replaced. Of course, if the people vote to defeat the wording of the amendment, the *status quo* remains.

I thank the House for allowing me to set out my stall to my colleagues and my electorate. It is easy to have differing opinions. As Father Brian D'Arcy stated the other night on Claire Byrne's programme, being good listeners is also important when debating this crucial topic.

Deputy Fiona O'Loughlin: I will always remember the first time that I came to grips with what the eighth amendment meant or could potentially mean. Six years ago next month, I received a phone call from a friend to tell me that the lovely wife of a good friend had passed away during childbirth. I was stunned and could not believe it had happened to this lovely man, with whom I had spoken just a few days beforehand. He had spoken of his excitement and anticipation of having a lovely baby. All of a sudden, that was taken from him when he lost his wife. I will never forget a few days later sitting with him, holding his hand and listening to his anguished cries, trying to understand how she had lost her life in childbirth. He was trying to make sense of how it had happened in a modern world and country. His wife was not from Ireland and he had to try to explain to her family, in another language and from another culture, that whereas they thought Ireland was a country that would do its best to care for its pregnant women, children and all its citizens, this had happened anyway. My friend was left without his wife and their little boy was left without a mother.

That was the first real experience of this issue for me, coming from a pro-life and conservative background. Any debate on the eighth amendment is, was and always will be extremely divisive, unfortunately. We must first think of the women involved with huge compassion. To have any real understanding of what it means, one must walk in the shoes of a woman facing a crisis pregnancy and her partner, or of a doctor or medical professional who must work under conditions that are not always clear-cut. It must be the most cruel and horrific of cases where a woman, hearing the news and feeling joy that she is going to give birth to a baby nine months hence, then gets the awful and tragic news that the baby is not going to survive past birth. Who am I, and who is anyone here, to tell that woman how she should feel or what she should do? For those women who simply cannot endure continuing their pregnancy, and who go abroad to seek a termination, their sad and tragic stories of trying to smuggle small bodies or ashes home would bring a tear from a stone.

To be the victim of a degrading rape must be horrific and to further discover a pregnancy resulting from that rape must be heartbreaking. Some women carry on and give birth to the subsequent baby, and I have nothing but admiration and respect for the strength of those women. However, there are many in that position who, having been violated in the worst possible way, cannot find a way to carry on that pregnancy. They should not have to sneak abroad. I am against abortion on demand and consider myself pro-life in that I believe every support should be given to a woman with a crisis pregnancy to enable her to continue that pregnancy. I would not advise or suggest a termination in such a case but I feel strongly that I will not stand in judgment if a woman chooses that path.

We are a caring but diverse nation and there can never be a referendum, vote or amendment that will please all. It must be the duty of all of us to protect the most vulnerable in society where possible, whether that is the unborn child, a newborn in pain and suffering, who will ultimately die, or in the saving of the life of a pregnant woman. A change in law, one hopes, could only mean we are moving forward and evolving, yet it remains true that we matter, and we matter for every moment of our lives. Free will and choice are powerful gifts. One person's wish might be another person's tragedy.

The terms that are used when debating the eighth amendment can be hurtful and insulting to those who are faced with the horrors of losing a child before or after birth. I battle with what I feel is right and wrong. It is wrong to destroy a life, but it is also wrong to refuse a choice to a woman, who is in a crisis situation, about what is right for her. It cannot be right to insist that a woman must carry a child who will not survive or who is the result of rape or incest if that

24 January 2018

woman does not wish to do so. We must listen to all sides with respect. Everyone is entitled to an opinion, without being labelled pro-choice or pro-life. There are not just two poles of opinion on this, but a spectrum of opinion and thought in the middle. That is where I find myself and I wish to speak for people who find themselves on that spectrum.

I thank the Citizens' Assembly and the Oireachtas committee for their arduous work. I especially thank the women who spoke about their experiences and the medics who gave up their time to speak on behalf of their patients. We must take account of the evidence from the committee hearings. Emotion alone cannot dictate how we deal with this. I appreciate the facts that emerged from the evidence. A constitutional change is needed to legislate for victims of rape, incest and fatal foetal abnormalities and to remove the threat of criminalisation hanging over medics. We hear of the numbers of women travelling across the water for abortions - ten a day - without support or medical help. That is the reality and hypocrisy of this country. We are ignoring that and the fact that women get abortion pills through the post and are afraid to seek medical help if they need it.

We owe it to Savita, Ann Lovett, Amanda Mellet, my friend's wife, Ms X, Ms Y, Ms D and Ms R to do what we can to ensure that the situation they endured will not recur. Again, I call for a respectful and mature debate. We must have a referendum to give the public its say on this fundamental issue. It is wrong that at this point no woman of childbearing age has had the opportunity to vote on our laws. We must have tolerance, kindness and compassion.

I take great issue with the deliberate attempt of some to suggest that babies with disabilities would be aborted should the eighth amendment be repealed. This is clearly rejected by the committee. It is absolutely not the case. As a sister of a much loved brother with Down's syndrome and as someone who has had a lifelong involvement with Special Olympics, working with 180 towns around the island of Ireland to celebrate the abilities and achievements of people with disabilities, I find this misinformation and scaremongering abhorrent. Shame on those in the pro-life lobby who chose to put a photograph of a little girl with Down's syndrome on promotional literature. That is so disrespectful to my brother, who reads the newspapers and follows the news every day, his peers and all the families who have children with Down's syndrome. I welcome the letter from the CEO of Down Syndrome Ireland calling out this low and disrespectful behaviour.

The eighth amendment can be viewed as a massive platform of inequality, given the fact that the last vote on the matter was in 1983. The people whose lives are directly affected today by this amendment did not vote on it. Life has changed, and the world has changed. There are no easy answers to the very difficult questions before us but we cannot continue to export our problems to our neighbours. I believe I have a responsibility to the women who have not yet been faced with these tragedies but who, sadly, will be. I believe I have a moral obligation to help find and explore whatever solutions may be available to avoid or alleviate these women's suffering. That is the reason I support having a referendum and I support repeal of the eighth amendment. However, I oppose abortion on demand and I am grappling with the 12-week rule, which I feel at this point I will be unable to support.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): These statements in the Dáil are another important step on Ireland's journey to reproductive rights. People across the country are looking to the Houses of the Oireachtas to provide leadership on a human rights issue where, until now, there has been none. This is a time for political courage, not political cowardice. I welcome that many Deputies have chosen to participate in these statements.

This issue is too important for politicians to shirk their responsibilities. In the coming weeks the public has a right to hear the views of every Member of this House.

It is true that the issues involved are complex, emotive and divisive. However, we now have the benefit of the results and recommendations not only of an Oireachtas committee but also the Citizens' Assembly. As an Independent Minister, one of the main reasons I insisted that we should take the approach of establishing a Citizens' Assembly was that it would provide us with a body of knowledge. That knowledge is now available. It includes the views of independent legal and medical experts and, more importantly, the testimonies of many women. I urge every Member of this House and our colleagues in the Seanad to become familiar with this knowledge, study it and use it to inform voters. There has never been a better time for public representatives to make informed decisions on where they stand in this debate and to begin the process of engaging with voters. As elected representatives we have a duty to outline our positions and how we arrived at them.

While my views on repealing the eighth amendment are well known and long established, as a democrat I accept that there are those who have a deeply held opposing view. There are Members of this House who disagree with the Citizens' Assembly, the Oireachtas committee and me. I respect those views. When I spoke at Dublin City University, DCU, on the theme "After the 8th: Re-visioning Reproductive Rights" I engaged with some students who did not share my view. As public representatives we must ensure that those who shout the loudest do not hijack this moment and rob the people of Ireland of the discussion which is so badly overdue. It is wrong that hotels, community centres and other venues feel unable to host speaking engagements or debates related to the forthcoming referendum because of health and safety concerns for their staff. Such intimidation, abuse and lack of respect has no place in a modern open democracy.

It is wrong, too, that some media outlets, particularly broadcasters, should feel anxious about discussing this topic because of fears about the regulations on balance and of a deluge of complaints from either or both sides. Stifling the debate does not serve anyone's best interest. It does not increase public awareness or knowledge and does not allow for informed voting. I believe that clear guidelines must be issued to all broadcasters so that every producer, journalist and presenter in the country is aware of what is and is not fair. True balance must not be a crude exercise in clock watching, counting seconds or minutes of air time allocated to each side. It must be based on providing the listener or viewer with informed factual debate and discussion. It must increase public knowledge. I accept that achieving this will not be easy. A more enlightened, sophisticated and nuanced approach will be required from the Broadcasting Authority of Ireland and I look forward to those guidelines being produced at an early date.

As a campaigner, academic and the only female Independent member of the Cabinet, I believe that our third level institutions such as colleges and universities also have a role to play. When others feel intimidated and unable to host events, our colleges can fill that important void. Where possible, every third level institution should make its halls, theatres and other facilities available to host events that will increase awareness in the run-in to the referendum.

The Citizens' Assembly has continued its work since it delivered its recommendations to repeal the eighth amendment. During its most recent sittings, it focussed on the holding of referendums generally and produced recommendations worthy of serious consideration. I look forward to studying proposals for a system of spending limits for political parties, campaign groups and individuals in referendum campaigns and a ban on anonymous donations. It also

24 January 2018

considered the issue of voter turnout and, again, I am in favour of any measure which encourages people to take part in the democratic process.

However, perhaps the most important vote it passed is a call for the Referendum Commission to give its view on factual or legal disputes that arise during campaigns. The need for such determinations is perhaps far greater for this issue than any other which has been placed before the Irish people. It is time to call out misinformation, lies and any deceitful attempt to mislead people. Attempts to use misleading posters, language or lies to heighten emotions must be exposed and materials which are blatant attempts to shock, traumatise or frighten voters have no place in a proper debate.

Repealing the eighth amendment is a human rights issue. It must be achieved if we are to have a true republic of equals. We must repeal the eighth amendment and not replace it with other constitutional text. I acknowledge that there are some concerns about possible unintended consequences of a simple repeal. I will continue to listen to the views of legal experts and the Attorney General on this matter. If such concerns are thought to be sufficiently serious, we might propose to replace the eighth amendment with a statement that explicitly empowers the Oireachtas to regulate the availability of abortion, such as, “nothing in this Constitution prohibits abortion as provided for by law” or “the Oireachtas is hereby empowered to regulate the availability of abortion by law”. However, I cannot and will not support any proposed text that would immunise legislation from judicial review and treat abortion as an almost unique matter within our constitutional system, or a text that would purport to exhaustively lay down the situations in which we may make abortion lawfully available through legislation. The Constitution is not the place to regulate abortion. Most people recognise and agree with that.

