



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 20 Márta 2018

Tuesday, 20 March 2018

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

Paidir.

Prayer.

Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the Technological Universities Bill 2015 without amendment.

Estimates for Public Services 2018: Message from Select Committee

An Ceann Comhairle: The Select Committee on Foreign Affairs and Trade, and Defence has completed its consideration of the following Revised Estimates for public services for the year ending 31 December 2018: Vote 27 - International Co-operation; Vote 28 - Foreign Affairs and Trade; Vote 35 - Army Pensions; and Vote 36- Defence.

Leaders' Questions

An Ceann Comhairle: We will now take Leaders' Questions and I ask Members to have regard to the time allocated.

Deputy Stephen S. Donnelly: Yesterday we heard that a Brexit transition period had been agreed to and that the talks would move on to trade. The Tánaiste said the transition period would provide businesses in Ireland and communities in the North with confidence, but the Government had sought a five-year transition period to ensure that confidence. Yesterday we found out that a period of less than two years had been agreed to. We also heard from the Tánaiste that there had been good progress on the issue of the Border, but that is not correct either. What we heard yesterday was a backward step in protecting an open border. The document released yesterday shows that no progress has been made in having a backstop. Last December the Tánaiste and the Taoiseach told us that they had secured an agreement that was cast-iron, bulletproof and rock solid. The European Union proposed a clear legal text on the backstop, but, unfortunately, the British Government rejected it out of hand. The British Prime

Minister said the text would, if implemented, threaten the constitutional integrity of the United Kingdom and that no British Prime Minister could ever agree to it. It is fair to say that right now the United Kingdom has agreed to very little on the Border, although the British Government has agreed to a backstop in the final agreement. Yesterday, however, Mr. David Davis said it would have to be a backstop that was acceptable to both sides. The British Government disagrees completely with what is acceptable to the Irish Government and the European Union. The British have retained the right to come up with a different backstop and have a much more restrictive interpretation of what it might mean. Last December they talked about it applying to one or two sectors. Worryingly, in parliament recently the British Prime Minister referenced the US-Canada border as a potential source of inspiration. We have heard the same reference to it from senior politicians in the United Kingdom among the Brexiteers. What did the British need from yesterday? They needed agreement on a transition deal, they needed the talk to move on to trade, and they needed to agree to nothing concrete on protecting an open border for Northern Ireland. I put it to the Tánaiste they achieved all of these things. What I saw yesterday was a political fudge to allow the talks to move on and to kick the can down the road on the Border. The fear is that as trade talks begin, an open border will become just one of many competing priorities.

Did the Tánaiste formally seek a five-year transition period and does he, therefore, feel that achieving less than two years is a failure on Ireland's part to achieve a longer and more secure transition period? Why has no progress being made on the backstop when we can see from the document that progress has been made across the agreement? What will the Tánaiste do to ensure the backstop is not watered down in the coming months as negotiations progress? If there is no progress on the backstop, will the Tánaiste seek a pause to the trade talks to ensure we can get clear agreement from the UK and EU sides as to what the legal manifestation of the backstop would actually be?

The Tánaiste: It is somewhat regrettable that Fianna Fáil seems to be changing its position in terms of how it approaches Brexit from one of consultation with the Government to one of trying to find ways of undermining and criticising what the Government is trying to do. This is regrettable, but it seems to be the case.

Yesterday was a big step forward on the Irish issues. Do not forget that Ireland was the first country in the European Union to ask for a transition arrangement for a number of years. When I was asked in the past what I thought would be necessary in terms of transition I said four years would be closer to what is needed than two years. The EU task force has looked at an appropriate transition period for the EU. It has looked at two years and there is an option to extend it should it be necessary. There is an obvious backstop in terms of the end of 2020, because that is when the multi-annual financial framework and budget of the EU comes to an end. This is an obvious period by which we would look at ending a transition period after Britain leaves the European Union in 12 months. The fact Ireland was the first to ask for this, and the fact what was agreed yesterday was exactly in line with what the EU task force, which includes Ireland, looked for in terms of transition, whereby Britain would be required to ensure the full EU *acquis* applies for that period, including in areas such as fishing, which are controversial, is a success in negotiation, in terms of what a transition period will look like, to provide certainty for businesses. The only issue where there may be some uncertainty is whether further extension will be necessary at the end of that close to two years.

This is a negotiation. The Deputy seems to expect that all the answers will be provided in the space of a number of days. What we got yesterday on the Irish Border was also a success

because since December, until now, the interpretation that most of the British commentary put on the agreement in December was they would first of all look at an option A, which is a comprehensive trade agreement between the EU and UK that would solve the Irish Border issues. If this is not possible they would look at an option B, which is a bespoke solution for Ireland to try to solve the Border issue. If option B is not agreed then they will look at fulfilling their commitment under option C, which is a backstop to maintain full alignment with the customs union and Single Market. Now what we have is an agreement from the British negotiating team to put that backstop in the withdrawal agreement first, so we know there is a floor below which we cannot fall. They have made it very clear now in what they have agreed in the text of the draft withdrawal agreement that Britain has signed up to that the backstop solution for the Border between Northern Ireland and Ireland is in line with paragraph 49 of the joint report we agreed before Christmas. They have also agreed that as a matter of urgency they will engage in negotiation to put a legally operational backstop in place in the withdrawal agreement and that negotiation will start as soon as next week. The Deputy should inform himself of what constitutes progress.

Deputy Stephen S. Donnelly: On domestic preparations for Brexit, Fianna Fáil believes the Tánaiste and the Government have been asleep at the wheel from day one, but, as the Tánaiste well knows, we have supported him on the international aspects. That does not mean, however, that we will not ask him tough questions here when we see that no progress has been made. Yesterday we saw a document that showed progress had been made in the Brexit negotiations but not on the issue of the Border. We know that the British Government has stated it will sign up to a backstop arrangement. We also know that it has rejected emphatically the European Union's interpretation of a backstop.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Stephen S. Donnelly: We also know that the British Prime Minister is talking about the US-Canada border. My question is that if we see no further progress and if we cannot get to agree to a legal text, probably in the next 12 weeks, between the United Kingdom and the European Union on a backstop because of a gulf in the understanding of what it might be, will the Government seek to pause the trade talks in order that we can force through that priority and get agreement and then move back into trade talks?

The Tánaiste: First, as the Deputy will be aware, I invite constructive criticism on Brexit in order that we can get this right on behalf of the country. This issue is not party political for me and never has been. However, I will not accept people trying to misrepresent what was agreed to yesterday as a lack of progress when all of the informed commentary was welcoming of the step forward. If anything, the political pressure is certainly not on the Government in what was agreed to yesterday. The point I am making is that it is clear from the Barnier task force on the withdrawal treaty that nothing is agreed until everything is agreed. What we are saying is that we will have to get agreement on the backstop to ensure it will be legally operable and agreed to between the British and the EU negotiating teams. Without the backstop agreement in place, there will be no withdrawal treaty and no transition arrangements which will be part of the withdrawal treaty. The language is clear. It states the backstop "should be agreed as part of the legal text of the Withdrawal Agreement, to apply unless and until another solution is found". In other words, what we have said and what the Taoiseach has reinforced repeatedly is that we have a cast iron guarantee linked with the negotiations in ensuring there will be no physical infrastructure in Ireland linked with the Border and no associated checks or controls, in line what was agreed to in December. We are figuring out and negotiating on the basis of the

European Union's draft legal text, on the back of which the United Kingdom, of course, wants to negotiate. If it brings forward proposed changes, we will, of course, look at them, but the backstop will be place. That is the important issue.

Deputy Mary Lou McDonald: Social Justice Ireland has today published a report which focuses on the number of people in the State living in poverty. It makes for startling reading and should serve as a serious wake-up call for the Government. The research shows that 780,000 people are living below the poverty line, but the figure that really jumps out from the report is that more than 100,000 of the 780,000 people have jobs but cannot earn a living wage. The reality is that this group which is perhaps best described as the barely-getting-by class has continued to grow since 2009. They are people who get out of bed early in the morning and work hard as they want to provide for their families. They have modest aspirations to have a decent life, yet they cannot plan for the future. How can they when they cannot make ends meet in the here and now? The casualisation of work, insecure employment and zero hour contracts are a real problem. Low pay, especially when taken in the context of the soaring cost of living, is also a real problem. Workers on very low wages and in insecure employment are somehow being asked to find the money to pay extortionate rent, grossly inflated insurance premiums and crushing child care costs. Each bill that comes through their letter box lands with the weight of a sledgehammer. Many of these workers live with a constant sense of vulnerability. They fear that one unexpected occurrence, such as the car breaking down or a family member falling sick, will throw the train off the tracks and into chaos.

I know Fine Gael's mantra is that a job is the surest way to guard against poverty; certainly, it should be. However, Fine Gael says this while turning a blind eye to a recovery in which work does not pay. A job cannot be cheap labour. It must mean the cost of living and more. A job must give any worker the means not only to survive but also to thrive. Good and secure jobs would replace workers' vulnerability with confidence and certainty. The Government has a responsibility to ensure that these principles underpin our economy. The aspiration to a good life cannot be the preserve of the wealthy or the higher echelons of society. To these more than 100,000 workers, the Taoiseach's and the Government's republic of opportunity is, quite frankly, a joke, and a bad one.

An Ceann Comhairle: Your time is up, Deputy.

Deputy Timmy Dooley: No doubt.

Deputy Mary Lou McDonald: Has the Tánaiste read the report from Social Justice Ireland? It makes a number of recommendations, including making tax credits refundable and the introduction of a living wage. Will the Government do those two things?

The Tánaiste: I thank the Deputy. I have not read that report yet but I will. Over the last ten days or so, while there was somewhat of a break in political activity in this House, a lot of economic data was released. All of it was pretty good news. Last year, people's wages increased by about 2.5%. Almost 70,000 extra people found employment last year; I think the official figure was 66,800. We are seeing more people at work and earning higher wages. That is the way to lift people out of poverty. It is about ensuring that we help people re-skill and find employment, providing decent working conditions for them and ensuring that the minimum wage is also at an appropriate level. This Government and the previous one increased the minimum wage on three separate occasions. Even at a time when unemployment was very high and there was a lot of pressure on the labour force, we were increasing the minimum wage because

we felt it was important to ensure that work could pay. That strategy has been working. Work does pay now. We are seeing an economy that is growing employment opportunities, increasing wages and ensuring that people are incentivised to find a decent job, which I am glad to say they can now find all over the country. Of those 66,800 extra jobs, 85% were outside of Dublin. That is also ensuring that we are spreading prosperity as it develops and as we manage it into the future.

Deputy Mary Lou McDonald: I thank the Tánaiste and urge him to read the report. Strong as the economic data might be, this report reflects the fact we are not sharing prosperity. In fact, for 100,000 people at work, the prosperity train has not checked in at all. They still struggle, as I set out, not for ostentatious things, luxuries or extras but for the basics - a new pair of shoes for their child, a warm winter coat and the ability to make their rent, mortgage or household bills without constantly worrying.

I know new jobs have been created and welcome the fact that there is more work in the economy. I want to see people having the dignity and opportunity that work should afford. However, that can only happen when work is secure and when it is remunerated at an appropriate level. To applaud the minimum wage as though that were reaching some high-water level in the economy is not on. We all know that what is needed is a living wage that allows workers and their families to live decently and without a constant sense of worry. I put it to the Tánaiste again that it is a living wage that his Government must introduce.

The Tánaiste: I agree with most of what the Deputy just said. Of course, we have to reach out to people who are not benefiting from a growing and expanding economy. Many people in society are under pressure. We know that with respect to housing in particular, which is why we have a hugely ambitious housing plan and social housing financial commitment. Therefore, there is work to do. I am not saying there are not people who need the intervention and help of the State. That is why we have the Low Pay Commission, have acted on its recommendations in the past and will act on its recommendations in the future. However, what we want to do is to create a society as well as an economy that allows people to get a decent wage for a day's work. That is what we have been trying to do during the past seven years, namely, rebuilding an economy and a society from the shocks of very poor political decision-making and bad policy that preceded that. We have come a long way in doing that and we hope to continue to do it for the next number of years.

Deputy Richard Boyd Barrett: I am glad the Tánaiste mentioned housing, particularly social housing. As I have said a number of times in recent weeks, a major national demonstration will take place on 7 April to demand precisely that the Government breaks from its current reliance on the private sector, private developers and landlords to deal with the housing emergency and that the State, through the local authorities, builds the council houses we need. In that context, we were provided with a perfect instance on Sunday in an article in *The Sunday Business Post* that shocked even me, and it takes a fair bit to shock me, concerning Richard Barrett, a developer, formerly of Treasury Holdings, whose loans the National Asset Management Agency, NAMA, had to buy out for €1 billion with public money. He is now boasting that he will be the biggest provider of social housing outside the State as part of the Rebuilding Ireland plan. In what I understand were arrangements negotiated with the Minister, Deputy Murphy's Department, Mr. Barrett said he was very pleased with the generosity of the Minister in terms of his time with respect to Bartra Capital, which is financed by Mr. Barrett and international investors, which will provide 1,200 social housing units on a long-term lease basis for 25 years at 95% of market rents.