What do we want after the eighth amendment? After repeal we will need to replace the Protection of Life During Pregnancy Act 2013 with a new law designed with the experiences and needs of pregnant people at its heart and which maximises reproductive freedom. It should never be a crime to have an abortion and doctors should be freed from providing medical care in what Rhona Mahony called “the shadow of a custodial sentence”. Medical malpractice should be dealt with by the Medical Council. Any non-consensual abortion is an assault. Criminalising abortion hurts women and stigmatises their decisions. Decriminalisation is, therefore, vital. The new law should not demand a pregnant person justify herself or fall on the mercy of a handful of doctors in order to give effect to her private decision about whether or not to remain pregnant. As a result, I agree with the Citizens’ Assembly that abortion should be available on request in early pregnancy and at least until the 12th week. During that time, a woman should not have to justify herself to anyone but, rather, should be able to access abortion pills or surgical abortion on the basis of her decision alone. Women should not be required to undertake mandatory counselling or waiting periods as such rules have been shown all over the world to undermine women’s ability to make and give effect to decisions because they disadvantage young girls, women who do not live close to doctors willing to provide abortion care, women in abusive and controlling relationships and other women experiencing particular vulnerability. Although nobody should be required to undertake counselling, it should be made available to those who wish to discuss their options in a non-directive setting with someone other than their doctors and loved ones.

There may be an argument for limiting access to abortion to some extent after early pregnancy but I entirely reject any suggestion that after 12 weeks abortion should only be available in the extreme, exceptional and deeply difficult situations of risk to life, so-called fatal foetal abnormality, rape and incest. As I wrote in an article published in the *Irish Independent* over

a year ago, such restricted grounds would help almost none of the pregnant people in Ireland who seek abortion care every day. We cannot address the socioeconomic injustice of the eighth amendment with such a limited law. Instead, we have to recognise the many impacts of pregnancy on women's physical, mental and material well-being. Our new law must ensure that whenever a pregnant woman is of the view that continuing with pregnancy would damage her health and well-being, she would not be compelled to remain pregnant against her will. The incidence of abortion later in pregnancy will be rare, as they are now. Even in countries where there is no restriction on access to lawful abortion, so-called late-term abortion is truly exceptional. The reality is that in later pregnancy abortion is almost always the product of terrible circumstances such as a devastating foetal diagnosis, a risk to the woman's life or an illness so serious that one cannot wait. Late-term abortions are not political footballs to be kicked around in debates but, rather, personal tragedies deserving of our compassion and support. Our new law should recognise that and ensure that women who need a late-term abortion are not forced to run a gamut of endless certifications and qualifications to prove they or their foetus are sick enough to be allowed have a freely chosen abortion.

After the eighth amendment, our revisioning of reproductive rights needs to go beyond abortion. There must be a wholesale review of our systems and practices of maternal medical care, including the availability of foetal anomaly scanning, the freedom to make decisions about labour and birth plans, the physical and emotional impact of how labour is managed in Irish hospitals and the right to refuse consent to medical treatment. We must have a consistent, objective, accurate and unbiased system of personal and sexual education delivered by the State, not by charities and NGOs. We need to make contraception freely available. We must make sex a space free of coercion between sexual partners or between a woman who might get pregnant and the State that might determine her ability to bring that pregnancy to an end. We must make accurate, non-directive information about reproduction and sexual life available to all. We must support people in making choices about sex, reproduction, pregnancy, parenting and what they, rather than we, think is right.

Women know themselves. We know what we can bear and what we cannot. We know the impact of decades of reproductive coercion and the ways in which stereotypes, myths and assumptions about womanhood, motherhood, reproduction and pregnancy have underpinned that coercion. We know that we can bear no more. If we are to be the republic to which we aspire, we must repeal the eighth amendment, make abortion lawfully available and commit ourselves fully to reproductive rights for all.

Deputy Seán Haughey: The eighth amendment to the Constitution was passed in a referendum in 1983 by a 66.9% majority. I voted in favour of the amendment at that time. Article 40.3.3° states the following:

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

A lot has happened since then. The Supreme Court ruling in the X case in 1992 said that termination should be lawful when a women's life is in danger or she is at risk of suicide. In 2013 the passing of the Protection of Life During Pregnancy Act legislated for abortion in the State for the first time. It provided for access to abortion in Ireland where there was risk to the life of the mother from physical illness or from suicide. In 2016 there were 25 legal abortions carried out in Ireland. More recently the Citizens' Assembly examined the matter and the report

24 January 2018

of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution was published in December last year. I thank the Members who agreed to sit on that committee for those proceedings. It cannot have been an easy task and the time and effort they gave is appreciated by all of us.

I would, however, criticise the committee for taking a vote at an early stage to the effect that Article 40.3.3° should not be retained in full. As a result of this, other witnesses then declined to come before the committee. I believe that most, but not all, members of the committee had their minds made up on the issue before the committee commenced its hearings.

The committee voted in favour of allowing terminations if there is a real and substantial risk to the life or the health of the mother and the gestational limits will be set out in legislation having regard to medical evidence. The committee also voted in favour of terminations where the unborn child has a life limiting condition that is likely to result in death before or shortly after birth. In this case there will be no gestational limit. Significantly, the committee recommended allowing for termination of pregnancy with no restriction as to the reason, during the first 12 weeks of pregnancy. This is abortion on demand. The major recommendation of the committee was to repeal the eighth amendment outright. By any stretch of the imagination, what is being recommended is a much more liberal abortion regime which will definitely lead to more abortions in Ireland.

Abortion is a controversial issue and is a very personal one for most people. Everyone has their own personal perspective on the matter, which is informed by their own experiences. I will come to my personal experiences later. For me it is a moral and ethical issue and a matter of conscience. I believe that the unborn child is a human life with inherent rights.

As we begin this debate can I, like others, appeal for respect and tolerance for all points of view. We need a civilised discussion devoid of hatred. Hurling personal abuse at Deputies and Senators does no service to the debate. I believe too that social media, especially Twitter, is no place to debate such a complex issue. We do not need fake news or alternative facts gaining traction during the campaign. Patsy McGarry put it very well in *The Irish Times* article on 2 January 2018:

Where differences are irreconcilable they should be accepted with the holders moving on, each respecting the integrity of the other. Because it is possible for both positions to be held with integrity, whatever the furious may claim. People of faith, who can be either anti-abortion or pro-choice, should leave the outcome to the electorate and the mercy of God. Non-believers should accept that honestly-held differences may be irreconcilable and leave the outcome to the electorate.

Perhaps this is something we can all agree on.

I shall now turn to the difficult issue of abortion and disability. In Britain, abortion is generally available up to 24 weeks of pregnancy but it is also legal for any detectable disability through all nine months of pregnancy. I was born with the condition known as cleft. I had a cleft lip and palate. This is a birth defect and results from the incomplete development of the lip and palate in the early weeks of pregnancy. The lip and primary palate develop at four to six weeks while the secondary palate develops at approximately nine weeks. The condition requires significant treatment which begins with corrective surgery within months of birth. Several other operations follow in one form or another until the person reaches their late teens or early 20s.

It also requires major orthodontic treatment, speech and language therapy, and in some cases the provision of grommets for hearing difficulties. I am grateful to my parents for the time and commitment they gave to dealing with my condition. They never once complained about the ongoing surgery or my numerous trips to the Dublin Dental University Hospital. However, it would seem in Britain, for example, some potential parents see this as an inconvenience to be avoided. In 2016, official figures in the UK showed that abortions of babies with a minor facial deformity nearly tripled in the previous five years. It has become clear that a growing number of terminations are carried out due to cleft. Lives are being ended on the basis of appearance and babies must be physically perfect. This should not be the case in a humane and tolerant society.

We should also examine the situation with regard to Down's syndrome. In the UK, 90% of babies diagnosed with Down's syndrome in the womb are aborted. According to the Danish Cytogenetic Central Register an average of 98% of babies in Denmark who are diagnosed with Down's syndrome before birth are aborted each year. In 2016 in Denmark, 137 unborn children were diagnosed with Down's syndrome and of these 133 were aborted and four were born. We need to investigate further when in pregnancy such conditions can be diagnosed.

In Britain, abortion is generally allowed up to 24 weeks and the conditions I have mentioned can be diagnosed up to this time. I am informed that pre-natal diagnosis is improving all the time and I understand that 3D ultrasound scans as well as cell-free DNA testing are now more readily available. Diagnostic tests can detect Down's syndrome now at nine to 13 weeks, or in the first trimester. Academic studies suggest there is a real possibility of diagnosing cleft in the first trimester, as early as 12 weeks. Even if these tests are only available privately, the technology is improving all the time. Ireland is proposing to allow for termination of pregnancy with no restriction as to the reason, during the first 12 weeks of pregnancy. I am aware that an anomaly scan normally takes place at 20 weeks but I believe that we need to consider this much more carefully and be given an objective assessment by the medical profession on the current position.

As a public representative I am fully aware that there is a certain mood for change in respect of our abortion laws, particularly in cases of rape, incest or clear-cut cases of fatal foetal abnormality. For some in the middle ground the current regime is too restrictive. The proposed legislation, however, is too extreme and goes too far. The proposals would introduce abortion on demand up to 12 weeks when we know that a baby is fully formed by this time.

I am also not in favour of an outright repeal of the eighth amendment. If this provision is repealed, we will then be on a slippery slope. If the proposed legislation is passed there will be an almost immediate demand to further liberalise our abortion laws. I can hear the demands already coming from Members on my right to increase, for example, the 12-week limit to 24 weeks. I have observed Government formation on many occasions in this House, particularly coalition Governments. Very often the minority views of a smaller party are put into the programme for Government contrary to the views of the majority.

There is no doubt this would happen in this case in the future. There is a real danger that we would slide into the position whereby abortion is readily available to deal with, for example, gender, disability and socioeconomic circumstances. I do not think most people would want that.

Finally, I would like to speak to the suggestion that the Government is considering inserting a new clause in the Constitution which would give the Oireachtas the exclusive power to

make laws on this issue. This is a significant proposal and it should be scrutinised carefully. I would be slow to interfere with the power of the courts to interpret the Constitution. It may be that the courts in the future will further liberalise or restrict our abortion laws. Who knows? The separation of powers is a central principle of our democracy. Therefore, regardless of the substantive issue, if this proposal is part of the referendum question, I would suggest that it should be rejected on these grounds alone.

Deputy Eugene Murphy: As is the case for many others, this is not the easiest issue for me to address. However, I am proud to stand here and say my few words in favour of the pro-life position while acknowledging that there are difficulties. I have met pro-choice and pro-life people. However, this evening I checked with my constituency office and was told I had received in excess of 400 emails from within the constituency and that 3:1 were pro-life. When we say that to people who may not agree with our side of the argument, sometimes they say that these people do not understand. I would say that many of those people have a better understanding of the situation than others. Another point that has not been mentioned much in this House or the media is the number of young parents who have strong pro-life views.

Deputy Mattie McGrath: Hear, hear.

Deputy Eugene Murphy: Sometimes it is not the popular thing to stand up and say that. However, I think many of those who have taken this stance in this House and in our parliamentary party are quite brave. Never in my political life did I choose just to go with the flow. I often got myself into trouble at political meetings because I refused to go with the flow on several issues. Nor will I just go with the flow on this issue.

The importance of life is particularly close to my heart as is the importance of the phrase “unborn child”. This phrase is taken out of nearly everything now and the unborn child is hardly ever referred to. Within my own family circle, I have a grand-niece and a nephew-in-law who have disabilities and I could not describe to anyone in this Chamber the joy that those two individuals bring to our family circle. It is a joy that no one else in the family could give. I watch two young mothers who struggle virtually every day with the State, which failed to give proper attention and care to people with disabilities. These women fight so hard for those kids and at times they are so stressed because of what they have to do. At times I do not understand how they continue to survive. However, they do, and their resilience is something extraordinary to watch. Those people tell me that they feel their story does not get a fair hearing in the media.