Mr. Barrett and his investors are very pleased with the deal because they will make an absolute killing out of it. The cost of 1,200 units at current rents nationally will work out at approximately €400,000 per unit for the State for those 25 years, not taking into account likely rent increases. If we multiply that by 1,200, we are talking about in excess of a €400 million cost to the State. The fact that most of them will be built in areas such as Dublin and the urban centres means that the cost will be much higher. Where average rents are higher, we are talking almost certainly in excess of €500 million for 1,200 units. Mr. Barrett, Bartra Capital and Mr. Barrett's property speculator investor friends will make an absolute killing when the State could directly build those houses for a fraction of the cost. At the end of the process the State would own them. We would generate rental revenue, which would come back to the State instead of hundreds of millions of euro going out of the State to Mr. Barrett's friends. When we consider that under Rebuilding Ireland, as well as Bartra Capital, 10,000 of the Minister, Deputy Murphy's planned 50,000 units will be leased in this manner, we are looking at a bill of billions of euro going to private developers to benefit from the social housing emergency they helped to create. How can Tánaiste possibly justify that? It is obscene.

The Tánaiste: It is not the first time the Deputy and I have had this engagement. I will make a number of comments. The Deputy is right on one aspect. We do have a social housing emergency and we are dealing with it in a way that is multifaceted. We are encouraging and inviting private investment to solve the problem, as well as committing billions of euro of public money to solve it.

The difference between the Deputy and I is that he does not like the fact that anybody may be able to make a profit on the back of solving or helping to solve a problem. He only wants the State to be involved in social housing and nobody else. The problem with that strategy is that he is expecting the State to do all the heavy lifting. What we have is a policy which is about encouraging private sector investment in social housing solutions, as well as complementing massive public sector investment.

We have to continue the trend. Last year, we delivered three times as many social houses as were delivered the previous year. Next year, we will have to deliver three times again. We will have to keep building until we get close to 10,000 units a year being delivered into social housing outcomes to ensure we deal with the scale of the problem.

The Deputy knows that, while we are gearing up to that, we must have a significant reliance on the private rental market, which he also always keeps criticising. The Deputy's solution, however, is not deliverable overnight. It takes time to dramatically scale up the delivery of social housing by the State, approved housing bodies and the private sector. We are looking at different ways of ensuring that when one combines those different approaches, one gets a massive response in terms of delivering new social housing solutions. This is what we are about because of the scale of the problem and the fact that for nearly ten years we did not have the resources to be able to put into social housing. This, in turn, created an extraordinary demand, particularly in Dublin city but also in other places.

The Deputy should not simply pick one element of the solution and ditch it for some ideological reason because he does not like to see somebody investing in solutions on the back of getting a modest return on it. Part of the solution is about getting families into decent homes in which they know they have security of tenure for long periods and out of the pressurised situations in which many of them find themselves today.

Deputy Richard Boyd Barrett: I do not know whether the Tánaiste is missing the point or just trying to throw mud in people's eyes. According to the article in *The Sunday Business Post*, the development in question will cost €400 million. I have just outlined how, at an absolute minimum based on current average rents, at the end of this, the State will have paid for the development and a hell of a lot more on top - it could be in excess of €500 million - but will not own it. Mr. Barrett and his friends can pull out of the lease arrangement after 25 years, walk away with a massively valuable asset and evict social housing tenants, having made an enormous profit. This is against the State spending that same money, which we are paying for either way, directly in building council houses. In that case, we would have security for social housing tenants, rental revenue coming to the State and own the asset at the end.

None of that will happen because the Government is insistent that Mr. Barrett and other property speculators have to make extortionate profits out of a social housing emergency which is blighting the lives of tens of thousands of families.

The Tánaiste: I respectfully suggest the Deputy is missing the point, not me. Money is not the obstacle to delivering social housing. Local authorities which have good projects on their books are getting the funding they need to progress them. The challenge is capacity and to deliver the scale of social housing we want in time and to meet demand. We have had an enormous increase in housing budgets to deliver on that social housing need. We also want to get on top of that. To complement what we are doing, we want private sector investment, as well as the private sector delivering social housing solutions under long-term leasing arrangements. This means we can get people out of private sector rental accommodation, where they do not have the security of tenure they may be looking for, into long-term leasing arrangements for ten or 20 years, where they will get the kind of security of tenure for which they are looking. There is a role for the private sector in adding to the number of social housing solutions being delivered.

Deputy Richard Boyd Barrett: That will be done at €400,000 or €500,000 a unit.

The Tánaiste: The scale of delivery that is needed, and which I think the Deputy is looking for, cannot be delivered purely through local authority-led schemes.

Deputy Richard Boyd Barrett: Madness.

Deputy Eamon Ryan: As the Tánaiste will be aware, the activities of Cambridge Analytica in the UK and around the world were dramatically uncovered at the weekend. This company engaged in sinister manipulation of the electoral and democratic process in many countries. It stopped at nothing to profit from the nefarious use of data to undermine the political process. The Tánaiste will also be aware that a fundamental flaw in Facebook's data protection rules has been exposed. The data of 50 million users was taken without their knowledge and used to steer the course of the 2016 election campaign in the United States. As the Tánaiste knows, the Data Protection Bill 2018 is going through the Seanad at the moment and is due to come to this House. One of the many weaknesses in the Bill is the provision in section 43 allowing personal data to be gathered in this country for political purposes, particularly in elections. As the Internet knows very few boundaries, we could be a home base for that sort of activity in different parts of the world.

We are at the start of a referendum campaign which is critical for this country. It is important that it is conducted by proper means and in a way that is fair to all sides. There is a real

lacuna in our legal system at present. The Broadcasting Authority of Ireland has said it will not be responsible for regulating advertising in the referendum process, even though Facebook is now a broadcasting platform in many instances. Facebook has said it will put advertisements in newspapers to steer people away from possible fake news. I do not know how that will work. The Data Protection Commissioner seems to be powerless to do anything other than to advise Irish householders and individuals who will vote in the referendum how to trace where advertising has come from and how to turn it off or measure its effect.

In light of the clear realities of where we are, and given the importance of this country having the very highest data and digital standards, will the Government consider amending section 43 of the Data Protection Bill 2018, which proposes to allow private data to be used for political purposes? This is one of many amendments that need to be made. What can the Referendum Commission do to ensure there is real transparency in the forthcoming referendum campaign? When people advertise on social media platforms - I understand Twitter is not going to take advertisements, but Facebook will do so - there needs to be absolute clarity about where that advertising is coming from and who has paid for it so that we might have some balance and some truth. We should not allow the various international and other interests who might want to pervert our referendum campaign to have their way.

The Tánaiste: The Deputy has asked a lot of questions about this serious matter. This morning, the Cabinet spent some time discussing many of the issues he has raised. I will set out the Government response on this so far. The Data Protection Bill 2018 is coming through the Seanad at the moment. We have approved a Report Stage amendment which is not directly related to the issues raised by Deputy Ryan. After the Bill has been passed by the Seanad, it will be considered on the floor of the Dáil and we will have an opportunity to tease through these issues in some detail. We need to ensure the Data Protection Commissioner is adequately resourced. There has been a dramatic increase in the level of resources made available to the Data Protection Commissioner and her office. I think her resources have increased fourfold over the past three years. This year, the number of staff will increase significantly to approximately 140 from just over 80 last year.

We are trying to learn lessons and take on board legitimate issues which are being raised by Opposition parties. For example, Fianna Fáil recently proposed a Private Members' Bill on online advertising and social media transparency. Although we did not accept that legislation at the time, on the back of it we have set up an interdepartmental group, chaired by the Department of the Taoiseach, to ensure we are looking at all these issues and responding appropriately.

Deputy Timmy Dooley: It is probably the SCU.

The Tánaiste: There is a series of responses that are needed to ensure we will have legislation which is fit for purpose and an Office of the Data Protection Commissioner which is well resourced and on top of what it needs to be on top of. We need to look across Departments at what can or should be done to ensure consumers will not be exposed to fake news and that their data will not be abused for that purpose by way of the data mining we saw in the Facebook case which was exposed in the United Kingdom in recent days. There is a comprehensive discussion taking place in government on this issue and we are backing it up with significant increases in resources. I look forward to the data protection legislation being brought before the House when we will have an opportunity to tease through some of the questions the Deputy has raised.

Deputy Eamon Ryan: I may have raised a lot of points, but I also asked two questions.

Will the Government amend section 43, about which the Tánaiste said nothing, and will it do anything that will affect the referendum? To hear that the Cabinet has been talking about this issue is very interesting, but it does not answer either question. I suggest we take the Bill proposed by Deputy James Lawless and put it through the House at speed in order that it would be in place in time to have a real effect during the referendum campaign. I am sure we could quickly agree to do so across the House. We need a money message from the Minister for Finance and it might break his silence in that area.

By way of the House taking the lead and showing an example, I have a suggestion for all parties and representatives who advertise on Facebook. I do it because it is highly effective and can be targeted. Should we not declare what we are doing in advertising on Facebook or online to start to create a culture of transparency? Other than saying the Cabinet is talking about the issue and resourcing the Office of the Data Protection Commissioner which I welcome and which has been happening for many a year, what specifically will the Government do? Will it put through the Bill proposed by Deputy James Lawless? If not, what tools will the Referendum Commission have to bring about transparency in this area? Will the Tánaiste declare his own advertising on Facebook?

The Tánaiste: The Minister is looking at making a considered amendment to section 43. With respect, it would not be reasonable for me to outline during Leaders' Questions what that detailed amendment will be. We are looking at it and will have an opportunity to tease through it with other political parties when the legislation is brought through the various Stages in the Dáil. The Referendum Commission cannot really get under way in the work it needs to do until we pass the legislation which I hope we will do this week. That will allow the commission to get on with its job of providing accurate information in order that in the upcoming referendum the people will be able to make an informed choice on the basis of the facts. I suspect there will be a lot more debate on the issue. Our advice is that the legislation proposed by Deputy James Lawless is simply not fit for purpose, but that does not mean that the issues raised in it do not require full consideration; they do. However, I would like to ensure we will consider the issues involved which we will have an opportunity to do in the context of the data protection legislation which will be brought before the House in the weeks ahead.

Order of Business

Deputy Aengus Ó Snodaigh: Is é gnó an lae inniu Míreanna 10 agus 11, tairiscint maidir leis na Rialacháin fán Acht um Ghairmithe Sláinte agus Cúraim Shóisialaigh (ar ais ón gCoiste); Uimh. 12, tairiscint maidir leis an Ordú fá na hAchtanna um Pleanáil agus Forbairt, 2000 go 2017 (Méadú ar Líon na nGnáthchomhaltaí den Bhord Pleanála), 2018 (Tarchur chuig Coiste); agus Uimh. 31, an Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018 - an Dara Céim (atógáil). Is é an Gnó Comhaltaí Príobháideacha Uimh. 181, tairiscint maidir le haonad cumarsáide straitéisí an Rialtais, arna roghnú ag Sinn Féin.

Is é gnó na Céadaoin Uimh. 31a, ráitis roimh an gcuinniú den Chomhairle Eorpach; Uimh. 14, tairiscint maidir leis an am don Tionól Saoránach a shíneadh (le críochnú laistigh de 40 nóiméad, mura mbeidh sí críochnaithe roimhe sin); Uimh. 31, an Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018 - an Dara Céim (arna hatógáil, mura mbeidh sí críochnaithe roimhe sin) agus na Céimeanna a Bheidh Fágtha (le cur ar athló ar 11 p.m., mura mbeidh sí críochnaithe roimhe sin); Uimh. 14, tairiscint maidir leis an ráiteas mar eolas do vótálaithe i

ndáil leis an mBille um an Séú Leasú is Tríocha ar an mBunreacht 2018 (le tógáil ar an mBille a bheith críochnaithe gan díospóireacht); agus Uimh. 1, an Bille Seirbhísí Teileachumarsáide (Duchtra agus Cáblaí), 2018 [*Seanad*] - an Dara Céim. Is é an Gnó Comhaltaí Priobháideacha Uimh. 182, tairiscint maidir le hárachas gnó, arna roghnú ag Fianna Fáil. Is é gnó an Déardaoín Uimh. 31, an Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018 - an Dara Céim, atógáil, mura mbeidh sí críochnaithe roimhe sin, agus na Céimeanna Eile, le cur ar athló ar 5 p.m., mura mbeidh sí críochnaithe roimhe sin; Uimh. 14, tairiscint maidir leis an ráiteas mar eolas do vótálaithe i ndáil leis an mBille um an Séú Leasú is Tríocha ar an mBunreacht 2018 le tógáil gan díospóireacht ar an mBille a bheith críochnaithe; agus Uimh. 1, an Bille Seirbhísí Teileachumarsáide (Duchtra agus Cáblaí) 2018 [*Seanad*] - an Dara Céim. Déanfar an Dara Céim d'Uimh. 51, an Bille um Tháscairí maidir le Dul Chun Cinn Iarbhir agus Cuntais Dáil-iúcháin Náisiúnta 2017, a thógáil i mír na hoíche.