I welcome that in this House everyone seems to understand other people’s viewpoints and that we are having a proper discussion. However, my personal view is that, as Deputy Haughey said, we are going down a very slippery slope if we go with the committee’s proposal on 12 weeks.

There was an article in the *Irish Independent* in May 2016 by Tracy Harkin. Tracy Harkin belongs to a group called Every Life Counts. I ask everyone, irrespective of what side they are on in this debate, to read this article. I will not refer to the person to whom she refers in the article because names of families have been used too often in the debate over recent weeks and I do not think they were consulted. Therefore, I will not use the name to which she refers. In this heart-wrenching article she stated that she had listened to a certain person, who was speaking to midwives in Trinity College, state that the fact a woman could be made to carry a pregnancy to term in a case of fatal foetal abnormality was an outrage. She continued:

I thought of my nine-year-old daughter [whose name she gives but I will not say here] whom I hugged and kissed that morning as she set off for another school day. I thought of how beautiful she looked as she giggled and waved excitedly at her little brother and sister through the bus window.

She goes on to talk about her child's condition and how serious it was and she says that to her "fatal foetal abnormality" is an ugly phrase. I have made the point for a long time that, rightly or wrongly, there seems to be an insinuation that every foetal abnormality is fatal. That is not the case.

An actress on "Coronation Street" recently told her story on "The Ryan Tubridy Show". She spoke about how she was told by her medics that her baby was dying in the womb at 22 weeks and how she was advised to abort it. However, she did not and she went to term. She spoke of how much it meant to her that she did go to term, how she had a little ceremony for her baby boy and how she could now visit the boy's grave. I think that is a crucial point, irrespective of what side of the argument one is on.

The point I want to make is that we hear a lot about the stress and trauma of people who may have to go to England for an abortion. The stories are terrible. They are heart-wrenching stories. However, I have met people who have had abortions who said to me, "Please, try to stop someone else having one." Many people regret it very much. There is more need for education and help. I listened to Deputy Jim O'Callaghan strongly state on a number of occasions in this Chamber that he is concerned about what might happen to those with Down's syndrome. Deputy Haughey spoke about new technology and how it can be assessed at a very early stage that an unborn child has Down's syndrome. I heard Deputy O'Callaghan speak about his concerns and I take heed of what he said.

There are many questions which are unclear and not answered. My personal position is that I am fearful, as Deputy Haughey said, that we are on a slippery slope if we go down this road. It is also important to point out that a number of GPs in my constituency rang me and expressed serious concern about the removal of the eighth amendment and what might happen afterwards. If anyone does not trust me, I have their names but I will not mention them here. Those people exist, however, and it is only right that I would mention that in the Chamber.

Before I conclude, I will raise one further point which is not getting any attention in this debate. Irish nurses and doctors who, because of their religious views or for other reasons, might not want to facilitate abortions have not been consulted. That also needs to be considered. I have made my case. I feel strongly about it but I respect everybody else's point of view. I have met pro-life and pro-choice people in my constituency. Some people do not agree with me. That is fair enough. I am very much in favour of a referendum. This is definitely an issue that should go to the people and they have the ultimate say. I am glad so many people are participating in this debate, making their views known and being honest and upfront. There are many people who feel they have been left out of this debate.

Deputy Michael Collins: I welcome the opportunity to speak on this issue of great importance this evening. The eighth amendment to the Constitution recognises the equal right to life of both the mother and the unborn child in the womb; and it creates a legal right to protect that unborn child, as far as practicable. I believe that it has saved thousands of lives since it was introduced in 1983.

24 January 2018

I appreciate that this is a difficult issue to discuss for many people, probably the majority of people, including myself. There is a need for respect and reasoned debate from both sides. Many families are divided on this issue. I have never hidden my pro-life position; I made it clear throughout my election campaign and have spoken about it in this Chamber, on national television and in newspapers since my election. I am in favour of retaining the eighth amendment in its current form. I do not support a proposal which would legalise abortion on demand in Ireland. Like the majority of Irish people, I find the concept of late-term abortion particularly horrifying, and could never support the recommendation of the Oireachtas committee which proposed legalising abortion right up to birth in some cases.

Abortion has been a divisive issue for years. I do not take issue with a people's stance on this provided that they are open, honest and do not shy away from making their voice heard. As my colleague, Deputy Michael Healy-Rae said last week, "If you don't stand for anything, you will fall for everything." Everyone is entitled to his or her opinion on this topic, however, sometimes this is not always the case. People who hold a pro-life opinion are often ignored, and put down by the media and by campaigners who do not share their opinion. I hope that each Deputy will make his or her position clear on this issue. Everyone needs to stop hiding behind the ditches and make his or her position clear one way or the other.

The whole process enacted by the Government in the lead-up to this referendum has been questionable to say the least. The establishment of a Citizens' Assembly was unnecessary. We, the elected Members of Dáil Éireann, are the real, representative citizens' assembly. The Citizens' Assembly put together in Dublin Castle was not fully representative of the Irish people with several counties having no representation whatsoever. The farcical nature of the assembly is not the fault of its 99 members but of those who argued that just 99 people should be asked their opinion. No opinion poll would be taken seriously if it asked just 99 people for their opinion, and only 88 members of the assembly voted. The economist, Moore McDowell, writing in *The Irish Times*, said that the sample was just too small, and that another 99 people could have given a totally different answer. "A sample of 100 from the voting age population, even if properly selected, has a very wide margin of error," he noted.

The formation of the Oireachtas joint committee was also skewed, and this was often highlighted by my colleague, Deputy Mattie McGrath. The committee's formation was clearly biased both in its membership and in who it invited to appear before it. The committee invited 24 pro-repeal witnesses and only four pro-life ones. Many of the witnesses who favoured repealing the eighth amendment were proved to be abortion rights campaigners such as the Centre for Reproductive Rights, a group which on its website appealed for donations to help overturn Ireland's right to life for unborn children. Other witnesses included a representative from the biggest abortion clinic chain in Britain, the British Pregnancy Advisory Service, which performs tens of thousands of abortions every year. One might as well expect Philip Morris to be a neutral expert on the subject of smoking. I would imagine most people would agree that abortionists are not neutral on the subject of the eighth amendment. I was disappointed to hear the Minister for Health, Deputy Harris, and other Members of the House raise the tragic cases of Ann Lovett and the Kerry babies as a reason to push for repeal. These harrowing stories had nothing to do with abortion, and every decent person will grieve for the injustice perpetrated and for the lives lost on both occasions. There is no tragedy made better by abortion, it does not introduce compassion where needed or support where that is required. These cases happened in a different Ireland, at a time when pregnancy out of marriage was frowned upon, a time when there were no services to offer families who encounter an unplanned pregnancy. I believe that

if we offer abortion instead of real support, services and compassion to pregnant mothers, we are failing those pregnant mothers and their unborn children.

During his speech last week the Minister for Health also read statistics on the number of women from Ireland who travelled to England for an abortion last year. Unfortunately, the Minister left out some other very important statistics, such as those which tell us that one in every five babies loses his or her life to abortion in Britain. England is not unusual in that shocking abortion rate, as many other European countries also have abortion rates of approximately 20%. I do not think it is the way we want to go in this country. It is not the way we have to go. It is not progressive. It is not modern. There are other ways that we can support women and families facing difficult situations. Abortion is not something positive. Abortion ends lives, it does not save or improve them. The Minister also left out the facts about how babies with disabilities are hit hardest. In Britain, 90% of babies with Down's syndrome are aborted. Denmark is now aborting 98% of babies diagnosed with the condition, and in Iceland the rate is a heartbreaking 100%. Dr. Peter McParland, of the National Maternity Hospital, told the Citizens' Assembly that not one baby with Down's syndrome had been born there in the previous four years. I am very concerned about these babies diagnosed with disabilities and how their rights will be affected if we repeal the eighth amendment. At the moment, they do not receive any lesser protection than anyone else and I want our law to stay this way. I know some people have been trying to ignore the issue of disability, insisting that repealing the eighth amendment would make no difference to these babies. It worries me because babies with any disability would be at increased risk if the eighth amendment was repealed. Ireland has changed. It can and should rise to the challenge of offering a better answer than abortion. It can and should embrace both lives. I want Ireland to continue to protect the lives of our unborn children. In the past week, many of my colleagues failed to address the second person affected by abortion, the child in the womb. Every woman who becomes pregnant has a right under the eighth amendment to have her life protected, and has a right to whatever services or medical treatment she needs for whatever arises in pregnancy. Sadly, many Deputies in this House seem to have no regard for the preborn baby, and some even believe that the baby has no right to life until that child is born. That is not a view shared by the majority of Irish people.

The committee also recommended legalising abortion for babies with a life-limiting condition, using the offensive and misleading term "fatal foetal abnormality" to describe these children. I was shocked in particular to see the Minister for Health, Deputy Harris, using that term, despite the fact that the HSE recently revised standards on bereavement care and recognised that it is not the correct medical term to use. I am saddened to hear from parents in Every Life Counts, an organisation which represents parents whose babies died from life-limiting conditions, that the Minister has refused to meet them several times.

Last week, I received this email, as did all Members of the Oireachtas, from a man I did not know but who wished to share his story. This is a story that we do not usually hear, and with his permission I want to read an extract of it.

My wife and I were parents of a baby, who died at eight months old. She had what some people refer to as a fatal fetal abnormality, though we never thought of her in that way. I do not pretend that her brief life was without difficulties, but she had the living experience of being devotedly cared for by her loving parents and the enjoyment of her siblings. She, at least, had the opportunity to live her life to the full; that is only what we all aspire to.

I found this story deeply moving, as are the many other testimonies from families who ex-

24 January 2018

plain their being supported so that they could pour a lifetime of love into the brief few hours or days with a baby after birth. It gave them tremendous healing. I remember reading a letter in the *Irish Independent* from a woman in Meath whose baby son lived very briefly after birth, and how she said that what sustained her after such a terrible loss was the knowledge that he never did anything to hurt her, and she never did anything to hurt him. I note that Cork University Maternity Hospital seems to have an excellent support system for parents who are told their babies may not live, and that it has published research showing that most parents under its care do not seek abortion. Its model of care is obviously helping families, and we need to listen to parents and wrap them and their babies in compassion at such a difficult time.

I come back to the email we all received where that parent said that the opportunity to live a life is something we can all aspire to. There are many similar stories, if the media would allow us to hear them. There are many stories about the life-saving effect the eighth amendment has had on people the length and breadth of our country.

Much of the discussion around repealing the eighth amendment is about the availability of illegal abortion pills and how we must legislate for abortion as both the pills and the procedure are going to be carried out anyway despite the illegality. I believe that this is flawed logic. We do not and would not apply similar reasoning to illegal drugs simply because people use them anyway. The truth is that we do not really know how many women are using abortion pills because the figures the Minister and so many others in this Chamber are relying on are coming from research carried out by those who provide abortion pills, who are hardly neutral researchers. However, if even one woman is using them, it is a cause for concern and we need to address this by increasing supports and awareness. To the best of my knowledge, the Minister for Health has not commissioned a nationwide awareness campaign informing women of the dangers of taking abortion pills without medical supervision. It seems to me that such a national awareness campaign surely should have been rolled out by the Government when the danger of taking abortion pills was under discussion so frequently in the media. Furthermore, it is extraordinary that Members of this House took it upon themselves to distribute abortion pills illegally, despite warnings from the then master of the Rotunda that these actions could endanger the lives of women.

I cannot accept the committee's recommendation to allow for unrestricted abortion up to 12 weeks. The committee also wants abortion legalised right up to birth on undefined physical or mental health grounds. This is a very extreme and cruel recommendation. Like some of my pro-life colleagues before me said, I believe that life begins at conception. There is no other point where we can say that our life begins. This is my belief and it always has been and it always will be. By just three weeks' gestation, the baby's heart has begun to beat, a fact denied at the committee, but which can be found in almost all medical textbooks. At four weeks, the baby's arm buds begin to develop, and at eight weeks the baby is fully formed. By ten weeks, the baby's fingerprints and fingernails are starting to emerge. These facts alone provide enough reason for me to know that aborting that very child that I have described above, at 12 weeks' gestation, is ending a human life.

I find it extraordinary that the Oireachtas committee did not hear any evidence from an embryologist regarding the development of the baby in the womb. Modern technology has given us an extraordinary window to the womb and to the humanity of the baby, and it is a real shame that some people refuse to look at that evidence. As the saying goes, there are none so blind as those who will not see. Similarly, the committee did not discuss the alternative of adoption in any meaningful way. I find this difficult to understand. Surely it should have been a priority

to examine life-affirming alternatives to abortion. It is rare for babies to be adopted in Ireland. There were just five domestic infant adoptions in 2016, for example. Is this not a discussion worth having in three months of committee meetings? It is a real pity that we do not have a report before us from this committee that considered all of the aspects of this issue instead of just picking and choosing which ones were important and which did not make the cut in the eyes of the organisers.

The most obvious people who were not allowed to speak to the committee are all the people who say they would have had an abortion in Ireland if it was available here. Instead they found support and help in this country and now they have a child who they love. There is no mystery about these people. We all know who they are. We all know people who got pregnant and who maybe took some time to get used to the idea of having a baby. Maybe they thought about travelling for an abortion but because it was not easily available here, they had the time to think about it some more and that time was enough for them to change their mind and have a baby instead of an abortion. We had the Committee on the Eighth Amendment of the Constitution and there was no room for families who say the eighth amendment is the reason their child is alive today. Part of me thinks that the real debate we should be having today is why the committee overlooked people like that who are so important.

There are many different estimates about how many lives the eighth amendment has saved. In reality, it is probably impossible to know the true figure. Does it really matter? If there was only person, one child, where it could be said for definite that there would have been an abortion but because abortion was not available in Ireland, the mother could not go straight to a clinic in Dublin and the extra time was what she needed to change her mind, should that not be enough for us? We know these families are out there. We know their children are alive. Nonetheless, I am confident that the public does not want to see abortion becoming available in Ireland when taking these facts into account.

I believe that part of my job as a Deputy is to protect and serve my constituents and all citizens in every possible way. My record will prove similar. I worked and fought hard with Vera Twomey so that her little daughter Ava could return from the Netherlands and avail of the medicine she so desperately needed here in Ireland. I have travelled, organised, highlighted and assisted dozens of Irish people to avail of cataract operations in Belfast under the cross-Border health care directive because they have been failed by our Minister for Health and the HSE time and again. I have spoken to and raised the issue of cystic fibrosis patients who were unable to afford the Orkambi drug before the Government finally accepted it into our health budget. This medication can literally save lives. I, along with my colleagues in the Rural Independent Group, tried our hardest to relocate the national children's hospital to a place where it would be easily accessed by children from throughout the country and an area where there is space to expand and have bilocation of maternity and children's hospitals rather than an overcrowded city suburb. Just last week, I stood with members of the Irish Countrywomen's Association, Age Action Ireland and many others outside the gates of the Dáil to call on the Government to restore the old age pension to its pre-2012 levels and allow our elderly live comfortably.

My record since being elected to the Dáil a year and a half ago shows that I respect and fight for the betterment of all people at every stage of their life, regardless of any disability or illness. I believe that it would be hypocritical of me if I remained silent on this issue and, by doing so, played a part in legalising abortion in our country. It would be hypocritical of me if I did not stand up for the most vulnerable and voiceless of all humans in our society. It would be hypocritical of me if I did not try to protect the most basic human right of all, which is the right to

24 January 2018

life of an unborn child. Without this right to life, all other rights are meaningless. I hope those who disagree can respect my opinion, as I will have to respect theirs. I also hope that the people will retain the eighth amendment, which underlines a truly compassionate answer to difficulties arising for women in pregnancy.

I have to take issue with this and previous Governments taking the moral high ground on care for women because when we look deeper into their records they leave a lot to be desired.

Last week we saw the appalling travesty of justice in the Kerry babies case where the State, by its actions, destroyed Joanne Hayes and her family. We have to think of the hepatitis C scandal where women were seriously injured as a result of receiving contaminated blood transfusions. Our State fought those women all the way, even when some of them were on their deathbed.

We should look at the way this State treated Vera Twomey and her fight for medicinal cannabis for her daughter, Ava. She was almost left to die in her fight to give her daughter the right to a normal life, in the end the State forcing her to go abroad for a cure.

We have seen many reports from the courts about children being seriously damaged during birth yet the organs of our State fight the parents all the way, and in doing so cause much hardship to these families. We should look back at the Government which put severe hardship on mothers and families with the savage cuts in child allowance some years ago. Yesterday, the Government was forced to yield to the pressure to redress the unfairness women were suffering as a result of a Labour Party Minister imposing totally unfair cuts in 2012 on women who had stayed at home in a caring role to care for their children and their relatives. Yesterday's decision has gone part of the way to resolving this issue but full justice needs to be given.

Just before Christmas a constituent in west Cork had a very sick baby in Our Lady's Hospital for Sick Children in Crumlin. I went to be with that family on one of the days and when I looked around I saw the incredible staff fighting to bring back to health these stunning children, and their parents fighting day and night to keep their children alive. It made me think how precious the life of a child is.

Again, I plead with all to show respect to everyone on this issue, as I have done through the years. I will not vote for a change to the eighth amendment as it has and will, if left unchanged, give full protection to the unborn in this country.

Acting Chairman (Deputy Frank O'Rourke): Given there is nobody here to fill the slot from the Government side we will go to Sinn Féin to fill the next slot. Deputies Peadar Tóibín, David Cullinane, Dessie Ellis and Denise Mitchell are sharing time.

Deputy Peadar Tóibín: This is an enormously difficult topic. There are many difficult, tragic situations facing mothers, fathers and children every day that cause enormous stress and strain in their lives. Our approach to these families, our friends, relations or neighbours should be founded on compassion. We need to ensure that every support necessary is found to help these families.

I have colleagues who are pro-choice and while I disagree with them fundamentally on this issue, I know that for the majority of them their perspective is motivated by a desire to help in massively difficult situations.

My party, Sinn Féin, believes that the eighth amendment should be repealed and that abortion should be made available in certain circumstances where there is life-limiting disability, rape, incest and a threat to the mother's life and health. I have a different view from my party's on this issue. Over 100 years ago, through the Proclamation, republicans from around the country set forth a progressive view of a new independent Ireland and at the heart of that Proclamation was the objective to cherish all the children of the nation equally. This objective is also at the heart of my viewpoint.

I believe that the debate on the eighth amendment is the most important human rights debate of our generation. In the upcoming referendum, each citizen is being asked an extremely serious question, one that will radically change the nature of who we are as a people and our core values. First, the life of the mother in all cases must be protected. On Committee Stage of the abortion Bill in 2013, I asked the masters of the maternity hospitals who were present if they were aware of any mother who lost her life due to the eighth amendment. They all said "No". I would not support any law, be it in the Constitution or anywhere else, that did not guarantee the life of the mother.

It is important also to note when we discuss this issue that Ireland has one of the best records on maternal mortality in the world, better than many countries where abortion is provided. For me, the unborn child is a living individual human being. She is the weakest and most vulnerable of all human life. She has no voice, but currently within the Constitution she is protected by the eighth amendment. Human life is the most valuable thing we have. Without it, you, me or the unborn child has absolutely nothing. What is at stake in the forthcoming referendum is the existence, the lives and the potentials of tens of thousands of individuals for the next 50 years.

Every human being, by definition, should be entitled to human rights. Human rights, by definition, are universal. If a human right is withdrawn from a sector of humanity, it is no longer a human right but it is a sectoral right. In Britain, one in five pregnancies ends in abortion and since abortion was legalised in Britain, there have been nearly 9 million abortions. It is estimated that already this year, internationally there have been 2 million abortions. To most people in Ireland, these are frightening figures.

Ireland's story is radically different. First, the abortion rate in Ireland, even if we take into consideration the abortion pill, is at a 30-year low. One in 20 pregnancies in Ireland end in abortion. In Britain, it is four in 20 so if we bring the British culture and the British law into this country, three out of 20 pregnancies that would reach full term here would no longer reach full term. Over generations, that is hundreds of thousands of lives saved by the eighth amendment.

One of the major difficulties I have with abortion is how it affects minorities. If someone is from a minority sector of society they are far more likely to be negatively affected by abortion. Last year, I met Karen Gaffney. Karen has a disability and she spoke eloquently about her real fear that people with her condition would almost be, in her words, eradicated before birth. Today I spoke with Anne Traynor, a mother of a child with a disability. She told me her fears with regard to the upcoming referendum and what it would mean for children like her own.

Around the world there are organisations such as Don't Screen Us Out. We should think about that for a second. These are people with disabilities setting up organisations to ask us not to screen them out of society. That is an incredible thing that will happen in our generation. In countries that have removed the right to life there are shocking rates of abortion among people with disabilities. In some cases, 90% of children who are diagnosed with a disability while in

the womb are aborted. It is expected in some of these countries that there would be no children born with these certain disabilities in the next 20 years. Shockingly, in the Netherlands, the Minister for health was asked a question and she responded by stating that if freedom of choice results in a situation that nearly no children with disabilities are being born, society should accept that. Obviously, for the individual child concerned, the result is catastrophic but societies will be radically poorer if we lose our rich diversity of humanity.

Life-limiting disability is a heartbreaking diagnosis for any parent to get. Most unborn children who receive that diagnosis lose their lives either before birth or afterwards, but there are exceptions to that. One was mentioned earlier. I had the chance to meet a wonderful girl called Kathleen Rose Harkin who has trisomy 13. Diagnosed in the womb, her condition would be described as a foetal fatal abnormality, yet she is ten years old today. I believe that Kathleen Rose Harkin should have an equal right to life as everybody sitting in this Chamber today. I have asked doctors if it is possible for the doctor to declare that an unborn child would not make it through the birth and live outside of the womb, and they all said “No”.