I dtaobh chraoladh na socruithe atá beartaithe do ghnó na seachtaine seo, tagraím don chéad tuarascáil athbhreithnithe ón gCoiste Gnó dar dáta an 12 Márta 2018. I ndáil le gnó na Máirt, beartaítear:

(1) go suífidh an Dáil níos déanaí ná 10 p.m. agus go rachaidh sí ar athló tráth nach déanaí ná meán oíche;

(2) go ndéanfar an tairiscint maidir leis na Rialacháin fán Acht um Ghairmithe Sláinte agus Cúraim Shóisialaigh, ar ais ón gcoiste, agus an tairiscint maidir leis an ordú fá na hAchtanna um Pleanáil agus Forbairt 2000 go 2017 (Méadú ar Líon na nGnáthchomhaltaí den Bhord Pleanála) 2018, tarchur chuig coiste, a thógáil gan díospóireacht;

(3) nach mbeidh aon Cheisteanna chun an Taoisigh ann de réir bhrí Bhuan-Ordú 38(1)(a), nach mbeidh aon Cheisteanna ó Bhéal ann de réir bhrí Bhuan-Ordú 38(1)(b), agus nach mbeidh aon Saincheisteanna Tráthúla ann de réir bhrí Bhuan-Ordú 29A;

(4) go dtógfar gnó Comhaltaí Priobháideacha faoi Bhuan-Ordú 140(1)(a) tar éis na dtairiscintí gan díospóireacht ar feadh dhá uair an chloig; agus

(5) má chríochnaítear na himeachtaí ar an Dara Céim den Bhille um an Séú Leasú is Tríocha ar an mBunreacht 2018 Dé Máirt, go ndéanfar aon vótáil a iarrfar a thógáil Dé Céadaoin tar éis na gCeisteanna ar Reachtaíocht a Gealladh. Má chríochnaítear na himeachtaí ar an Dara Céim Dé Céadaoin nó Déardaoín, beartaítear go ndéanfar aon vótáil a iarrfar a thógáil láithreach.

I ndáil le gnó na Céadaoin, beartaítear:

(1) go suífidh an Dáil níos déanaí ná 10.15 p.m. agus go rachaidh sí ar athló tráth nach déanaí ná 11 p.m.;

(2) go dtosóidh na ráitis roimh an gcruinniú den Chomhairle Eorpach láithreach tar éis na gCeisteanna chun an Taoisigh, go gcuirfear an suí ar fionraí dá éis sin faoi Bhuan-Ordú 25(1) ar feadh uair an chloig, go dtabharfar na ráitis chun críche tar éis 85 nóiméad, nach mbeidh iontu ach aon bhabhta amháin d'Aire nó d'Aire Stáit agus do phríomh-urlabhraithe na bpáirtithe agus na ngrúpaí, nó do Chomhalta arna ainmniú nó arna hainmniú ina n-ionad, is babhtaí nach faide ná deich nóiméad an ceann, le freagra cúig nóiméad ó Aire nó ó Aire Stáit, agus féadfaidh na Comhaltaí go léir am a roinnt eatarthu féin;

(3) go ndéanfar an tairiscint maidir leis an am don Tionól Saoránach a shíneadh a thabhairt chun críche tar éis 40 nóiméad agus nach mbeidh sna hóráidí ach aon bhabhta amháin d'Aire nó d'Aire Stáit agus do phríomh-urlabhraithe na bpáirtithe agus na ngrúpaí, nó do Chomhalta arna ainmniú nó arna hainmniú ina n-ionad, is babhtaí nach faide ná cúig nóiméad an ceann agus féadfaidh na Comhaltaí go léir am a roinnt eatarthu féin; agus

(4) go ndéanfar an tairiscint maidir leis an ráiteas mar eolas do vótálaithe i ndáil leis an mBille um an Séú Leasú is Tríocha ar an mBunreacht 2018 a thógáil gan díospóireacht ar gach Céim den Bhille a bheith críochnaithe, cibé uair a tharlóidh sé, agus déanfar aon vótáil a iarrfar a thógáil láithreach.

An Ceann Comhairle: Tá dhá chinneadh le déanamh againn. An bhfuil an moladh mar gheall ar ghnó an lae inniu aontaithe? Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to?

Deputy Mattie McGrath: It is not agreed to. I refer to the motion regarding an extension of time for the Citizens' Assembly. I have said repeatedly that this is the citizens' assembly, to which, thankfully, we have been elected. The Citizens' Assembly had cost €1.8 million up to December last year, according to a reply I received to a parliamentary question. RED C has been caught with its pants down on this issue, in picking people preferentially and not acting in a proper manner. RED C has stated 99 citizens could never be representative of the full population of the country. The Rural Independent Group and I, therefore, object to allowing more time to be given to the Citizens' Assembly. When will it stop and how much will it cost? It has cost €1.8 million so far.

An Ceann Comhairle: Is the Deputy objecting to an extension of time for the Citizens' Assembly?

Deputy Mattie McGrath: Yes, as per the Order of Business.

The Tánaiste: Let me try to be helpful to the House on the issue. What we are asking for is the Citizens' Assembly being given a little more time. It was due to finish up, but because of the bad weather, it was unable to hold hearings and make recommendations on a five-year fixed term for Parliament in Ireland. It was last due to meet in the middle of Storm Emma, but for obvious reasons - namely, safety reasons - people were not able to make the meeting. It has, therefore, asked for a few extra weeks until 27 April to do the work we have asked it to do. It would be extraordinary if we were to oppose this reasonable request, given the difficulties members of the Citizens' Assembly and the rest of the country faced in the extreme weather conditions.

An Ceann Comhairle: The Business Committee concluded that some time should be given to discuss this issue. That is why the allocation of 40 minutes for a brief discussion on the matter has been provided for. I take it that if Deputy Mattie McGrath is not happy with this proposal, he can vote against it on Wednesday when it comes up for discussion. He does not have to oppose the Order of Business.

Deputy Mattie McGrath: I am not doing so. We have received no indication that there will be an independent investigation into what happened when members were picked spuriously or into what RED C did. It has *carte blanche* to do what it wants.

An Ceann Comhairle: I am sure that matter can come up in the debate. May I take it that

the proposal for dealing with today's business is agreed to? Agreed. We will move to questions on promised legislation.

Deputy Stephen S. Donnelly: I will pick up where Deputy Eamon Ryan finished, on the upcoming changes to data protection legislation. We have seen analysts' reports on increased Russian cyber attacks on Ireland. The reviews we have seen show that the attacks are on State organisations, as well as private sector organisations. They come at the same time as numerous credible reports on increased activity by the Russian intelligence services in seeking permission from Ireland to engage in increased activity and for increased staff for Russian intelligence services in Ireland. The National Cyber Security Centre is key to the future protection of both the public sector and the private sector. On the upcoming data protection legislation or any other upcoming legislation - we believe there are numerous pieces of legislation in which it could fit - what are the Government's plans to ensure the National Cyber Security Centre will have the legislative teeth, powers and resources it needs to deal with what could be an increase in the number of very sinister attacks in the future?

The Tánaiste: Cyber security is a big issue. The national cyber security strategy is led by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, but, of course, multiple other Departments feed into it, from the Department of Defence to the Department of Justice and Equality and others. It is a rolling policy that is constantly being updated, as it needs to be. If more resources are needed I can assure the Deputy that given the importance of this issue the Government will make them available, but it is up to the lead Department and the lead Minister to bring recommendations to Cabinet in that area.

Deputy Mary Lou McDonald: I was at the event in Washington last week when the Taoiseach told his tale on how he intervened on behalf of Donald Trump with regard to a planning application close to Trump's Doonbeg resort in County Clare. The relaying of this tale raised a real concern for many people because of the past experiences in the State of political and ministerial interference in the planning process and all that flowed from that. It is a bad situation when a Minister takes a call from a wealthy businessman and makes such an informal intervention on his behalf. There is no way on earth that an ordinary person would have such privileged access or such an intervention. There is scope for inappropriate contact, or at least the perception of inappropriate contact, where Ministers take such calls from wealthy business people on planning matters and then raise the matters in this manner.

An Ceann Comhairle: We are supposed to be discussing promised legislation here Deputy.

Deputy Mary Lou McDonald: My question relates to the planning and development Bill, which I understand is due for publication this year. Can we have the law amended to ensure that such contact is legally prohibited?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): The Planning and Development (Strategic Infrastructure) (Amendment) Bill 2017, which is currently passing through the Houses, is due in the Seanad where amendments will be taken on strategic infrastructural investment, such as data centres for example. Is this the legislation to which the Deputy refers?

Deputy Mary Lou McDonald: No. It is the next Bill.

Deputy Eoghan Murphy: Is that the Bill coming after that planning Bill? The amendment will be in relation to what? I am sorry Deputy.

Deputy Mary Lou McDonald: As I explained, the scenario set out by An Taoiseach in Washington was one of contact that was made to him, while he was overseas, by a very wealthy and influential businessman-----

An Ceann Comhairle: The Minister, Deputy Murphy, knows-----

Deputy Mary Lou McDonald: The Taoiseach told the story of how he intervened in that. I am asking-----

Deputy Eoghan Murphy: If the Deputy wishes-----

Deputy Mary Lou McDonald: I ask that such contact be-----

Deputy Eoghan Murphy: There was no inappropriate contact-----

Deputy Mary Lou McDonald: I was asked by the Minister to clarify.

Deputy Eoghan Murphy: -----in that point in question because there was a role for the tourism board that was involved, but if Sinn Féin wants to submit an amendment when the Bill comes before the House then it is perfectly entitled to do so.

Deputy Brendan Howlin: The programme for Government has an extensive number of commitments on Northern Ireland. It refers the role of the Government as the co-guarantor of the Good Friday Agreement and it commits to working with the British Government on the implementation of commitments made under previous Governments. Tomorrow, Westminster will begin to debate a Bill to set a budget for Northern Ireland. It has been reported today that the Irish Government has requested a British-Irish Intergovernmental Conference be convened and that Ireland would expect a consultative role should this happen. Today's *The Times* Ireland edition reports that Prime Minister May's Government is "stalling" on that issue. Will the Tánaiste indicate if the Irish Government has requested the convening of the British-Irish Intergovernmental Conference? If it has requested this, what is the response of the British Government to date?

The Tánaiste: I speak to the Secretary of State for Northern Ireland, Karen Bradley, at lot with regard to Northern Ireland. When I last spoke with her it was in advance of her speaking in Westminster and giving an update on Northern Ireland. I told Ms Bradley that I would like her to consider a British-Irish Intergovernmental Conference. I felt it would be appropriate at this stage to have that structure enacted so both Governments could formally discuss the various options they need to consider around a budget for Northern Ireland, how we take our next steps getting a devolved Government back up and running in Northern Ireland and other practical issues that can and should be raised on an east-west basis between the two Governments. I have not yet had a response to this proposal. Ms Bradley has said she wants to think about it, which is perfectly reasonable. Ms Bradley has subsequently been-----

Deputy Brendan Howlin: The budget for Northern Ireland is to be discussed tomorrow.

The Tánaiste: -----to Washington and was quite busy there. I will go to Belfast tomorrow to meet with some of the parties. I expect to speak with the Secretary of State again before the end of the week. We will update the conversation when we speak again.

Deputy Mick Barry: I wish to raise the programme for Government commitments around sports grants and participation in sport. It is clear from the justifiable critical reaction to the

awarding and non-awarding of sports-related capital grants to schools that an examination and overhaul of the system is needed. The Minister for Transport, Tourism and Sport, Deputy Ross, saw fit to trumpet the €150,000 granted to Wesley College, a private school, for a hockey pitch, while dozens of public schools in more deprived areas failed to get a button.

Leaving aside the blatant class bias and cronyism at work, there is an in-built bias in the capital sports grant system whereby clubs and schools that own their premises and grounds have greater scope for capital investment than clubs that rent their spaces. Does the Government agree that we need to debate the national sports grant allocation and how to increase the level of participation in sport throughout the country, in line with commitments in the programme for Government?

Simon Coveney: I welcome the fact that the Government is continuing to increase the funding going to the sports capital programme. It is something that we unfortunately could not afford to do several years ago. The programme is now up and running again. It has an assessment process with which I am very familiar, as most people in this House are, because after many years without that level of support there has been huge interest in recent years. The eligibility criteria determining who can apply and the recommendations concerning successful applications are the results of an independent process.

Deputy Stephen S. Donnelly: Like Stepside Garda station.

Simon Coveney: In regard to the funding of the particular project the Deputy spoke about, I can confirm that the Ministers had no role in the appeals process other than to approve the monetary allocation proposed by officials. Education facilities can always apply for funding as long as their applications are made jointly with another sports club. The private school in question was a joint applicant, and the proposed facilities will benefit the community as a whole, rather than just the school itself. I understand that the Young Men's Christian Association, YMCA, is part of this application and will be able to use the facilities concerned.

Deputy Mattie McGrath: I have received information from the Road Safety Authority, RSA, in response to a parliamentary question. The RSA has said that nationally, a total of 44,746 applicants are waiting to be scheduled for a driver test. This concerns the addendum of the Minister for Transport, Tourism and Sport, Deputy Ross, to the Road Traffic (Amendment) Bill 2017. He has added a provision affecting learner drivers. The figures go to the heart of what I and others in the Rural Independent Group have been saying for some time. There is a huge delay in getting tests. Are we going to penalise learner drivers, put them off the road and confiscate their cars as well? It is deeply alarming that the number of almost 45,000 does not include those already scheduled for a test. The Minister should get his house in order before he tries to rush through legislation that is unenforceable as far as I am concerned, and as the people of the country know. In Tipperary alone, 1,700 people are waiting for a test. After failing the test, one cannot get a retest for a month. The Minister is criminalising ordinary families, ordinary people who want to learn to drive to go to college or work. He is now threatening to have their parents locked up. Someone needs to rein him in and teach him something about rural Ireland.

Simon Coveney: I am not quite sure what the Deputy's question is.

Deputy Mattie McGrath: I am asking about the number of people waiting for driver tests. The Minister, Deputy Ross, is trying to take all drivers with an L-plate off the road and lock up

their parents if necessary.

Simon Coveney: Why is the Deputy raising the Road Traffic (Amendment) Bill 2017, which he has tried to stall and delay as much as he can in this House?

Deputy Mattie McGrath: Is the Tánaiste not up to speed with the Minister, Deputy Ross? Are they talking at all? Are they in the same Cabinet?

Simon Coveney: I will ask the Minister to come back with an accurate response regarding driver testing.

An Ceann Comhairle: That is a very good idea.

Deputy Mattie McGrath: I thought the Tánaiste was looking after rural Ireland.

Deputy Eamon Ryan: RTÉ has drawn up a new draft strategy for the future of public broadcasting, but unfortunately it does not have any budget certainty on how it can afford it. There is now talk that the sports department might get the coverage rights for the Cork Constitution FC under-15 B team if it is lucky, and it is the same across the rest of the organisation.

3 o'clock

As I understand it, the broadcasting (amendment) Bill is ready to come back to the Dáil. There was also a major report from the Oireachtas joint committee, which has been presented to the House, and it advocated a range of measures that would give not just RTÉ but all Irish media, including print, access to an additional fund of perhaps €50 million to try to get them through the present crisis.

An Ceann Comhairle: I thank the Deputy.

Deputy Eamon Ryan: Is there any urgency on the part of the Government to advance such legislation to properly fund Irish media? When does the Tánaiste expect the Bill to come back to the House? When will the Government decide on the issue or will it be stuck in limbo with the RTÉ strategy and the future of media in Ireland?

The Tánaiste: The work done by the Oireachtas committee in this area is very helpful. The Bill has been through a pre-legislative scrutiny process and I am told it will be drafted and published before the end of this term. We are anxious to move on with it.

Deputy Michael Healy-Rae: There is a very serious situation in University Hospital Kerry. I refer to the commitments in the programme for Government on health care. I wish to highlight the situation with regard to a very respected, highly regarded cardiologist working in the hospital whose time is now, unfortunately, coming to an end, which will be a massive loss to the hospital. What commitment will the HSE south give to the hospital in Kerry on cardiology, geriatric or respiratory issues? We are in a dire way in those three health care categories. We cannot allow a situation whereby the excellent service that was being given by the cardiologist will no longer be available. Acute patients on wards need treatment every day. Multiple clinics are being held every week and people are being referred to Limerick for angiograms. What will happen if the cardiologist who has given excellent care is now going to be taken away from the hospital? What commitments will the Government give to the future of University Hospital Kerry?

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An Ceann Comhairle: Deputy Healy-Rae is over time.

Deputy Michael Healy-Rae: We do not want to be the poor relation to Cork in this regard.

An Ceann Comhairle: Other people will not get in.

The Tánaiste: I can only assume that if a cardiologist is leaving, he or she will be replaced quickly and that the process will get under way. I will ask the Minister for Health to get back to Deputy Healy-Rae with a specific answer.

Deputy Eamon Scanlon: There is a commitment in the programme for Government to support young couples and families to purchase their own homes and to provide affordable housing. At the moment NAMA has thousands of sites right across the country. There is a development in west Dublin involving 180 houses that are supposed to be affordable homes. NAMA is selling the sites to the builder, which is fine and he is paying NAMA as the houses are sold. Unfortunately, every one of the houses has been purchased by a vulture fund. Young people and couples are not even getting a chance to purchase the houses. The vulture funds are renting the houses for €2,200 per month. I imagine that after some years the houses will be sold on with massive profits to those people.

There are NAMA sites all over the country. In 1947 the Government of the day built 58 houses in my home town and those good, solid structures are still standing. More than 1,000 houses were built at the time in Sligo. That was done after the war when people were on their knees. Unless the Government starts to build houses for people they will be caught in the rental trap for the rest of their lives.

Deputy Eoghan Murphy: NAMA has made thousands of properties available to local authorities around the country for social housing. However, not all such properties are suitable for social housing. The local authorities, working with the Housing Agency, will make the call on the properties that are offered. A significant number of houses have come from NAMA into the public or local housing system. In addition, we announced three separate affordability measures at the beginning of the year which are helping young couples and individuals to get new homes, which will happen as those homes are built over the course of this year, next year and the following year. Deputy Scanlon can send me a note on the particular scheme he is talking about and while NAMA does not come under the remit of my Department, I will raise the issue with it.

Deputy Eugene Murphy: Page 129 of the programme for Government states: “We will introduce a voluntary property relocation scheme for properties, including businesses, affected by repeat flooding, based on a similar 2009 scheme.” In December 2015 and January 2016 the sum of €2 million was allocated to the scheme. A total of 101 houses fit the criteria. To date, my understanding is that not one house has been relocated. That is absolutely scandalous. The Taoiseach can put €6 million into a communications unit but nothing is being done for the poor people for whom I make a case week in, week out in this Chamber. When are we going to look after those people who are affected by repeat flooding? They have been neglected year after year and it is about time the scheme was brought to a conclusion so that they can get some peace in their lives.

The Tánaiste: I remember being involved when the decision on a relocation scheme was made. We have an incredibly hands-on Minister with responsibility for flooding, namely, the Minister of State, Deputy Moran. My understanding is that he will make a statement on the is-

sue in the coming weeks but I will ask him to get back to the Deputy directly in terms of where the scheme is at. I assure him that this is not something from which the Government will resile. We will follow through on any commitments that have been made to people on relocation due to flooding.

Deputy John Brady: When Carillion collapsed in January five schools and one college of further education were left in real uncertainty. Two of the schools are in my constituency of Wicklow. The Minister for Education and Skills came into the House and informed it that there would be no delays whatsoever in resolving the issue, other than perhaps a week or two. However, it is now March and there is still total uncertainty. Last week the National Development Finance Agency, NDFA, briefed the principals of the schools as well as some Deputies, and outlined the public tendering process that is in place. The closing date for tenders is 5 April. It is now anticipated that work will not recommence on those schools until late June and possibly July. Two of the schools are complete but given the timeframe outlined it is a reasonable expectation that they will remain completely closed until September at the earliest.

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

Deputy John Brady: Why will the Government not intervene in this sad saga and will there be a complete review of the use of public private partnerships for essential public works such as schools?

The Tánaiste: Local knowledge on the Front Bench indicates that Coláiste Ráithín, which is one of the schools in Wicklow, should be ready by early summer. Efforts are being made to make sure the schools get the supports they need given what has happened in terms of financial uncertainty. The best course of action would probably be for the Deputy to table a parliamentary question to the Minister for Education and Skills, Deputy Bruton, to get an accurate response.

Deputy Danny Healy-Rae: From 9 April 2018, which is only a few weeks away, one must have a public services card in order to renew one's driver licence. One must arrange an appointment with the social welfare office in order to get the card. That will be an impossibility for people in places such as Glencar, Sneem, Castlecove, Lauragh and Tuosist. We are told that to get a public services card one must have a current driver's licence or passport or else one can get it otherwise online. The trouble is that in the places I have mentioned there is no line other than a clothes line. It is a fact that there is no broadband. It is a day's work to leave Glencar or Sneem and go to Kenmare, and one must have an appointment arranged. It is absolutely ridiculous. Heretofore, the Garda could give one an ML10 form-----

An Ceann Comhairle: We are out of time so we will try to get an answer for the Deputy.

Deputy Danny Healy-Rae: -----and that would have been accepted. Will the Tánaiste extend the deadline of 9 April 2018 to allow people more time to get their public services card?

An Ceann Comhairle: I thank the Deputy.

Deputy Michael Healy-Rae: Otherwise, the Government will have to send mobile units around the county of Kerry so that people can get their public services card or else they will not get a driver licence.

Deputy Mattie McGrath: Freagair an ceist.

The Tánaiste: I need to consider the deadline and the significance of it. The thinking be-

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hind a public services card is to make sure we make accessing services easier for people, not more difficult. Once people go to the trouble of getting the public services card, which I know for some may involve travelling, it will allow them access multiple services across the State, including getting passports renewed, driver licences and so on. It is in the interest of everybody to get a public services card so that they can fast-track their application for the other services they seek.

Regarding the deadline the Deputy referred to, I will come back to him on that.

Deputy Danny Healy-Rae: The next thing is we will be putting tags on people's ears like the cattle.

Health and Social Care Professionals Act Regulations 2017: Motions

Minister for Health (Deputy Simon Harris): I move:

That Dáil Éireann approves the following Regulations in draft:

Health and Social Care Professionals Act 2005 (Section 4(7)) (Membership of Council) Regulations 2017,

copies of which have been laid in draft form before Dáil Éireann on 9th November, 2017.

Question put and agreed to.

Minister for Health (Deputy Simon Harris): I move:

That Dáil Éireann approves the following Regulations in draft:

Health and Social Care Professionals Act 2005 (Section 4(2)) (Designation of professions: counsellors and psychotherapists and establishment of registration board) Regulations 2017.

copies of which have been laid in draft form before Dáil Éireann on 9th November, 2017.

Question put and agreed to.

Planning and Development Acts 2000 to 2017 Order: Referral to Joint Committee

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

That the proposal that Dáil Éireann approves the following Order in draft:

Planning and Development Acts 2000 to 2017 (Increase in Number of Ordinary Members of An Bord Pleanála) Order 2018,

a copy of which has been laid in draft form before Dáil Éireann on 21st February, 2018, be referred to the Joint Committee on Housing, Planning and Local Government, in accordance with Standing Order 84A(4)(k), which, not later than 29th March, 2018, shall send

a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Strategic Communications Unit: Motion [Private Members]

Deputy Pearse Doherty: I move:

That Dáil Éireann:

calls for:

- the immediate disbandment of the Strategic Communications Unit (SCU);
- An Taoiseach, Leo Varadkar TD, and the Secretary General of the Department of the Taoiseach to appear before the Committee of Public Accounts at the earliest possible date to account for the spending of public moneys by the SCU; and
- the establishment of an independent panel, appointed by the Oireachtas, to examine the most effective way of operating Government communications to ensure value for money and freedom from political interference.

Táim ag roinnt mo chuid ama le mo chuid chomhgleacaithe. Cuirim fáilte roimh an rún seo agus molaim é don Teach. The motion before us from Sinn Féin is short and straightforward. It calls for the Government spin unit, the strategic communications unit, SCU, to be disbanded. It calls for the Taoiseach, Martin Fraser, the head of the strategic communications unit, John Concannon, and any other relevant individuals to appear before the Committee of Public Accounts to answer questions and account for the spending of public money on what is a vanity project. It calls also for an independent panel to examine and recommend the best method of communicating the work of Government that is above politics and based on value for money.

At its core, the motion is about accountability. Sinn Féin stands for accountability, something that is sorely lacking in this State, but do not just take my word for it. Let us look at some of the facts and what we have come to learn about the SCU to date. The Taoiseach stated in this House when he first revealed the Government's plans to establish the SCU that the unit will be cost neutral to the Exchequer. These were the bold claims made by the Taoiseach before it turned out that, in fact, the unit would cost some €5 million this year and every other year. Other claims were then made about the wholesome and ethical nature of the unit and they have proven to be false.

Assurances were given that the SCU would be completely free from any and all Government influence, yet media reports over recent weeks have poured cold water on that and disproven it robustly. I refer to the work that was done by a number of journalists, including Ellen Coyne and Hugh O'Connell, who together have done much to expose and unearth the truth about that. It is thanks to them that a myriad of information has now come to light that has revealed that this is a unit which, it turns out, is anything but wholesome or ethical.

In the case of Hugh O'Connell, his pursuits led to the eventual release of documents obtained via freedom of information requests which revealed details of discussions between the

Taoiseach and his advisers about the establishment of the strategic communications unit. These documents have shown that the Taoiseach was not only instrumental in setting up the unit but was also involved in directing the unit's activity. The once secret documents also reveal emails which forewarned of the creation of a "vanity project" as well as the need for access to Government decision makers by the SCU.

Today we learn from an article by Juno McEnroe in the *Irish Examiner* that a parliamentary question tabled by my party colleague, Deputy Maurice Quinlivan, to the then Tánaiste, Deputy Frances Fitzgerald, was drafted almost word for word by the strategic communication unit. Indeed, the unit asked that that be the version tabled on the floor of the House. That is outrageous. So much for the assurance from the Taoiseach and from other members of the Cabinet that his spin unit was to be free from interference and would be at arm's length from Ministers. How can it be at arm's length from Ministers when it is drafting the parliamentary responses to questions Members of this House are putting to Ministers?

Similarly, and equally as worrying, is the exposé by Ellen Coyne recently published in the Ireland edition of *The Times*, which discovered that with Ireland 2040, as well as with similar advertising campaigns such as Creative Ireland, regional newspapers were specifically instructed to make publicly funded advertisements that promoted not just the Government but Fine Gael election candidates as well to look like organic, independent news stories. By deploying such a tactic, it was clear that those responsible sought to exploit a vulnerable newspaper industry which today, more than ever, is so dependent on such advertising revenue streams for their very survival.

Not only do these actions amount to an abuse of power, they raise a number of serious questions about the behaviour of those involved. It represents a shameful misuse of the public purse because, notwithstanding all the other arguments which may be made, it is abhorrent to think that taxpayers' money, which could have been spent on schools, hospitals and public housing, was instead used to promote a political party and its agenda. That is wrong, and here today we are calling it out for what it is, namely, a disgusting abuse of power by a Government whose sole interest is not that of ordinary people but of self preservation and promotion. There is an addiction to spin at the heart of the Varadkar Government. The revelations we heard at the weekend about an attempt to establish a campaign based on Garda figures the Central Statistics Office, CSO, refused to stand over is just the latest example of that.