In the Citizens’ Assembly we saw something startling. The assembly members decided that depending on whether one was able bodied or, in their words, had a non-fatal foetal abnormality or had a fatal foetal abnormality, one would have a different time limit with regard to abortion. They defined three different categories of human beings with three different legal rights to life. That is a polar opposite of what equality means.

The issue of gender-selective abortion has not been discussed properly in this debate. It is estimated that 100 million women are missing in the world due to gender-selective abortion or infanticide. In countries such as China, Britain and the United States, some parents, for economic, social or cultural reasons, seek sons and therefore abort their unborn baby girls. Abortion also differentiates against minorities. More African-American babies are aborted than are born in New York city. In the United States, if someone is from an ethnic minority they are far more likely to be aborted. In a country which shouts that black lives matter, their population is being seriously skewed by the number of abortions in that community.

Abortion also discriminates against the poor. In the USA an unborn child is far more likely to be aborted in a poor family than in a rich family. Some 75% of unborn children aborted in the United States are to mothers from poor or low-income backgrounds. If the Government really seeks to help women, targeted funding to lift families out of poverty, child care services and a decent living wage for working mothers are pivotal.

The abortion debate in Ireland focuses only on the law, which is a massive mistake. In all the talk about choice we are ignoring the economic factors which make so many women believe they do not have a choice both here and elsewhere. I strongly believe life should not just be for the rich, the fortunate, the planned or the perfect. We all live under the same sky and are responsible for each other, no matter how frail, small and vulnerable we are. Surely, we must fight to have a society which leaves no child or mother behind.

Deputy David Cullinane: We have heard many arguments in the Chamber in the past few days about pro-repeal and anti-repeal positions. Everyone’s position should be respected. I understand fully that this is an emotional issue for many. My party has a clear position on the eighth amendment which is that it should be repealed and replaced with laws which provide for terminations in certain circumstances. I have a different view. I am and always have been pro-choice. The 1916 Proclamation promised to cherish all of the children of the nation equally,

but it must be remembered that the women of Ireland who are in the majority also need to be respected. Their rights need to be respected. We must have equality in health care between women and men in the State, but we will not have it as long as the eighth amendment is in place. A woman should not lose the right to health care simply because she is pregnant. Under the eighth amendment, women lose that right when they become pregnant.

I trust women to make decisions that will affect them. The eighth amendment does not. We must be very clear in all of the hysteria that will flow from this debate. While I respect opinions on all sides, I have heard some extreme views from some in the Chamber and others outside it. We should be very clear that no woman in the State will be forced to have an abortion; not one, not ever. Irish men can hold whatever opinion they want on the issue of abortion and they are entitled to their opinions. However, it is not something that will ever affect their bodies. It will never affect mine. As such, the only issue about the repeal of the eighth amendment is whether I trust women to make decisions that will affect them. Do we in this House trust women to make decisions that will affect them? I trust the women of Ireland to make decisions that will affect them. For that reason, I will vote to repeal the eighth amendment. I will campaign to have it repealed and will stand shoulder to shoulder with all of the women in Ireland who want to be treated with respect, who want equality and choice and control over their bodies. That is what we should do.

Deputy Denise Mitchell: I commend the Citizens' Assembly and the Joint Committee on the Eighth Amendment of the Constitution for the incredible amount of work they did. I remember marching in the 1990s about the X case when a 14-year-old girl became pregnant as a result of rape and was prevented from travelling to England to have an abortion. It was an appalling case which highlighted for many women the reality that they were second-class citizens in their own state. It was a state in which the Catholic Church held sway over society. We need only look at the disgraceful and horrific treatment of women and children who were incarcerated in Magdalen laundries and mother and baby homes to see how the State and religious institutions persecuted and oppressed women.

Let us not be fooled into thinking that somehow we have all escaped this ill treatment and persecution by the State. We have not. The eighth amendment is one of the biggest obstacles the State and we, as women, will overcome on our way to achieving equality. I commend the women who continued the struggle for equality during the decades. It was certainly not an easy thing to do. They were vilified by the media, religious institutions and the political establishment. I also commend a new generation of young women who have taken up this fight. We would not be having this debate if it were not for their activism and campaigning.

On a personal note, my heart goes out to the women from every city, village and town across Ireland who have had to make the lonely journey to England to avail of something which is recognised in most states as a fundamental right. I have spoken to many of them and the way they have been demonised by some commentators and campaigners is shameful. The eighth amendment was inserted into the Constitution 35 years ago and a generation of women of childbearing age have not been given a say on an issue which affects them. It is time to hold a referendum on the eighth amendment. I will certainly vote in favour of the repeal Bill when it is brought before the House and campaign for the repeal of the eighth amendment. It is time the issue was dealt with and the women of Ireland had their voices heard.

Deputy Dessie Ellis: For many years, women have not only been written out of our history, they have also struggled to have an equal role in our society. The Proclamation of 1916 was the

most revolutionary document of its time. It declared equality among all citizens. Unfortunately, consecutive Governments since the foundation of the State have been extremely conservative. They were also heavily influenced by the Catholic Church and other conservative institutions. Women were treated as second-class citizens and the Magdalen homes were a consequence of that mindset, but we have come a long way since the condom trains to the northern part of the country. Even the acquisition of the morning after pill was outlawed throughout the 1970s and 1980s and as a result, thousands of women were forced to travel to England and elsewhere to seek an abortion.

Women are best placed to make the right judgment and decision when it comes to their health and well-being, rightly so. The first step is to repeal the eighth amendment. What will follow after that will be decided by the people. Sinn Féin, through its membership at Ard-Fheiseanna, has voted on the need for abortion where a woman's life, health or mental health is at serious risk, in cases of fatal foetal abnormality and in cases of rape or sexual abuse. It is clear that society has moved on, as the referendum on same-sex marriage clearly showed. There is an appetite for reform and society demands that the State be in tune with the rights of all of its citizens. We expect citizens to access services which many believe the State should be responsible for delivering. As it stands, the way the Constitution is framed, it constitutes an unacceptable clinical risk for women across the State. That is totally unacceptable and must be changed. I thank the committee and all those who had an input. It was a difficult endeavour. I hope the Government moves speedily to bring forward the necessary referendum. I have campaigned for many years and been on many marches to repeal the eighth amendment and I will continue to campaign in that area. My opinion is different from the party position. I support a woman's right to choice. I will abide by my party and follow what the people have voted for at our Ard-Fheiseanna. That is where we take our guidance from.

Deputy Timmy Dooley: This is a really important debate and I welcome an opportunity to make my contribution to it. As legislators and parliamentarians, on occasion we find ourselves with some very difficult decisions that require us to consult with our consciences and to consult with the people whose opinions we value. Those difficult decisions we have to take as legislators must pale into insignificance when one considers how a woman with a crisis pregnancy has to deal with the decision to terminate her pregnancy. The most important aspect of this debate is to try to factor in the women who are faced with crisis pregnancies.

In an ideal world every pregnancy would begin in a loving relationship with committed parents who want the pregnancy to end in the birth of a healthy baby that would be brought into a loving family and be supported. That is in an ideal world. In an ideal world there would be no rape, incest, sexual abuse, sexual exploitation, child abuse or fatal foetal abnormalities but we do not live in an ideal world. Sadly, there is rape, incest, child sexual abuse, sexual exploitation and fatal foetal abnormalities diagnosed during the course of pregnancies. In that context, in the non-ideal world we live in, it is not for us as legislators to absent ourselves from that reality. It is the burden it brings that will guide me in the decision I will take in the House.

I have been on record for some time now saying I fully support the repeal of the eighth amendment and that I support the recommendations of the joint Oireachtas committee. We cannot take the decision we have to take in isolation. We must look at all the permutations and combinations and all the issues that arise in the non-ideal world we find ourselves in. It is very clear now that for generations over 5,000 Irish women have had, from their point of view, no alternative but to terminate their pregnancies. My views on this have probably changed over 20 or 30 years. When I was 18 or 19 I had a different view. Over the course of my time in public

life I have had the opportunity to meet people, women in particular, and sometimes women and men, who have had to deal with a crisis pregnancy, rape, incest or a diagnosis of fatal foetal abnormality. I know of no one, of those who have shared their stories with me, who did so easily or who felt happy at the end of the decision they had to make but it was a crisis and something which they had to do. Unfortunately, in all those cases, the termination had to be procured, either outside the State or through the acquiring of pills over the Internet.

Let us just look at the first instance of those who have had to travel. Can we in any way try to get inside the heads of the women who had to travel, many times alone, to procure a termination across the water? Can we understand the painful and lonely journey they had to make? It was the biggest crisis or the biggest issue in their lives and in many cases they had to do it alone and in shame without the benefit of the support of their doctor or medical people in the State, sometimes putting their own lives at risk in the procurement of a termination. They were not able to remain in the care of a medical team in the UK for a number of days because they needed to be back for work. They needed to try to show normality. They wanted to hide their dark secret. The stories that have been relayed to me have weighed heavily and have assisted me in coming to terms with how we, as legislators, should deal with this. We have to consider the families who have been given a diagnosis of fatal foetal abnormality who have had to travel to Liverpool for the procurement of a termination, having the remains of their wanted and loved infant returned by DHL or some other means, adding further trauma to the pain they have already suffered. The young women who seek to terminate a pregnancy by obtaining pills over the Internet which will bring on a miscarriage do so in lonely bedrooms or sheds dotted around the country. They do so without the benefit of assistance from a medical practitioner. There is no knowledge of where the pills have come from or the quality of the drugs that have been used to make the pills. There is no traceability or guidance about how they are taken or whether it is safe for someone to take them based on other medication they might be on.

These are all decisions that are taken without the appropriate level of medical care. I can only speak for me. I have an independent voice and I am very fortunate to be part of a party that has the capacity to take decisions independent of the party Whip. I cannot stand over a law or an element in the Constitution that deprives the care and support of the State to women who find themselves in those circumstances. The State, through its laws, should cherish all its individuals equally. Unfortunately in this case, it does not. For the women who have to terminate a pregnancy in the UK or in the loneliness of their bedrooms through the taking of these pills, we have to bring about a change in the law so those women get the same protection as if they lived in another state within the European Union. It is of vital importance that we move hastily to address this issue.

There are real questions and concerns. Some of the language that is being used in this debate refers to unrestricted access to abortion up to 12 weeks. I do not see it as unrestricted access to
9 o'clock abortion. I have read the report and my understanding is that the recommendation of the joint Oireachtas committee is that these decisions will be taken by a woman in consultation with her doctor. That is not unrestricted or unregulated. What sure as hell is unrestricted and unregulated is the procurement of pills over the Internet taken in isolation and without the best medical advice. We have a responsibility to face up to that reality that exists in this non-ideal world that we occupy. We have to change the laws in a way that meets the needs of the society in which we find ourselves.

We must trust women. We must trust that women, in consultation with their doctors, clinicians and nurses, will do the right thing by themselves. The laws must be there to protect them

and I feel that if society has learned anything over the past decades, it is that we must trust women. For far too long, this House and other places were populated largely by men who did not understand or have the benefit of the voices of women. If anything has come about as a consequence of various debates in recent years, it is that we have learned the necessity of trusting women.