Five million euro is a lot of money, and Sinn Féin believes that this money could have been put to better use. It could fund 1,000 extra community employment places. It could have reversed the cuts made some years ago to small schools. It could introduce a living wage across the Civil Service. That is what annoys and angers people. They know that money spent on the Leo spin unit is money out of their pockets and money that could be and should have been put into public services. That is the reason, in our motion today, we are calling on the Taoiseach and other public figures to appear before the Committee of Public Accounts. That is needed to show that they are not above accountability, and that they must be accountable to this House and to the committees of this Parliament.

The final part of our motion recognises that the Government has a right to communicate with the people. We are proposing, therefore, the establishment of an independent panel, appointed by the Oireachtas, to examine the most effective way of operating Government communications to ensure value for money and freedom from political interference.

At the heart of our motion before the House today is the call for the Government's strategic communications unit to be disbanded, with immediate effect. Let us put an end to what has been a shameful, callous and deceitful propaganda project. I am calling on all sides to accept this motion so that we may move on and restore some of the faith which has been lost in politics over this botched Fine Gael experiment in self-promotion and deal with the real issues such as health, housing and homelessness, which continue to affect the lives of those we represent, and no spin unit will be able to hide the consequences of such.

Deputy David Cullinane: It is clear to everybody except Fine Gael that this communications unit is a busted flush. It needs to be disbanded. I hope this motion will be supported by the entire Opposition. That would be a very clear signal from the Opposition that this unit has to go. It is nothing more than a highly expensive public relations, PR, unit for the Taoiseach and Fine Gael at the expense of the taxpayer. It was the brainchild of the Taoiseach and he has to bear responsibility for clear mistakes that were made in the establishment and operation of this communications unit. It is completely unacceptable, which is the reason Sinn Féin has tabled this motion for the unit to be disbanded. The motion also calls on the Taoiseach and senior civil servants to appear before the Committee of Public Accounts. While Deputies can and do make political charges in the House in respect of the use of taxpayers' money by the strategic communications unit, the Committee of Public Accounts is available to examine how taxpayers' money is spent, consider processes and procedures and ascertain whether the logic for establishing the unit which we were told was to save money has been followed. Serious questions have been asked in the media, the Oireachtas and beyond about the operation of the unit which has come under intense scrutiny.

The response from the Taoiseach and the Government in general to genuine and serious questions about the strategic communications unit has been entirely disingenuous. The Government argues that there are more important issues and dismisses concerns in a flippant manner. Of course, housing, health and other issues are important. Sinn Féin has tabled dozens of motions asking the Government to do the right thing on health and housing, build the homes needed and implement our policy proposals, but it has failed to do so. The House will deal with all of these issues again, but none of that excuses the blatant misuse of taxpayers' money by the strategic communications unit.

We need to hear from all of the senior civil servants with responsibility for the strategic communications unit. Mr. Martin Fraser, head of the civil and public service, should appear before the Committee of Public Accounts, as should Mr. Robert Watt, Secretary General of the Department of Public Expenditure and Reform, and Mr. John Concannon, head of the strategic communications unit. They will have to answer questions about their role as civil servants. The Taoiseach and others in political life also have questions to answer.

I do not believe the strategic communications unit will survive. Window dressing will not cut it either because the review will not be worth the paper on which it is written as it will be riddled with conflicts of interest. That the people undertaking the review are the very ones who have questions to answer is not an acceptable solution. For Sinn Féin, the only acceptable solution is the disbandment of the unit in order that taxpayers' money is not used to promote the activities of one political party, even if it is in government. All political parties are funded by the State and receive taxpayers' money, which creates a level and fair playing field. Taxpayers' money must not be abused by a specialised communications unit established by a Government to promote political parties as opposed to the work of the civil and public service and the Government. It is for this reason that Sinn Féin tabled the motion.

Deputy Gerry Adams: The Taoiseach announced the establishment of the strategic communications unit during questions to him in July 2017. He did so in response to a question put by the leader of the Labour Party. He informed the House that it would be a small unit in his Department. I indicated in response that a strategic communications unit could be a good idea, provided we knew the strategy that was involved and had more information on the unit, instead of having it dropped in, as it was, in one or two sentences. I also stated I could imagine the unit becoming a Tony Blair-type machine but that it could also look at the main strategic objectives of a Government. They could, I argued, include the delivery of the Good Friday Agreement, Brexit, a united Ireland and how one would secure and win a referendum on Irish unity. Ach ní mar a shiltear a bhítear, a Thánaiste.

My concern that the strategic communications unit would become a spin machine for the Fine Gael Party has been borne out by the debacle surrounding the launch of Project Ireland 2040. It was a shameless public relations strategy of self-promotion by Fine Gael and the Independent Alliance. The deliberate promotion of Fine Gael and Independent Alliance members has grown even beyond that. Keeping citizens informed on the work of government and where their taxes are being spent is one thing but promoting the Taoiseach, his party and others in government is another. It is also an unacceptable and blatant abuse of political power, but this is not the first Government to use Government resources and personnel to promote party political interests. The Fianna Fáil Party is a master in this area. In this instance, however, the line between the Government, the role of the Civil Service and elected representatives has been blurred so significantly that it would make even Fianna Fáil blush. Nonetheless, the Fianna Fáil Party's support for the motion is welcome agus cuirim fáilte roimh sin.

The strategic communications unit was established at significant financial cost. Contrary to the claims made that it would be cost neutral, this Fine Gael promotional, public relations and spin machine is costing the taxpayer €6 million. The motion is about accountability and transparency in government. I urge all Teachtaí to support our call for the unit to be disbanded, those involved with it to appear before the Committee of Public Accounts and an independent panel to be established to examine and recommend the best way of communicating the work of a Government in a manner that is above politics and based on value for money.

Deputy John Brady: Fine Gael cannot help itself when it comes to wasting taxpayers' money, whether it is the millions of euro wasted in the installation of water meters, the continued roll-out of the public services card, an over-the-top social welfare fraud campaign based on false figures, the continued spending on the flawed JobPath scheme or the infamous strategic communications unit. I wonder how it must feel to be trapped in emergency accommodation, sleeping on the streets, struggling to pay rising rents or a mortgage or unable to afford the most basic necessities and then to see the Government spending millions on fancy advertisements and newspaper spreads, self-promoting and spinning a yarn that everything is okay in Leo land. What does this say to all those who struggle every day? What message does it send to them? The Government needs to get its priorities straight. Instead of spending taxpayers' money on itself and would-be Fine Gael Deputies across the State, it must spend in areas that will be of benefit to taxpayers. Giving people homes in which to live and basic access to health care would be a start. The strategic communications unit will not achieve anything worthwhile for the taxpayer. It will not fix the many problems in society. The Government needs to ask what people want and need. Is it fancy advertisements in newspapers and self-promotion or is it action to tackle the issues that impact on citizens?

Deputy Dessie Ellis: It seems that the Taoiseach and his Government want to believe their

own propaganda, spun through the strategic communications unit. It may come as a surprise to the Tánaiste and the Taoiseach to learn that people view the new unit as nothing more than a vanity project for the Government and its Ministers. We now know that the unit comes at a substantial cost to the taxpayer. Whereas we were led to believe there would be no cost to the Exchequer, in 2018 alone it will cost approximately €5 million to run the unit. Surely, the competent and experienced civil servants working in it would be better employed elsewhere, rather than acting as the Government's cheerleaders.

The remit of the strategic communications unit when it was established was to place citizens at the centre of its work and increase efficiencies across the public sector when dealing with members of the public. It was not terribly efficient to establish a communications unit when one was already in place, namely, the Government Information Service. The new unit is engaged in spinning issues, rather than finding solutions. Instead of being concerned with image, perhaps the Taoiseach might spend time sorting out everyday problems facing citizens. The Tánaiste and the Taoiseach have been spinning and their strategic communications unit has run its course. It is time to call a halt to it. I call on the Government to end this farce once and for all.

Deputy Maurice Quinlivan: I highlight an issue that was brought to my attention today in an article in the *Irish Examiner* by the journalist Juno McEnroe. The article is a fine demonstration of public service news reporting. Emails obtained by Mr. McEnroe under the Freedom of Information Act show that the strategic communications unit was asked to draft a response to a parliamentary question I had submitted to the then Tánaiste in October 2017. My question asked “the way in which the new Strategic Communications Unit will be used by the Office of the Tánaiste or her Department; and if staff from the Office of the Tánaiste or her Department will be moved to it”. The Department forwarded my question to the strategic communications unit for answer and its campaign manager, Ms Andrea Pappin, came back with a full drafted answer for the Minister's staff, telling the Department's head of communications she would be “grateful if you could use this version.”

I have the response to the parliamentary question from the Minister and the freedom of information request from the Department; there is one different word, where “citizen” is changed to “people”. The unit was essentially justifying its own existence, cunningly using the parliamentary question system to hide. When I submit a parliamentary question I am holding the Minister to account and seeking information on a topic from a Minister and Department, not a spin unit. If I want something devoid of substance and dominated by spin, I would read a Government press release instead. It is alarming to think the unit now has a role in the answering of parliamentary questions and this is clear evidence that the unit blurs the line between a neutral Civil Service and the spin of the Fine Gael Party, which is using taxpayers' money to fund this.

I have two questions. Does the unit have any involvement with the answering of other parliamentary questions to other Departments? Do parliamentary question responses now have to be vetted by the unit to ensure they are in line with Fine Gael propaganda? The Taoiseach recently stated that the unit is operating at arm's length from the Government but these answers prove that is not true and an explanation is required as to why I got that response.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I am glad to have the opportunity to speak to this matter. It is curious to hear Sinn Féin spokespersons saying there should not be any involvement in politics or political campaigning by the strategic communications unit, SCU, while at the same time the former leader of Sinn Féin was

willing to support the unit on the basis that it might help to win a referendum on Irish unity. That is total hypocrisy.

Good, clear and consistent communication is a virtue of good government. Citizens have a right to know what the Government is doing and why. The strategic communications unit was established earlier this year to bring that consistency, clarity and professionalism to all Government communications. It was not the brainchild of the current Taoiseach. This was raised and recommended on the back of the Global Irish Forum.

Deputy Pearse Doherty: That is not true.

Deputy Simon Coveney: It was.

Deputy Eoghan Murphy: They do not like the truth. That is why they are interrupting.

Deputy Pearse Doherty: That is misleading and not fair.

An Ceann Comhairle: Allow the Tánaiste to continue.

Deputy Pearse Doherty: That unit was established the following year and it was an international unit to reach the diaspora. The Tánaiste knows that, I am sure.

Deputy Simon Coveney: The point is the Deputy does not like hearing this because he does not want good communications coming from the Government. It does not suit his political agenda.

Deputy Pearse Doherty: We need facts instead of spin.

Deputy Simon Coveney: The truth is the concept was about co-ordinating communications across government in a professional manner to ensure money that is spent on communications gets good results. The truth is the Deputies speak about €5 million or €6 million but communications across the Government and its agencies costs in the region of €170 million per year, as the Deputy knows. There are approximately 750 people involved in that communication across multiple organisations, agencies, Departments and so on. The whole point of this was to spend some money to ensure we provided value for money and co-ordination in those efforts. The previous model had every Department and agency working independently of each other. This meant there was no consistent Government branding, leading to confusion among the public as to who was responsible for what. There was no means by which overarching Government activity cutting across a number of Departments could be communicated. There was no structure to share best practice or for professional development for those working in communications in order to enhance skills. I have been in a number of Departments now and I know this. Good public and civil servants are moved from one section to another, sometimes from finance to a press office, for example, without the necessary professional development and training. Their intellect helps them do it but it is hardly best practice.

The previous model resulted in duplication, confusion and lack of cross-governmental coherence. It did not deliver value for money for taxpayers in terms of what is being spent. The establishment of the SCU reflects international best practice and other governments have also looked at this problem, coming up with similar approaches to what we are now adopting. That is about ensuring we have cross-governmental co-ordination in communication. There is a professionalism that delivers results. In other established European democracies it is understood that it is wasteful for every department or state agency to develop its own brand and com-

munications plan while doing its own professional development without any central cohesion. Whether they wish to admit it or not, all Deputies know the importance of good communication and each political party understands it.

The SCU is about supporting Departments and agencies in doing the best possible communications work, ensuring there is work going on across the Government with a common platform that each agency can contribute to in order to ensure a consistency of message. The remit of the SCU is approved by the Government and it includes the commitment to a government-wide capacity-building professional development programme for officials working in communications and a number of proposed cross-government priority campaigns. The way in which some Deputies are choosing to spin this, it is as if a communications unit that improves professional capacity across government is in some way trying to influence different Departments on behalf of the Department of the Taoiseach. It is absolute nonsense.

Deputy David Cullinane: The Tánaiste is ignoring the facts.

Deputy Eoghan Murphy: It is spin. It is rubbish.

Deputy Simon Coveney: The spin on this communications unit is coming from the Opposition parties and not the Government.

Deputy Dara Calleary: Obviously.

Deputy Pearse Doherty: So they are not involved with parliamentary questions.

Deputy Micheál Martin: We never complained about the information.

Deputy Simon Coveney: The SCU is part of the Civil Service and it is staffed by civil and public servants. They are good people who know about communications.

Deputy David Cullinane: They are being used.

Deputy Simon Coveney: They are committed to ensuring we have better communications across government and that we spend public money properly to ensure we do that in a way that makes sense and delivers on potential.

We can take a project like Project Ireland 2040. The idea that we would not communicate across government on a project that will commit over the next ten years €115 billion of taxpayers' money, and that we would not create the momentum through good communications on the back of that to ensure there would be private sector investment that would come with the provision of that certainty, would be a huge wasted opportunity. Let us focus on what we are trying to do here, which is a good idea, rather than trying to undermine it for political reasons.

Minister for Finance (Deputy Paschal Donohoe): I support the work of the strategic communications unit because each year this Government spends, on behalf of the taxpayer, €60.9 billion. It is the equivalent of over €12,000 for every citizen in our State. Citizens have a right to know how money is being spent on services that can make a difference to their lives and plans that might make a difference to their future. They should know what it will deliver, enhanced services that are available and how they can access them. I understand the need of Sinn Féin to focus on Project Ireland 2040 because it is scared that a plan exists for the future of our country that citizens have a thirst to understand. Of course, I did not hear those Deputies make the same point when the Government used the strategic communications unit to com-

municate additional benefits that might be made available to the self-employed and when the Government indicated in the aftermath of budget 2018 what additional supports were available to people as a result of decisions of this Dáil. I did not hear them complain about the work of the strategic communications unit when it communicated to families what kinds of additional support were available to them to help with the cost of going back to school.

The reason is that at the heart of the politics of Sinn Féin, there is the creation of an atmosphere of permanent crisis. It is about creating the concept among our citizens that all the services and taxpayers' money made available is not being used for the benefit of citizens, and nothing in our country can get any better. It is why the party is so concerned about the work of the strategic communications unit and the ability of the Government to communicate on behalf of its citizens. It demonstrates how taxpayers' money can be used in such a way as to make a difference to the lives of citizens and communities. It cuts against the very concept of politics that Sinn Féin offers every day in this Dáil. It is relentless negativity-----

Deputy David Cullinane: We offer solutions.

Deputy Paschal Donohoe: -----creating the concept and idea that no services are made available that offer support for people and help families and citizens in their journeys in a changing world. I refer to where Governments of all persuasions try to invest taxpayers' money to put in place good or improving services.

Sinn Féin is taking this approach to the strategic communications unit because it is a part of its agenda to show that no Government service or improvement can make a difference to the lives of citizens. I have listened as Sinn Féin has called for civil servants and for colleagues to go in front of the Committee of Public Accounts. It already has its mind made up and decided before anybody has appeared in front of an Oireachtas committee-----

Deputy David Cullinane: Except the Government's representatives.

Deputy Paschal Donohoe: -----or any report is offered on behalf of Government. The Taoiseach made it clear that, in setting up the strategic communications unit and in looking at work that happened, there are a number of things now that we, as a Government, accept should have been done differently. That is why there is a review in place and it will be presented to Cabinet. We will look at the work of the strategic communications unit and at the need for any Government to be able to communicate to its citizens. We will see how this work can be changed and how we can take account of issues that have been raised and are of concern. That is what we have an obligation to do. However, we also have an obligation to be able to show citizens that their money is being used in such a way that it will benefit them. That is what this communications work is about. I refer to the €150 million or €170 million of taxpayers' money spent each year to communicate how services are in place and how that money can be used better and more efficiently.

Deputy Micheál Martin: I wish to share my time with Deputies Dooley, Calleary and MacSharry. Given the scale of current problems in vital areas such as hospital waiting lists, homelessness, non-functioning Northern institutions and Brexit, it is indeed to be regretted that we have to spend parliamentary time discussing Government communications. However, there is no alternative because the Taoiseach's approach to this issue is central to how he is running the Government and to the Government's efforts to push media coverage away from more serious issues.

We have had nine months of this behaviour and it is time for it to end. As we saw yet again this morning, this is a Government which is absolutely obsessed with spinning everything. There is almost no issue where it will not try to pre-empt coverage by planting a soft, one-sided story in a newspaper. It even sought to twist coverage of today's debate by briefing about the likely outcome of the internal review. The journalist was told this shows there is no real problem and there have been simply a few teething errors.

We will have to come back to this wider problem of an obsession with trying to manage the media. Even though this is a Government with the weakest ever popular mandate when compared with recent decades, it is actually the Government least likely to consult people before taking decisions. It is also, increasingly, the most arrogant Government in decades when it comes to attacking the right of others to question its actions. The petulance and aggression, which are coming to define its approach to being challenged, is there for even the most naive to see. We saw some of it earlier on Leader's Questions again.

Previous Governments, of different make-ups, followed a far more open approach to briefings on matters such as Northern Ireland and Europe with parties that shared the same basic approach. There is, effectively, no recent example of something being discussed in confidential briefings in advance of Government spinning the media. We have actually lost count of the number of occasions where we were informed through the media that we were apparently engaged in discussing matters such as future budgets even though no such discussions existed. This morning another piece of political posturing about fiscal responsibility was briefed. Given the Taoiseach spent nearly all of last year talking about the need for massive cuts to higher income tax, it proves that consistency is not something the Government is too concerned with.

This type of game playing is corrosive. It is long past time for Fine Gael to understand that this is catching up with it. Within days of the announcement, also via an anonymous briefing, that the Taoiseach intended setting up a new unit, and it was the Taoiseach who said he was establishing the new unit, we began raising questions about its role, scale and politicisation of basic public information. Since then, the Government has ignored basic legitimate questions and ploughed ahead regardless. This unit is the personal project of the Taoiseach. At any global forum it is the personal project of the Taoiseach. The emails in *The Sunday Business Post* story by Hugh O'Connell reveal all of that.

The Taoiseach asked that it be established. He said that here in the Dáil. He recommended its head and essentially selected and appointed him. He said that here in the Dáil as well. He also secured its budget. In addition, he has followed a policy of giving as little information as possible to the Dáil and his Department has tried to withhold basic information, when sought, through the freedom of information process. The entire purpose of this unit is political. It has been set up and given unprecedented staffing, resources and political access for the sole purpose of promoting the political message of the Government. Remember the four marginal constituencies, four newspapers and four advertorials advertising the Fine Gael candidates in those four marginal constituencies. That is the bottom line. It happened. We are not making it up.

Deputy Simon Coveney: What constituencies are not marginal?

Deputy Sean Sherlock: So the constituencies are marginal. You are admitting it.

Deputy Micheál Martin: He has admitted it there. He has of course.

Deputy Simon Coveney: Every constituency is marginal.

Deputy Sean Sherlock: He has just admitted it.

An Ceann Comhairle: Can we talk about constituencies on another occasion?

Deputy Sean Sherlock: Why do we not talk about them next?

Deputy Micheál Martin: While the clear abuse evident in the launch of the national development plan brought this controversy to a head, the reality is that all of the unit's work serves the same goal. The squalid reality is that the Government has sought to use public money to compromise the boundary between public information and propaganda. We have seen that revealed with a Minister sitting at her desk deciding how much money should be given to individual media outlets. When the ever-changing justifications for the unit are reviewed, using the information withheld from the Dáil but obtained by freedom of information, the truth is that every justification has been disproven.

It has been claimed that the unit is about streamlining Government communications and saving public money. The facts show this is nonsense. When the Taoiseach sought €5 million for this year's budget, the Department of Finance asked that this be subject to other Departments reducing their advertising budgets by this amount to prove the savings. The Taoiseach rejected this and insisted on the full extra budget.

It has also been claimed that the public is confused because there are so many different public bodies advertising and that a single unified identity is required to address this. Again, the documents released under freedom of information show a different picture. There is no evidence whatsoever of the public having such a concern and there is no evidence supporting the aggressive branding of stories with a new Government of Ireland identity. In fact, the research commissioned last December actually sought information on whether the public is confused and what is understood as representing the Government. That research has not been published, nor had it been produced before any campaign had started.

It has also been claimed this unit is required to provide public information. This is transparent nonsense because the unit only provides information on the political priorities of the Government. It only provides information which is positive and distances the Government from anything that is negative. This is why there is a situation where the Government of Ireland advertises an increase in the minimum wage, which was actually decided on by the Low Pay Commission established by the Oireachtas. However, the Department of Communications, Climate Action and Environment advertises a request that people pay their television licences.

The unit is also cherry-picking official statistics to promote. In the nine months since its establishment, the unit has never once drawn attention to a statistic, fact or action which suggests there are any problems in our country. Is that not staggering? Since the unit was established, homelessness is up by an astonishing 15%. Today, there are more than 3,200 homeless children. However, according to the Government, this is not something people want to know about.

A further claim for the unit is that it is really not that different from what everyone has been doing for years. We are supposed to believe we need a radical expansion and centralisation in staffing and funding to do more of the same. This is, of course, ridiculous. No one has attempted to direct all Government resources into a relentless attempt to brand and sell a political narrative. No one has ever tried to take an approach once limited to rare initiatives and embed it in daily ongoing activity, which this unit is doing.

It has been claimed that the unit is needed to move Ireland up the United Nations eGovernment rankings to the same level as the United Kingdom. It is claimed as part of this that a single branding and unified web portal are simply international best practice. However, when one takes the time to check, the reality is very different. The United Nations e-government report shows the biggest difference between us and the United Kingdom is actually the availability of broadband. The Government's record on this issue is one of its signature failures. There is no independent evidence supporting the idea that the United Kingdom's approach is best practice or appropriate to a country of Ireland's size and its governance structures.

It has been claimed, of course, that there is no political agenda or inappropriate attempt to influence the media. As we have said many times before, we support the idea of the Government supporting a strong and independent indigenous media at both local and national level. What we strongly oppose, however, is the idea of it being politicised through linking it with promoting a political agenda and highly questionable procedures for allocating funding. Documents reveal that the head of the strategic communications unit has met the most senior personnel in the print and broadcast media. I accept that journalists have not been involved and influenced by these discussions. However, the fact is that privileged briefings have been given to some outlets and some non-Government individuals, but no such briefings have been made available to the Oireachtas. In fact, the Taoiseach's staff fought the release of information up to the level of the Information Commissioner. It is a point of extreme concern that the documents reveal in freedom of information requests that allocations for advertising Creative Ireland, a priority of the unit, were personally decided by a Minister.

On the Taoiseach's accusation that we have been slandering people, he is the one who has led this from the beginning. He is the one who has asked civil servants to promote political priorities with an unprecedented marketing campaign. He is the one who has failed to be open with the Dáil. He is the one who calculated falsely that the hope of an advertising windfall would stop the story from gaining traction in the media. He is the one who is happy to have the unit promote a launch in his constituency. If the Government simply wants to improve the communication of non-political information, why did it refuse to consult? Why did it refuse to first ask the public what it wanted to see advertised? Why did it withhold information from the Oireachtas? Why did it attack the reporting of individual journalists when they exposed the politicisation of paid advertising? Why did it establish a review which excluded any independent input?

The simple reality is that the Government does not respect the legitimate difference between political agendas and the public service agenda.

Deputy Simon Coveney: That is rubbish.

Deputy Micheál Martin: The strategic communications unit should never have been established in the way it was. It should now be disbanded. If the Government is confident in its argument, it should submit it to an independent review process. The motion will most likely pass with a strong majority of the House. The issue then for the Taoiseach will be whether he is willing to respect the will of Parliament or if he will carry on regardless. He can show some basic humility and acknowledge that the unit has been irredeemably compromised by the road on which he set it or he can try to tough it out. If he chooses the latter course, he must remember that the House still has significant powers through committees and through its deciding role in dealing with departmental Estimates. If he wants, he can end this controversy immediately by respecting the majority decision. If he is sincere in wanting to talk about substance rather

than spin, he should close down his new marketing unit and devote the staffing and funding to tackling real issues. Alternatively, he can allow the controversy to drag on. It is his choice.

Deputy Timmy Dooley: The media are an integral part of public life. The Fourth Estate plays a crucial role in Irish democratic life. At its best, it holds the institutions of the State and others to account in the interests of the people. The media hold up politicians to public scrutiny, while increasing transparency and strengthening democracy. They inform and educate citizens, providing an important platform for citizens to rally around causes. Quality journalism, the underpinner of democracy and the bedrock on which people are informed to make decisions for themselves, is being jeopardised by a significant downturn in revenues for news publishers, caused by several factors which include a decrease in print circulation and the print advertising spend and the increasing share of digital advertising revenues enjoyed by the major digital platforms. It is against this backdrop that the strategic communications unit was created. It was embedded into the heart of the Government's communications in an effort to exploit the situation in which the national media found themselves. One only has to look at the way which it has been used and abused. I take what the Minister for Finance said with a grain of salt. While it may have been the intention, the facts are very different. We saw how the recent storm was utilised by the strategic communications unit. One wonders why the Taoiseach needed to be flanked by an Army officer on one side and a garda on the other at press conferences?

Deputy Eoghan Murphy: That is nonsense.

Deputy Simon Coveney: Good communications save lives.

Deputy Timmy Dooley: When the nation tuned into RTE, TV3 and other broadcast media, why did we have to listen to the Taoiseach first and, on some occasions, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, before we got to listen to Mr. Seán Hogan, head of the National Emergency Coordination Group?

Deputy Eoghan Murphy: It was because I was the Minister responsible. We had to make a big decision on closing the country in the common good.

Deputy Timmy Dooley: With respect, if the Minister allows me to finish, I wanted to hear from Mr. Hogan, not from him or the Taoiseach.

Deputy Eoghan Murphy: The Deputy did hear from Mr. Hogan.

Deputy Timmy Dooley: All the Minister and the Taoiseach were doing was regurgitating information which had been provided by the co-ordination group. The strategic communications unit was carrying out an exercise to promote the Government, the Taoiseach and the Minister. Who we really needed to hear from were the experts.

Deputy Eoghan Murphy: That is nonsense.