I hope that in the coming months we have an open and broadminded debate, that it is respectful, that everybody has the capacity to listen to others but that there is no lecturing or hectoring or attempting to change people's minds. Some people have already come to a conclusion on this and others should not expect their minds to be changed but having an open and full debate might help those outside the House who have not made up their minds to help them come to the conclusion they must before they cast their vote. I intend, where I am asked, to express my views and opinions to assist people and explain why I reached my decisions. If that is considered campaigning, then that is campaigning. If people take something from that, it is well and good. I hope that they will also listen to people of a different persuasion so that they might make their own judgments based on all the information.

An Leas-Cheann Comhairle: The next slot is the Government slot. No one is offering to speak so we return to Fianna Fáil. Deputy John Lahart will speak and is sharing his time.

Deputy John Lahart: I welcome the opportunity to contribute to this debate today. The eighth amendment to the Constitution, on which, as a young man I cast my vote in favour, has vexed, challenged and tangled the courts and political system of this country for over 30 years. I thank my own party leader, Deputy Micheál Martin, for having had the wisdom and foresight some years ago to grasp that the issue of abortion and the right to life of the unborn are matters of conscience for members of Fianna Fáil, and for allowing each elected party member of the Oireachtas the freedom and space to articulate our own position on the matter without being subject to a party whip.

It is worth dwelling on the idea of a free vote for a moment. Free votes are rarely permitted by parties or groupings in either European or Westminster-style parliaments. They are also extremely rare in Ireland with only four free votes identified since 1970. While a free vote permits freedom to exercise one's own view on an issue of conscience, it equally removes the comfort of being able to hide behind a party whip. It places a responsibility on each individual to come forward and state his or her own, position on the issue in question and to outline the reasons he or she has adopted such a position. Therefore, in many respects a free vote is a more challenging prospect for a parliamentarian.

I want to pay tribute to the work of Ms Justice Laffoy and the members of the Citizens' Assembly for their deliberations on the matter, deliberations which have been thought-provoking and valuable and which have made a significant contribution in the context of this ongoing debate. I know that there are those who feel that the assembly was not truly representative of all the people, or that it did not reflect fully the complex context of the debate. If that is true, and I have spent some time watching the proceedings of the assembly, then the establishment of a special Oireachtas committee on the eighth amendment offered the initial opportunity for elected public representatives to consider the topic and hear at first hand the evidence of key witnesses. If the Oireachtas committee can be criticised for not facilitating the widest possible consideration of the eighth amendment, and for some it clearly did not, then the opportunity has now arrived for all democratically elected representatives of the people, from every corner of Ireland, representing every possible viewpoint, to give their considered and informed views

on the outcomes and deliberations of both the Citizens' Assembly and the Oireachtas committee, and to do so freely and without fear of interference or the accusation of bias on either side. Ultimately, as is proper in a republic, the people will be asked to adjudicate on the matter.

I thank all the members of the Oireachtas committee for their diligence and extraordinary commitment to the work and deliberations of the committee. I want to commend particularly, my own colleagues, Deputies Billy Kelleher, Anne Rabbitte, James Browne and Lisa Chambers and Senator Ned O'Sullivan for representing as wide as possible a range of viewpoints on the matter and specifically for the countless hours they dedicated to attendance at the committee since last September.

Like my colleagues, I have received hundreds of correspondences from constituents on this subject and continue to do so. I have made myself available and responded to those who sought to meet me personally to discuss the eighth amendment over recent weeks and I will continue to do so. I have met them in my office in Tallaght and at my clinics in Rathfarnham, and elsewhere, and I have heard and been touched by stories from both sides of the debate. I have been touched by stories on both sides in my own personal, political and professional life.

Above all, it is important to me that this debate is carried out in a spirit of calm understanding, with respect for divergent views and tolerance. Like many people, I am conflicted by many aspects of the debate. I find it difficult to accept the extremes articulated at opposite ends of the spectrum of discussion: on the one hand the view that completely ignores the unborn and on the other the viewpoint that ignores the rights of women. The Oireachtas committee concluded after its deliberations that some change is needed and after 30 years of divisive debate, it is difficult to counter that argument. It is difficult to counter that argument specifically in the context of rape, fatal foetal abnormality and incest. The Protection of Life During Pregnancy Act provides protection for women only where there is a real threat to the life of a woman and not to her health, and in the case of suicide. Contrary to the wild assertions at the time of the Act that scores of women would use the Act to spuriously procure a termination, data suggests that approximately 25 terminations have taken place under its provisions. The evidence given to the committee by medical professionals is that the Protection of Life During Pregnancy Act has created significant difficulties for medical practitioners.

The Citizens' Assembly recommended that the termination of pregnancy that is the result of rape be lawful up to a 22-week gestational limit. The Oireachtas committee rejected this gestational period and favour a period up to 12 weeks. I believe that it should be lawful to terminate a pregnancy that is the result of rape or other sexual assault, if a woman so chooses. I trust women and I share the committee's recommendations that it would be unreasonable to insist on the reporting of rape as a precondition for exercising any right to terminate a pregnancy that has resulted from rape or sexual assault and I subscribe to the committee's view that there is a need to avoid the further traumatising of a victim of rape or sexual assault.

In the case of foetal abnormality that is likely to result in death either shortly before or shortly after birth, the Citizens' Assembly recommended that termination of pregnancy should be lawful without gestational limit. I am acutely mindful that the issue of fatal foetal abnormality concerns a much-wanted pregnancy and not an unwanted pregnancy. The Oireachtas committee recommended that it should be lawful to terminate a pregnancy without gestational limit where the unborn child has a foetal abnormality that is likely to result in death before or shortly after birth. I trust women and I share the committee's recommendation with respect to fatal foetal abnormalities, if a woman so chooses this course of action, and not all women may

exercise such a choice. The idea that a woman with a much-wanted pregnancy who is faced with the traumatic diagnosis of fatal foetal abnormality, who chooses to terminate under existing law has to travel abroad to undergo that termination is repugnant to me.

This is a challenging issue for people. The people are entitled to be consulted. For most it is a decision of conscience. Our far-seeing Constitution, drafted in an era when dictators were gathering and consolidating ever-increasing powers to themselves, allows the people a significant say on vital matters through the provision of referendums. What is possibly to be placed before the people is a referendum to repeal Article 40.3.3°, repeal *simpliciter*, or to repeal and replace Article 40.3.3° with a clause that empowers the Legislature exclusively to legislate for matters of abortion. The option to repeal and replace with such a clause was the option favoured by the Citizens' Assembly but discounted on a number of grounds by the Oireachtas joint committee.

I favour the facilitation of a referendum of the people on the matter of repeal and I support a referendum where my vote will be like the vote of any other citizen with exactly the same weight.

I do not want the opportunity of the debate to slip by without commenting on the ancillary recommendations of the Oireachtas joint committee in chapter 3 of its report. These recommendations deal with the provision of the most effective method of contraception, free of charge and having regard to personal circumstances, to all who wish to avail of them within the State. The Oireachtas joint committee is of the opinion that there is a clear link between effective sex education and lower levels of crisis pregnancies. I also support the committee's recommendations that all women should have access to the same standard of obstetrical care, including early scanning, testing and anomaly scans, irrespective of geographic location and having regard to socioeconomic status; improvements should be made to counselling and support facilities for women during and after pregnancy, including post-termination; and perinatal hospice services be made available to women who require them.

I have just come from a parliamentary party meeting which was conducted in an atmosphere of calm, utter respect and understanding of varying views. It is clear that Fianna Fáil, as a party, is a warm place for those with pro-life views and that those views are well represented in our party. Equally, it is clear that Fianna Fáil represents other views, including my own, and emerging perspectives on the subject. This is what makes us a republican party.

I support the repeal of the eighth amendment and I trust women.

Deputy Stephen S. Donnelly: The questions being debated are these: should the eighth amendment be removed from the Constitution; and if so, under what conditions should abortion be available in Ireland? I will address each of these but before I do, I would like to recognise that there is a wide range of views, both in the Oireachtas and in the country, and say that I believe those on both sides hold their views with sincerity and conviction. The debate in the Oireachtas has been one of passion and respect and I hope that will continue, here and around the country, in the coming months.

I believe the eighth amendment should be repealed. As for the conditions under which abortion should be available, I believe the committee recommendations have got the balance right and I will speak to these shortly.

At the heart of this debate is a question of control by the State of women and women's bod-

ies and on that question, Ireland has a dark and shameful history. We are becoming more aware of the outrage that was the Magdalen laundries where women were literally incarcerated as prisoners. Those who were pregnant had their babies taken from them, and sold. We are just recently aware of the Tuam mother and baby home and when that report is published, it will detail yet another horrific chapter in the institutional abuse of women with crisis pregnancies in Ireland.

While this level of horror may be in the past, the State still has a long way to go when it comes to equal opportunities for pregnant women and mothers. The survivors of symphysiotomy campaigned for years but were ignored. A pension gap exists for many parents, the majority of whom are mothers who left work to raise their children. Child care costs remain among the highest in the world - a barrier for all parents, in particular, mothers, and affecting their career choices. The rate of enforcement of maintenance payments in Ireland, in the main, required by mothers, is one of the lowest in Europe. Ireland's maternity pay is one of the lowest in Europe. The biggest rise in deprivation during the crash was experienced by lone parents, the majority of whom are mothers.

Then, of course, there is the eighth amendment. Combined with the subsequent Supreme Court ruling on the X case, it means that abortion is permitted in Ireland if there is a real and substantial risk to the life, as opposed to the health, of the mother. Under any other circumstances, it is a criminal offence with a prison sentence of up to 14 years. This includes cases where the health of the mother could be seriously damaged. It includes fatal foetal abnormality, incest and rape. It exposes vulnerable women in our country every single day.

Earlier today I had the following experience shared with me. A few years ago, "A" was 18 years old when she became pregnant. She was in first year in university and had just moved out of home. None of her school friends was attending her college and none of her family lived nearby. She was in a bad relationship which broke up, with her believing that she was free of him. One night, several months later, he arrived to her house drunk and he raped her. She became pregnant. When she found out, she flew to the United Kingdom. She took a long bus journey and booked into a cheap bed and breakfast. Then, on her own, she had an abortion. She told her friends she was travelling to the UK to visit relatives and she told her family she was travelling with her friends. Later, she admitted that she feared that she would be arrested for what she has done. She would not have been arrested but if she had had the abortion in Ireland, under the current law, she could have received a longer jail sentence than the man who raped her. That is the legal position in this country today. That is what is causing women, such as this one, to go abroad and do what they have to do instead of being cared for here.

The eighth amendment does not prevent abortion. What it does is force women with crisis pregnancies, including those who have been raped, to travel abroad or to order an abortion pill online, which they take with no clinical or social support. What the eighth amendment does is force women with unviable pregnancies to either carry to full term or seek clinical help from another country. Who has the right to force this on women? I do not believe I have that right. I do not believe anyone here has that right. I do not believe the State has that right. The eighth amendment is not fit for purpose. It should never have been put in the Constitution and it needs to be repealed.