Deputy Timmy Dooley: We have been told that the strategic communications unit has been involved in developing a campaign around the proposed national children's hospital and how it might be sold to the people. When the hospital is open, the children who will need access to it will get there through professional channels. The public does not need to be enlightened on a project way into the future. However, where the Government has been light is in campaigns dealing with climate change and to have people change their behaviour which can improve our requirements under various climate change objectives or in how we dispose of waste. We have

had little by way of public information or advertising communications in that regard.

Deputy Simon Coveney: Up to 20% of the capital investment will be used to deal with climate change in the next ten years. However, the Deputy does not want to hear about it.

Deputy Timmy Dooley: Where the spending of the money could have some benefit, the Government has failed. That is because it does not create an aura, an image or a gloss around Fine Gael as a political party. It might be of benefit to the environment or in meeting our requirements under climate change objectives, but the Government is not interested in doing that.

Deputy Simon Coveney: I am interested in tackling climate change.

Deputy Timmy Dooley: The Government is only interested in presenting and pushing itself. We are supporting the motion for obvious reasons. The strategic communications unit is not focusing on changing behaviour but on attempting to change people's voting patterns.

Deputy Dara Calleary: It shows the Government's priorities that the Tánaiste used the word "virtue" when referring to the Government's communications. We have yet to see the actual business case made, the facts and figures to show how the strategic communications unit will save money. So far, it has not and there is no indication that it ever will. Is it a virtue that instead of dealing with one of the biggest crises facing An Garda Síochána and the verifiability of its statistics for drink-driving and crime, that the Taoiseach wanted a communications campaign surrounding the role of the Garda? In that context atmosphere, a senior official in the Department of Justice and Equality felt free to suggest the communications campaign could align with Garda operations and be used to impinge on the independent authorities investigating the Garda. Is it a virtue that when record homelessness and housing waiting lists are published, no Minister is seen to take questions or deal with the actual issues on the ground? Is it a virtue that when we seek to table questions about the strategic communications unit, we must go to the Information Commissioner to have them answered? These are not communications. It is what it has been exposed as, namely, a political partisan project. It is a tribute to members of the mainstream media, Ms Ellen Coyne, Mr. Hugh O'Connell and Mr. Juno McEnroe, as well as regional journalists who fed through the information, despite the fear and threat about revenues and future advertising. At a time when mainstream media are under such pressure, the campaign is a tribute to those and other members who have fought the fight.

The reason we are here is to get information. To date, the Government has refused to give answers to the House. If it has confidence in its case, the Taoiseach, Mr. Fraser and Mr. Con-cannon should go before the Committee of Public Accounts to take the questions from any member. The reason we are debating this issue is the Government is running away from it in the hope it will go away. It may hope, but we will not let it go away.

Deputy Marc MacSharry: The Tánaiste referred to cohesion, centralisation, cost-saving and the consolidation of websites. These are all admirable matters which do not cost €5 million. We are all for good communications, telling the truth, as well as portraying and giving the truth the complexion it deserves. Since its establishment, the strategic communications unit has used a new tagline, "A Government of Ireland Announcement". The first announcement I heard was on the disability pension. It amounted to a dishonest abuse of taxpayers' money to give the complexion of political ownership of the people's entitlements. It was wrong on every level.

I have nothing personal against the director of the strategic communications unit. In fact, I know him personally and all of his family as he comes from Sligo.

4 o'clock

The only difference is this is not a business. This is not about creating a complexion of ownership of the people's entitlements, which this is doing in terms of creating a complexion of Fine Gael's and the Taoiseach's, Deputy Leo Varadkar's, ownership of what the people were getting and entitled to long before he was finished school, never mind at the dizzy heights of being flanked, as my colleague said, like the commander in chief - all that was missing was Camp David and Marine One outside the door. No, we do not need that; we need the truth.

The issue here is an abuse. It is putting a marketeer's branding on people's entitlements: "We own this - a Government of Ireland announcement". I was at the cinema with my girls on Sunday. My six year old saw the ad for Project Ireland 2040 and she thought it was a great cartoon and it was then followed by "Tomb Raider". Both were immensely entertaining but, sadly, equally far-fetched. "Tomb Raider" was made by a studio. That particular cartoon, with those lovely pine aircraft flying around Sligo, where we do not have an airport any more, thanks to you guys-----

Deputy Simon Coveney: Thanks to us?

Deputy Marc MacSharry: That cost taxpayers' money. There is no level of morality associated with the "Leo the Vain" unit. This is €5 million of taxpayers' money. I will not even begin to list off the umpteen things Deputy Tony McLoughlin would like to do in Sligo with €5 million. Deputy Martin Kenny and I also have our list of things to do, as do all Deputies in the House. Deputy Micheál Martin and others have mentioned trolleys, mental health waiting lists and child waiting lists, but we are more interested in the image and the presentation. There is no doubt about it: John Concannon is the best in the business, except this is not a business. This is about being honest with the people and giving them a sense of ownership of the policy platform, not spinning lies to make them feel like the Government is endowing them with entitlements that they are getting whether Fine Gael is in power or not.

Deputy Simon Coveney: The Deputy should be careful with what he is saying. Nobody is spinning lies and the Deputy should not be naming people in association with that.

Deputy Marc MacSharry: The sooner it abolishes this unit, the better.

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

Deputy Marc MacSharry: I will conclude on this point. With regard to the launch in Sligo, which the Minister, Deputy Charles Flanagan, said I was not even at, let me tell him I was there. Deputies, former Tánaistí and so on were there, stuck at the back - we were sitting at tables - while Fine Gael's known and respected supporters were shown to their seats.

An Ceann Comhairle: The Deputy should conclude.

Deputy Marc MacSharry: We then had schoolchildren in from the local schools, which was fantastic, and they were given questions to ask. How do I know this? My niece was one of them. It was stage managed to a tee. This must end.

Deputy Sean Sherlock: I wish to share time with Deputy Joan Burton.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Sean Sherlock: We are supporting this motion. By virtue of the fact we are supporting the Sinn Féin motion, and it would appear Fianna Fáil is also supporting it, one senses there is a trend towards the motion being successful. While I would not wish to pre-empt the outcome of the vote on Thursday, if it is the case that the Sinn Féin motion is successful, will the Government recognise the voice of this House in terms of what the motion seeks to do and will it act accordingly? We have noted a trend of late, when motions come before this House and the Government is defeated, that there is inaction and the voice of the House is not recognised. I want to restate that we are supporting the motion and we hope that, should it be successful, it will be respected.

The Tánaiste in his speech stated that the establishment of a strategic communications unit in the Department of the Taoiseach was to create a communications programme led by the Taoiseach under the auspices of the Global Irish Economic Forum. I believe he is taking the justification for the establishment of that so-called SCU out of context. That recommendation was made in 2011, when we were in the maelstrom of a global downturn and in a situation where 350,000 people had lost their jobs between 2008 and 2011. The context in which he is using that justification, I contend, is utterly out of context. I think there is a bit of fake news going on and a little bit of spin. He is justifying the establishment of an SCU based on a Global Irish Economic Forum, which many of us have attended, but that was at a time when we were quite literally on our knees economically. If it was the case that an SCU was to be established, that was with a view to messaging outwards and in a global context. It was not for the purpose of taking out two-page advertorials, with soft journalism quoting only from Fine Gael representatives in newspapers like *The Corkman*. It is disingenuous for the Tánaiste to come to the House and say that was the reasoning behind it.

We have yet to ascertain just how much was paid by the Government and, by extension, the taxpayer for these advertorials which only quoted from Fine Gael or Government representatives. They were pitched as hard news when, in fact, the only thing one could see that was a nod to the fact they were advertorials was that the pieces were headed, “Project Ireland 2040 - in partnership with Rialtas na hÉireann”. It is a classic piece of propaganda. If we were told at the outset that this is what they were going to do, we might have understood the need to communicate. Every Government has the right to communicate and political communication is absolutely appropriate when one is in government. It is advisable that the work of the State and of the Government should be communicated to the people so they know what is happening on matters that pertain to their everyday lives. Nobody would argue against that premise. However, what we had here was a blatant and political use of taxpayers’ funding to present a message in a way that was favourable to members of the Government down to the most local level. That is plain wrong.

We wish that, through this motion, should it be successful and if the will of this House is such that it seeks to abandon or abolish the strategic communications unit, the Government would adhere to the wishes of this House.

Deputy Joan Burton: I was surprised to see the very well written story in the *Irish Examiner* this morning about the launch of the satellite wing of the children’s hospital in Blanchardstown. I wondered when I attended that event why it was such a cloak and dagger event, with relatively few public representatives of other parties there, given that all of the parties in Dublin West have worked to see that development achieved. That is the way with most big public programmes like the children’s hospital in that all of the parties in the House have supported them.

One could have knocked me down with a feather when I heard the name of it was going to be the Phoenix. I said to the Taoiseach and the Minister, Deputy Simon Harris, who were there, that I did not think it was a particularly good name. I noted it had international associations, not to mention the Phoenix Park being just beside it. Be that as it may, it gained huge publicity that day, and for a number of days it was practically the lead story in almost all the broadcast media and the newspapers. Therefore, it did what a media obsessed Taoiseach wanted: it got him the coverage, even though a couple of weeks later the Minister, Deputy Harris, had to announce a clanger, namely, it really was not on to call it the Phoenix children's hospital. I suggested it should be called the Dr. Kathleen Lynn hospital and I am not sure if the Taoiseach is still chewing on that or if he has now agreed to call it after a really prominent woman of 1916.

There was another story this morning, perhaps more sinister, that a proposal to have a publicity campaign in regard to the Garda was to be wheeled out by the strategic communications unit or was being examined by it. Does this now mean that when a wrongdoer is caught, the Taoiseach will front the press conference, rather than the Garda Commissioner or those gardaí who acted in the matter? As we have seen in recent weeks, the Taoiseach has an array of nice jackets in which to appear, depending on the weather. If it is bad, the jacket looks warm. When the sun shines, perhaps the Taoiseach might be more casual. It is a media image that seeks to make the business of government to be about one person, one party and one Government. In Greek mythology hubris is followed by nemesis. If the Taoiseach flies too close to the sun with publicity seeking kites, he should not be surprised if, down the road, people instinctively begin to reject them. They are not on what the people's money is meant to be spent. It is given in taxation to be spent properly on the essential goods and services they require.

Deputy Bríd Smith: We will support the motion and its idea of disbanding the strategic communications unit. It was ironic that, despite spending €5 million on slick PR and gathering the best and brightest minds in communications and social media, the Taoiseach revealed in a few minutes of hubris in Washington the reality of how the Government and the elite worked. Either the Government is not spending enough on the spin department or it should look for a refund from Mr. Concannon and company.

I also note that the review of the strategic communications unit set up by the Taoiseach and presided over by Mr. Martin Fraser is due to reveal its findings at the end of the week, but not many of us will be holding our breath for a review conducted by a top civil servant in the Department of the Taoiseach to find anything damning or critical of the Taoiseach's decisions or his spin unit. We do not believe the unit operates at arm's length from the Government or the Civil Service. As the *Irish Examiner* revealed today, it is woven into the heart of government. It has drafted parliamentary replies on behalf of the Government and promoted the PPS card in the event that it received critical public attention.

What I am puzzled by is the mock outrage in some quarters that the strategic communications unit is politicising the Civil Service. I am not referring to the ordinary rank and file civil servants with whom we deal in Leinster House on a daily basis, but does anyone believe the highest level of the Civil Service is not politicised and that, at the very top, permanent officials in the various Departments do not hold the same world view as the Tánaiste's party and Fianna Fáil, the two largest parties in the country, and that they do not hold the same commitment to the economic and social order and policies both parties advocate and advance? We certainly do not believe it. The idea that the top levels of the Civil Service are non-political and above party politics is farcical. Equally, the idea that the regional newspapers were not leaned on to present the national development plan in a certain light is also farcical. They were leaned on. It was an

opportunity to present certain Fine Gael candidates in a good light.

No one is fooled by the review or the Taoiseach's protest that "Fianna Fáil did it in the past." I do not doubt that it did, but when one's defence is that Fianna Fáil did something, one is really in trouble. However, I agree with one thing that has been stated, namely, that this issue is distracting from the work of the Government. I would go further and say the national development plan and Project Ireland 2040 are also about distracting from the reality of the work in which this and previous Governments have failed us. I look forward to considering Project Ireland 2040 and its fantasy of a bright future, as I am sure many people do as they wait in the queue for health services and public transport, as they wait on gridlocked motorways in trying to travel to and from work and as those who are homeless and living in hotel accommodation wait for homes. It will, undoubtedly, comfort them that, at some point in the future, the Taoiseach and company have a great little country planned for them, one that will be built and financed by their friends in the private sector who build the homes for which we pay lucratively but never own and one that is guaranteed to make plenty of money for those who own private health companies or are private providers of public transport services.

None of the Government's plan will deliver the services that we need now or will need in 2040. The spin unit cannot spin that reality or spin away the reality of homelessness, full buses, crowded hospitals, etc. It will need much more than €5 million to fool all of the people all of the time.

Deputy Mick Barry: This issue has inspired me to verse.

Deputy Simon Coveney: Great.

Deputy Mick Barry: Here goes:

For Ministers it is not wise to get caught telling porky pies,

So now they fix you with a grin and package it all up with spin.

The Taoiseach built a spin machine. He tried to build it strong and lean,

Though when he took it for a spin, the spin backfired and did him in.

He thought he would spin without a care, but look at what happened to Tony Blair.

For spinners spin and get caught out, and lose the game without a doubt.

Whether we are discussing the spin of Tony Blair, President Donald Trump or the Taoiseach or the spin we see on our television screens in "House of Cards" or "The Thick of It", there is no doubt that the dark arts of media manipulation, deceit and spin are an important part of establishment politics. They are, first and foremost, to disguise the fact that politicians in the political establishment are serving the interests of the 1%, not those of the majority.