Under what conditions should abortion be available in Ireland? The committee is recommending the following: unrestricted access up to 12 weeks, in part to account for cases of rape and incest; where there is fatal-foetal abnormality; and where there is a risk to the life or health

of the mother, including both mental and physical health. The recommendation from the committee is that the assessment of risk should be made by at least two specialist physicians.

Some believe the recommendations of the committee do not go far enough. For example, the Citizens' Assembly recommended an unrestricted period of 22 weeks compared to the 12 weeks recommended by the committee. Others believe the recommendations go too far, with some, for example, supporting repeal and abortion in the case of rape, incest or fatal foetal abnormality, but being uncomfortable about the 12 week period.

The committee recommendations have struck the right balance. For example, without this unrestricted period of 12 weeks, it would not be possible to legislate for abortion up to 12 weeks in the case of rape. The reality, of course, is that abortion is already happening in Ireland, unrestricted, close to 12 weeks, via the abortion pill. The committee recommendations would not make abortion more widely available in Ireland. What they would do is allow Ireland provide the clinical and social supports these women need.

There is evidence of other countries liberalising their abortion regimes and ending up with lower rates of abortion, and if that is what we want here in Ireland too, then there are other things we need to do as well as repeal the eighth amendment. We need better prosecution rates in cases of rape. We need better enforcement of maintenance payments. We need to provide free child care services in colleges and in situations in which mothers need free, decent quality child care to allow them to get on with their lives and have the baby. We need to improve maternity payments. It is outrageous that in a country as wealthy as ours we have some of the lowest maternity payments in Europe. When it comes to pregnancy, particularly crisis pregnancy, the Irish State has a history of trying to control women, and this has led to bad, dark, shameful outcomes, many of which we are only beginning to learn about now. From forcing women to leave work to incarcerating them, to taking their babies away from them, to not providing the care they and their babies needed, leading to infant mortality. This must end. The State must start trusting women and clinicians and start accepting that, between them, they know what to do in these situations.

It is important that the voices of women are to the fore in this debate. Women are still in a relatively small minority in this House. It is important their voices are heard in this House, in the Seanad and across the country. When that debate has concluded, it is my hope that the eighth amendment will be repealed and removed from our Constitution. It is my hope that the recommendations of the committee will be seen in the legislation to be proposed and ultimately passed by the Oireachtas. It is my belief that this will lead to a more compassionate Ireland. It is my belief that repealing the eighth and following through with the committee recommendations would be important steps on a road to a truly equal Ireland.

Deputy Noel Grealish: I welcome the opportunity to speak on this matter and to seek clarification on important questions. Most of the debate so far has come from two opposing sides. There are many people out there who want to do the right thing: they want to give adequate rights and protection to both the mother and the unborn child and do what they believe is morally right and in the best interests of both. The mother and child currently enjoy constitutional protection in respect of equality of life. What we need from this Government at this time are facts and answers to unanswered questions. There are so many uncertainties at present.

Judging from the Taoiseach's recent comments reported in *The Irish Times*, this debate is all very premature. He stated, "We need to bear in mind that once, or if, the Eighth Amendment is

removed from our Constitution, the legislation would then be in the purview of the Oireachtas and this Government does not have a majority in the House". This means that voters, if they repeal the eighth, have no guarantee that the Bill brought forward to legislate for abortion will be what is eventually signed into law. In the same article An Taoiseach also stated the Government could find itself in what he called a "strange position". He went on to say that "other rights to life exist in other parts of the Constitution that might then make any legislation we pass unconstitutional". Surely the advice of the Attorney General now needs to be brought into the public domain as quickly as possible in view of all this. The people need to know exactly what is going on.

There are also many unanswered questions for this Government as to how any legalised abortion would work in practice. Who will carry out these abortions? Will they be carried out in GP surgeries, in already overstretched hospitals or in new purpose-built buildings? Will all this require additional counselling services to treat post-abortion trauma, as takes place elsewhere? Our health service is already grossly underfunded and overstretched, and this proposal will add a whole new dimension to costs and administration. All this needs to be clarified by the Government.

We are debating this tonight and the Government has not yet formally adopted the committee's recommendations. If the eighth amendment is repealed, with what does the Government propose to replace it? If it is the case that the replacement will simply allow an enabling provision in the Constitution specifying that legislation in this area is the sole prerogative of the Oireachtas and not the courts, then the Oireachtas, both present and future, will have complete control over anything to do with abortion. None of us here knows how future parliaments will be composed. Repeal of the eighth will take away from the people forever the existing power and present decision-making on abortion which they rightly hold. Once again, the Government needs to be clear on this and inform the people what exactly it proposes.

Having spoken with people in recent weeks, I understand there is a widely held belief that unconditional access to abortion up to 12 weeks' gestation is actually abortion on demand, regardless of how it is portrayed. This is a cause for major concern among these people, and I, as a pro-life person, cannot support it. I want to make it clear that I totally respect the right of everyone to hold his or her own personal view but I also want to make it quite clear, on the record of the House, that I am pro-life and always will be pro-life and will not support the committee's recommendations. I expect people will respect my right to hold a personal view too. I call on the Government to make its decisions known and to clarify the issues I have raised to enable considered and respectful debate to take place.

Deputy Paul Murphy: I was born in 1983 in the country of the Magdalen laundries, the Kerry Babies case, the case of Ann Lovett and many other horrors. It has been said in the debate that the past is another country, and this is true in some very important respects, most importantly in respect of people's attitudes to these issues. However, in legal terms, that country continues today with the eighth amendment, which reflected and codified that oppression of women which was widespread and is still in our Constitution today. It is still in our Constitution because we have had a political establishment tied to the Catholic Church and very reactionary forces, hypocritically availing of the existence of an English solution, which was absolutely unwilling to do anything to deal with the reality of abortion in this country. That was not just the case in 1983 or throughout the 1980s; it was the case throughout the 1990s, in the 2000s and even a few years ago here, when we and others introduced repeal bills and were met by a wall of opposition and told there was no appetite for change on this issue.

What has changed that now there is very positively a clear majority in the Dáil for repeal? What has changed that the anti-choice voices are now in a relatively small minority in the Dáil, reflected in the fact that only eight Fianna Fáil members could be summoned to their meeting to save the eighth? The crucial thing is the movement that has taken place and which exploded, rightfully, in anger at the death of Savita Halappanavar and repeatedly brought tens of thousands onto the streets in protests that doubled in size yearly. The publicising of the availability of the abortion pills by For Reproductive Rights, Against Oppression, Sexism and Austerity, ROSA, and Women on Web illustrated that abortion was not just being exported, but was also happening in Ireland. With the opening of a discussion in society because of that movement and because of the horrific cases such as that of Savita Halappanavar, public opinion changed extremely rapidly, and young people have led the way in this regard. For example, the recent RED C poll illustrates that 79% of 18 to 24 year olds and 73% of 25 to 34 year olds support abortion on request up to 12 weeks; 67% of people in Dublin across all age brackets support it, but a majority in every area of the country supports it. That shift in public opinion was then reflected in the Citizens' Assembly and its outcome, which was entirely unexpected from the point of view of the establishment. What we have seen in the past week, thankfully, is a dramatic catch-up on the part of politicians in the face of the change that has taken place outside of this House.

It is all those who have fought for abortion rights - those who marched, those who publicised the availability of abortion pills, those who proudly displayed the repeal slogan on jumpers, bags and badges - who have got us this far. There is a crucial lesson here in terms of winning the referendum itself. It is those forces that got us this far and it is those forces that will win the referendum, as opposed to any establishment politicians. These movements have to lead the referendum campaign and get out there to discuss with people the reality of the conditions facing women, to win the arguments, to win the referendum and to win it by as large a margin as is possible.

There has been a lot of discussion about the need for a respectful debate, and I agree with the need for a respectful debate. The basis of such a respectful debate has to be respect for scientific facts. Those forces of the anti-choice campaign which have their origins in the same forces of religious fundamentalism that fought for, and managed to get inserted, the eighth amendment in the first place, are clearly honing their arguments. They have focus groups and so on. The arguments they have used up to now are not arguments based on scientific facts. They are based on deliberate misinformation. I, and I am sure many other people, have been getting ads on my Facebook feed from LoveBoth, telling me 5,000 lives a year are saved by the eighth amendment and comparing it to other laws which save lives. It is complete nonsense on every possible level. If it were true in the sense they mean it is true, it would mean there have been 5,000 forced pregnancies every year since 1983. That would not be something to celebrate, but it is not true even in the sense they mean it. Ireland's abortion rate is comparable to other countries where abortion is legal. Irish women just have to travel or take illegal but safe abortion pills. As has been mentioned, the Netherlands, which has pro-choice laws, has one of the lowest abortion rates in the world. This brings us to a core point, that abortion is a reality and one can have legal or illegal abortion, or one is in favour of forced pregnancies.

The second key argument the anti-choice campaign will use, which was highlighted very well and deconstructed by Fintan O'Toole yesterday in *The Irish Times*, is abusing the issue of Down's syndrome, with misinformation such as that 90% of babies diagnosed with Down's syndrome in Britain are aborted. It is deliberate misinformation because it leaves out the close

to 40% of women who choose not to be screened for Down's syndrome. Incredibly, because of misinformation raised at the Oireachtas committee, the Danish ambassador was forced to write this sentence: "It should be noted that it is not the policy of the Danish health authorities to eradicate Down's syndrome." Of course it is not.

The argument is also utterly hypocritical because many of these people who want to judge women who make personal decisions have voted for or supported the cuts in services for children with disabilities, which means children are on waiting lists for years for access to basic services. We should talk about real choice, which means providing for proper public services, including for children with disabilities.

Those on that side of the argument present their arguments in this way because they think they can work. They also do so because they know that their fundamental views on which the arguments are based are not now widely shared in society. At the root of the viewpoint of those elements such as the Iona Institute and LoveBoth is a religious fundamentalist view. We often hear references from that side that religion has nothing to do with it, but the speeches of those in this House against repeal are very revealing. Invariably they reference God and religion. I have nothing against that, and people have every right to hold religious views and every right to structure and organise their lives in line with those religious beliefs, but they do not have a right to impose those views on others or to have those views reflected in the Constitution of our State and then imposed on all.

This is linked to the issue of conscience that often comes up in this debate. I have to say I find it a bit frustrating that we have all these Deputies, largely men, talking about struggling with their consciences on this issue. A man does not have to struggle with his conscience on this issue. He will never have to make a decision about having an abortion. What it is saying is that his personal opinion, whatever outcome he comes to in terms of his conscience, should have control over other people's bodies. That is linked to a view, perhaps unconsciously or subconsciously held, of women as lesser or as property. This was summed up quite horrifically by the Fianna Fáil Deputy quoted in *The Sunday Business Post*, saying, "What farmer would abort a calf? You'd always give it a chance to live." I do not presume the Deputy meant any offence, but it is mind-boggling that anyone would say such a thing. Whoever that is is literally comparing a woman to a cow, a human being to livestock. I want to say to that Deputy that those views are utterly out of touch with what people, across age brackets and geography and including men, think. If we look at the opinion poll, men of all age groups in the RED C poll support the right of women to access abortion on request, at least up to 12 weeks. The idea of men telling women what to do or controlling women's bodies is over. In that sense, the movement for repeal here is part of a global movement including #MeToo and #TimesUp.

I want to issue a warning to the Government. Every day that passes before we repeal the eighth amendment and legislate for abortion in this country, ten women are forced to travel to access abortion and five women take abortion pills in Ireland. These women cannot wait. There is a danger the Government is seeking to revisit, and potentially come up with a different conclusion, an issue that was considered extensively by the Oireachtas committee which decided to recommend repeal *simpliciter*. The Government, together with the Attorney General, does not need to reinvent the wheel. The Citizens' Assembly with its proposal was seeking to direct the Dáil to act to ensure that abortion rights were actually delivered and to immunise any abortion legislation from potential challenge. It had little time to debate the legal options and the advice it received was not fully rounded. The Oireachtas committee, on the other hand, weighed and heard testimony from three legal experts and had its own legal adviser who outlined six pos-

24 January 2018

sible options. Eventually, the committee decided that legal certainty is not guaranteed with any option but that the potential for a legal challenge post-repeal, on the basis of implied rights of the unborn, was outweighed by the fact that the people would have spoken quite clearly in the course of the referendum and that the dangers of inserting such a clause outweighed the benefit. The dangers are that abortion legislation could be immunised from any potential challenge, even from women who might be victims of it, and that it could be seen by the electorate as setting a dangerous precedent for the separation of powers. The Government would be wise to proceed with simple repeal, as weighed up over months by the committee. If we complicate it by inserting a wording, it opens up a hornets' nest, and potentially could cause a significant and completely unnecessary delay.

I also want to say to those who have said they will not vote for legislation for access to abortion, regardless of the result of the referendum and all parties here, that the debate we are entering into on the referendum is clearly not just a debate about the repeal of the eighth amendment from the Constitution. It will also be about the recommendations of the Oireachtas committee, including 12 weeks' access on request. No party should stand in the way of that.

It is young people who have led the way on this. They will simply not stand any more for a society that oppresses women and that limits personal freedom. They will struggle for this human rights, civil rights and democratic rights issue of the right of a woman to control her own body. They will struggle beyond this referendum to ensure this exists and they will not just leave it there. They will demand sex education in schools that actually informs people about their bodies and which is LGBTQ positive, as opposed to the situation that exists at present, and which recognises, as Alexandra Kollontai wrote, that "sexuality is a human instinct as natural as thirst or hunger". This means an end to church control of our schools. They will similarly struggle for a properly funded secular health care system and separation of church and State. They will struggle for decent public services for people to have decent standards of living, decent wages and decent access to housing, all of the things that are necessary to provide people with real choice.

I will finish with an appropriate quote from the German-Polish revolutionary socialist, Rosa Luxemburg.

She wrote:

When wide circles of society are seized by a sense of injustice ... it is always a sure sign that far-reaching shifts have taken place in the economic basis of society, and that the existing order of things has already come into contradiction with the ongoing process of development. The present powerful movement of millions of proletarian women who feel their political disenfranchisement to be a crying injustice is just such an unmistakable sign that the social foundations of the existing state are already rotten and that its days are numbered.

The days of the backward, Catholic Church-dominated, women-oppressing State of 1983 - in reality, the counter-revolutionary state of 1922 - are numbered.

Deputy Kevin O'Keeffe: I am delighted to be given the opportunity to speak on the report of the Joint Committee on the Eighth Amendment of the Constitution. That amendment was passed by the people in 1983. I note that I speak as an individual and a Member of this Dáil.

I pay tribute to those Oireachtas Members who participated and gave much of their time to deliberate and compile a report. That is as far as I can go, as the process was weighted from

much too early a stage in the direction it ultimately headed. I refer to the motion establishing the committee, which states “the Citizens’ Assembly shall, as soon as is practicable after it adopts its report, forward same to the Clerks of both Houses, who shall arrange for it to be laid before both Houses, whereupon the report shall stand referred to the Joint Committee”. There was not enough done to scrutinise that report and consider other options. Perhaps I should have interceded sooner through my party to question the terms of reference. This issue was partially highlighted in the document produced by members on the committee who did not agree with the majority report. A minority report was compiled by Senator Mullen and Deputies Mattie McGrath and Peter Fitzpatrick. They commented on items that were not introduced to the committee. Their report states, “Having regard to the manifest majority in favour of legalised abortion among committee members, pro-life members made it clear at all times that it was not the job of the pro-life minority to secure a list of experts who would ensure that all issues were examined thoroughly.” I agree as it was up to those at the top of the table to be impartial.

Deputy Mattie McGrath: Hear, hear.

Deputy Kevin O’Keeffe: They should have taken on board requests, unless other members said “No”. I do not see that recorded. It was the responsibility of the chairperson, supported by the secretariat. The job of the secretariat was to bring evidence before the committee. Several names were proposed by pro-life members and some of these were rejected, contributing further to the imbalance in the perspective presented. Straight away, the committee seems to have been in much trouble.

To go back a step further, I question the formation of the Citizens’ Assembly in that its make-up may not have been representative of the opinions, beliefs and views of people. There should have been a better mechanism to pick the people involved. I am not for a minute condemning the integrity of these individuals but it is about where they come from and their beliefs. From what I saw with the deliberations of the Citizens’ Assembly, I would go as far as to say that if we had given them the full text of *Bunreacht na hÉireann*, it would have come back in tatters.

I completely agree with the separation of church and State but I have comments on what has been said in the past number of days. I am a simple man who holds Christian values. I may not be a continual church-goer but I have my beliefs. I went to a diocesan college of Cloyne, St. Colman’s College in Fermoy, and we all remember the speech of the former Taoiseach, Deputy Enda Kenny, in the Dáil following the publication of the Cloyne diocesan report. I acknowledge the untold damage that these former clergy did to the church’s name. They should have been punished sooner. Every organisation has rotten apples that need to be pulled. In some sporting organisations, some coaches were reprimanded for committing intolerable acts; it brought some sporting organisations to their knees. Every organisation might have bad apples that need to be pulled aside but they should not tarnish the entire organisation.

The Catholic Church is entitled to a view on this matter, as is any other group. We have people who are intent on continually kicking the Catholic Church when it is down but we must not forget those who espouse the true values of the church. I have received representations from other religious organisations that have denounced the report. Let these people air their views without any of the uncalled for condemnation that has come from other sectors of society or politicians who have the privilege to say what they like in this Chamber without fear of repercussion.

I have met a cross-section of people of different ages and status about this matter and there

24 January 2018

are many different opinions. It is not just about senior citizens. There has been a shout from the left that we must ensure students get a chance to vote. I acknowledge this request and I was a student once but one is entitled to move on in life. I attended Cork Institute of Technology and one could say I was no angel. I was on the periphery of the students' union. I saw people involved in the union who at the time had leftist and socialist views but further on in life, many have views that could be seen as right of centre. College brings that out in students. Those who are 14 or 16 are breaking the law when they have a cigarette or go for a drink. I agree that people should be allowed to vote but this should not be used as a way to get the referendum passed on other people's terms.

There has been much discussion on why abortion should be allowed, such as health grounds, economic and social considerations and incidents of rape and incest. We all abhor rape and incest. Although I do not really know them, I have met in other forums in the company of other politicians people who were born out of rape. They now live a full healthy and hearty life. Some of these people have gone into professions. They are the innocent people. If I came into the House tomorrow and proposed the death penalty for a rapist or a person who committed incest, the same people here, particularly on the left, would use civil liberties and other issues to condemn me. I respect that women are the big players here. They are the people who carry the unborn and I respect that. They must be given equal treatment. However, looking to the future, are we denying women a chance to come into the world? Are we being selective about what women, and men, will be here in the future? We must give Irish women more support, but I do not see importing England's problem as the solution. We turn a blind eye to that at present. Due to Google, the Internet and other modern technology, we turn our backs. I am not suggesting a complete ban, but perhaps the penalties for people who would do this, which obviously are crimes, should be examined. However, it appears that these conglomerate companies, which provide the Internet and access technology, are the bigger players at present. The Government is even backing down on cybersecurity because these companies have too much power over people's access.

I do not believe Irish people want to see what is put forward here. We must provide better financial measures for single mothers and improve adoption services. We must show true compassion to women in these situations. We must support them in as many ways as possible. At the same time, however, when it comes to bodily autonomy there are two people involved in a pregnancy. A child's heart starts beating at 21 days and we cannot ignore that, whatever the outcome. The United States Republican Senator, Marco Rubio, stated:

The issue of life is not a political issue, nor is it a policy issue, it is a definitional issue. It is a basic core issue that every society needs to answer. The answer that you give to that issue ends up defining which kind of society you have. [...] The right to life is a fundamental one that trumps virtually any other right that I can imagine. Because without it none of the other rights matter. There can be no liberty without life. There can be no Constitution without life. There can be no nation without life. And there can't be other lives without life.

I echo his sentiments.

I hark back to recent comments in the media about politicians being brave when they change from one opinion to another. I respect and acknowledge that. I will not condemn anybody for their beliefs, but I do not wish to have other people condemning those who have a belief. Am I not a brave person for not changing my view?

Deputy Mattie McGrath: Hear, hear.

Deputy Kevin O’Keeffe: Am I not entitled to hold my opinion? Everybody who speaks on this issue in the Chamber is brave. However, if one reverses one’s opinion we see what happened across the water with the one and only President Donald Trump, who is now very much pro-life. The liberal media appear to castigate him for his change of mind. Can the change of mind not work both ways?

There is more than one view on this issue. There is my view, which is for the retention of the eighth amendment. There are those who want to go the full hog of the report’s recommendation. Then there are those in the middle who want various categories knocked out and perhaps to shorten the term. There is no majority at present on this issue. Politicians can say they are on the winning side and have the backing, but there are various opinions among the public. This issue has a long way to go. Where possible, I will ensure that I and the electorate that advocates for retention of the eighth amendment will get fair play in forming the legislation.

I have received emails from people in all walks of life and on all sides of the thinking about where we should go on this issue. I have received them from people who take the same stance as me, but I have to advise them to pull back a little as they could antagonise some people. I would say the same to those who wholeheartedly support abortion. I respect all of their views but I ask them to mind their language.

I will be seeking to retain the amendment. It has served this country well through the years. There will be no winners. Regardless of the result people will still be giving out, whether it is a case of the more I speak for it here or the more I speak against it. I do not know what the right view is on these issues. There was legislation in the House before Christmas and most of the speakers on it opposed the Bill, yet it went through. This is the place for everybody to speak his or her mind, and I respect everybody’s view.

An Leas-Cheann Comhairle: I call Deputy Ó Cuív.

Deputy Mattie McGrath: I have sat here for almost three hours and there was only one representative of the Government here at all times. There was no representative from the Independent Alliance or the Labour Party and only a few from Sinn Féin. I am calling a quorum.

Notice taken that 20 Members were not present; House counted and 20 Members not being present,

An Leas-Cheann Comhairle: It does not appear that we will have a quorum and, therefore, I have decided to adjourn the House.

The Dáil adjourned at 10.08 p.m. until 10.30 a.m. on Thursday, 25 January 2018.