Sometimes it is not easy to spin when one is in a tight corner. Many must be scratching their heads and asking what is the point of a €5 million strategic communications unit in the light of what happened in Washington in recent days. Many years ago someone in Hollywood made a movie called "Mr. Smith Goes to Washington". Let us hope someone never makes a movie called "Mr. Varadkar Goes to Washington". Would it be a horror movie, a comedy, a farce or a tragedy? The Taoiseach stated he would speak truth to power and challenge racism and sexism.

Instead, he acted like a toady and told lame jokes about the Irish planning system.

Everyone knows that there is spin to protect the interests of the powerful, but what is often not commented on as much is the way in which it is used to work against the interests of the powerless. The way in which the Government has communicated publicly on the issue of homelessness is a classic example of such spin. On 11 November the Taoiseach stated Ireland had one of the lowest levels of homelessness internationally. Two days later the head of the Housing Agency stated homelessness was normal, that it happened. The following day a senior official in the Dublin Region Homeless Executive stated it took years of bad behaviour to become homeless. The day after that the Minister of State, Deputy Damien English, claimed that it was damaging to Ireland's international reputation when referring to criticism of the homelessness statistics. On 27 February information was released through the media that the number of people who were homeless had reached record levels and exceeded 9,000 for the first time. Is it any coincidence that the figure was released the afternoon before the beast from the east met Storm Emma and covered the country in snow? It was a Blairite spinner, Ms Jo Moore, who said the day of the collapse of the Twin Towers was a good one on which to bury bad news. With the €5 million spent on the strategic communications unit one could employ 1,000 nurses or teachers.

I will conclude with the words of a former American President: "You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time." We will support the motion.

Deputy Michael Collins: I am happy to speak to the motion which I will support. From the day the so-called strategic communications unit was announced, I have called for its abolition. The sheer arrogance of the Government to treat itself to a €5 million strategic communications unit on budget day last October was appalling. The same budget failed to make any real change in dealing with the ongoing housing and homelessness crises. The same budget failed to address and make any real change to HSE waiting lists or the trolley crisis. It was €5 million that would not have totally fixed it but would have gone a very long way to improving the ongoing issues that face ordinary Irish people. The use of public funds to pay for party political promotions and general Fine Gael spin is totally unacceptable. I would like to see the finances scrutinised by the Committee of Public Accounts. The Government's ability to pay independent, local and small scale news providers to publish advertisements but have them appear as articles is truly scary. It is a manipulation of the Ireland 2040 plan. It is totally unethical. It is not the fault of the small businesses which accepted such demands. The blame should be put on the Government, which pressured them into doing it. The Government's promotion of its own party colleagues and candidates in regional newspapers was total exploitation and an absolute abuse of power. It is important to acknowledge and commend the journalists who worked to uncover such despicable behaviour. Their promise that the spin unit would be a totally independent, trustworthy and ethical working group has proven to be a lie. It is yet another reason why the ordinary people, who are paying for this propaganda in taxes, are furious with the Government. There are many areas that would have benefitted hugely from a more strategic plan. The €5 million funds could have been put into health, housing, carer's benefit, home help, education, rural roads or reducing small business rates. The list is endless. I hope the Minister and his Government can understand the frustration of the Opposition with the constant spin by the Government. Its obsession with looking popular and relating to the ordinary people is not fooling anyone. There is no justification for the continuation of the Fine Gael spin machine and for those reasons I wholly support today's motion. As I said earlier, the Government went to a

new low with the spin around the 2040 plan. I looked through it and no matter how much spin and how much money is spent on spin, there was not one thing for Cork South-West in that plan. If only the €5 million was given to filling potholes in west Cork, it would have done some good for the people of this country.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk on this motion. It is not fair especially to smaller parties and Independents. It is a blatant attempt by the Government's party to boost its chances of retaining power and increasing power at the next election. The spin in the 2040 document and the announcement in Sligo at which the Government had all its candidates from the neighbouring constituencies out front was a blatant attempt to drive other small parties and Independents into the ground. Shame on the Government for trying that stunt. In the long term, it will hurt the Government. Perhaps it is too blind to see that at present. I will remind the Minister what was written in that 2040 plan, which there was so much talk about, in very small writing. It said planning in rural areas will be allowed if it does not distract from larger towns and cities. That is what the Government proposes to do in the plan. It needs to be highlighted for the people out there in rural places who always built and paid for their own houses. That is in the 2040 plan. There is a lot of talk and spin here about reports and strategies to build houses for people. These people wanted nothing but planning to be allowed to build the houses for themselves. They will not be allowed to do that. Before the Government gets away with it, there will be many other battles here, there and everywhere because it is people's democratic right to build a house for themselves. The €5 million for the spin machine would help to provide more beds for people in places like Kerry General Hospital where there are 30 or 40 people on trolleys every day even at this time of year. They are the things we need to address. The 2040 plan left a whole lot of rural Ireland out, including rural parts of Kerry. There was no mention of any town or village in it. I am very sorry but the truth is the truth and that is what I have to tell the Government.

Deputy Mattie McGrath: I am happy to speak on the motion. As far as I am concerned it is high time the Taoiseach's spin factory was consigned to history. The Taoiseach comes into the Chamber and tries to persuade us that black is white and white is black. It is not a spin unit. He tells us it is all about informing the people, but he is sadly wrong. We have an educated electorate that can see what is going on; it can see it a mile away. Let us be blunt about it. This is just a piece of equipment for Saint Leo to use at his discretion. It has one function, which is to get Fine Gael back into Government. I said before the last election that they were waiting in the long grass and they are. They are waiting in the long grass. It is spin and more spin. The only one I can compliment is Oliver Callan on the great job he does. It is a farce; it is utter nonsense. There are many projects that need to be given a few bob here and there. We have people today from all over Ireland asking about the Tús schemes and the rural social schemes. Small money in each community would be wonderful but instead there is €5 million for this and that and €50 million for the other and nothing for ordinary people. My two colleagues are bussing people up to Belfast on nearly a weekly basis to get cataracts, knees and hips done. I have a few going up myself. They cannot be done by the HSE here. There is a wonderful local institution in Clogheen in south Tipperary, St. Theresa's Hospital. It is affectionately known as that. The community raised €500,000 over five or six years and the HSE cannot put another €400,000 with it to complete another hospice room and to do the work that HIQA wants. We want to keep that hospital. It is a fabulous step-down facility and many people have recovered. There are many other issues. We met people up there with the Taoiseach, Deputy Varadkar, when he was Minister. I call them the little people, na daoine beaga. They were looking for their treatment but it could not be afforded. The drugs companies were blamed. Where is the

Government's moral compass? Is it sitting or standing on it? It is one or the other but it is not in the Government's mind or vision. It has lost it completely. We sent him off out to America and he was an embarrassment. I have no problem with him ringing anybody about planning if we want foreign investment in our country. That is fine. I have a problem with the story he made up. Dúirt bean liom go ndúirt bean léi go raibh fear i gContae an Chláir ag lorg cead pleanála. He did not know what he was saying because he said so much and then he apologised. He cannot be left alone. The Government thought when it got rid of Deputy Enda Kenny that it was safe, that it was in a safe pair of hands. He cannot be let off without his spin machine. He is like a spinning top we had when we were young, on top of the desk at school. It spun off it, spun onto the floor and we were called up to the top of the classroom by the múinteoir for being a buachaill dána. That is what it is like now. The Government keeps using it but it will spin it into oblivion. The Government deserves to be no place else.

Deputy Catherine Murphy: I fully appreciate and understand the need for political parties and politicians to communicate effectively with the public. Political communication is an important part of the functioning of democracy and is correctly prioritised by many of us working in politics. That should not be questioned. However, there should be a significant difference between what constitutes political communication and propaganda. This is particularly important for the governing party. A balance must be struck between self-promotion and party advertising and a Government's role providing responsible and accurate information to citizens.

I should have said that I am sharing time with Deputy Ryan.

The balance has been tilted and in doing so, irreparable damage has been done and continues to be done to citizens' trust in the political process in this country. The general sense of spin replacing substance has been amplified and most people one talks to will take some of the Government campaigns with a pinch of salt so it is defeating the purpose and undermining politics. Many people felt rightly aggrieved that they had read things in their local papers and assumed they were reading a local news story only to find out, thanks to the work of Ellen Coyne in *The Times*, Ireland edition, that they were subject to advertisements dressed up as news. This sort of underhand falsification of politics does nothing but further entrench the belief that the political system is not to be trusted. The way in which the Civil Service has effectively been politicised through the strategic communication unit is yet another serious blow to the trust placed in political and public institutions. When a senior civil servant in the Department of the Taoiseach raises concerns about political impartiality in the strategic communications unit, then surely it should be enough to force a change. Instead there continues to be a blurring of the lines between the Civil Service and the governing party and this fundamentally impacts on the basis of democracy. There is stage-managed spin, designed to hide the shocking homelessness statistics, and there have been revelations about the unit's agenda to generate good news at regional level. Ironically, it has even ignored some things from the national development plan. For example, the DART underground is missing completely but we only have to look at this city to see that the surface capacity cannot deal with it. Such things have been left behind in the rush to regional good news. I wholeheartedly support a call for senior officials within the strategic communications unit to appear before the Committee of Public Accounts and I actually sought this. The official who made the business case to the Accounting Officer in the Department of Public Expenditure and Reform is required to appear in front of us to explain the budgeting process and I hope it will happen quite quickly.

Notwithstanding all the budgetary, ethical and political considerations, when assessing whether the strategic communications unit should be scrapped I suggest the Taoiseach takes

a look at the number of high-profile gaffes by himself, and senior Ministers lately, and asks himself if he is getting value for money. We will support this motion and it should be respected when the vote is called on Thursday.

Deputy Eamon Ryan: This afternoon I had the great honour of meeting a colleague of mine, Christine Milne, the former head of the Australian Greens and a Senator in the Australian upper house for many years, who is in the Gallery. We considered the role of the Civil Service and she said Australia, which is a very similar country to ours in a range of areas, had made a big mistake in recent years by replacing the independent civil service with a contracted civil service, particularly at senior management level, whose members could be fired if they did not deliver on the objectives of the government of the day. She believes that doing so undermined the strength of the civil service because an independent civil service can argue against government. Civil servants here do a superb job in managing the Oireachtas and sometimes we have different views, leading sometimes to a tension. When I was first appointed as a Minister, the Secretary General of the Department gave me the full box set of “Yes, Minister” to teach me how the tension worked.

We do not need to keep the service ossified as it was in 1915 but there is a concern that we have had too many generalists in the Civil Service and now need specialised services. There is a case for a specialised communications capability and for efficiencies in how it works and is developed but there is real concern that what Fine Gael is doing goes beyond getting a more effective Civil Service. Rather than being about efficiency and developing specialisation, it blurs the lines between Government and the Civil Service and, indeed, between the State and Fine Gael. Maybe Fine Gael has a tendency to do this because it was one of the parties around at the foundation of the State and sees the institutions of the State as an extension of itself but in this House it is a party like any other. It is not guaranteed continued power and if its members were in opposition, I am sure that if Sinn Féin, Fianna Fáil or any other party set up a communications unit to promote the Government, they would be shouting “Foul”. They would say it blurred the line as regards one of our strengths, which is a Civil Service that is independent in every way. We have seen the effects of this in the way Project Ireland 2040 was developed. The unit may bring certain efficiencies but there are questions about how the local newspaper advertorials were done.

There was criticism recently of the communications relating to the Taoiseach’s visit to the United States, and not just relating to the political aspect of his visit. Perhaps there was something in the old-fashioned Civil Service way, where they did not blow their trumpet as if they were involved in marketing, PR and branding and perhaps it is no harm to have a slightly more cautious Civil Service, which is understated and uses language that is not as brash. Some of the videos we saw from the US trip, such as the “Ireland, Here We Live” video, set the wrong tone, one of overconfidence and over-reaching itself. For that reason alone, the Government should reconsider and step back a bit.

Deputy Peadar Tóibín: The functioning of the relationship between politicians and civil servants is extremely important for a healthy and transparent democracy and each has a separate role in the formulation and delivery of policy. The separateness of functions is critical and it is not the responsibility of a civil servant to be a partisan arm of a political party in Government. Today, the *Irish Examiner* reports that the strategic communications unit has been involved in training civil servants, inputting directly into departmental management board meetings and drawing in senior officials for the communications strategy. If this is true it would mark a serious blurring of the lines between the political elements of Government and civil servants. It

would mark the wholesale subversion of what should be a healthy Government function.

The Government's political record should be the fuel of its political campaigning but civil servants should not be. The drafting of parliamentary answers by the SCU subverts the purpose of parliamentary questions. The purpose of parliamentary questions is to shed light on, and add transparency to, the functioning of Government. How does spin help that? Civil servants are entitled to career progression training for their own development and for the development of the State but now there is a serious concern that the strategic communications unit has been training qualified civil servants in the delivery of the Fine Gael political message. If this is true it would be the corruption of the independence of the Civil Service.

The Taoiseach, Deputy Varadkar, stated at the launch of the SCU that a democracy is only as strong as the relationship of trust between Government and citizens. I agree with that but can anybody say that this whole sorry mess has increased the trust of citizens? The purpose of the strategic communications unit is to get the Government message out there but the strategic communications unit is the news cycle at the moment. How is the Government getting its message out there? By any measure, this is a failure. The political karma of Taoiseach, Deputy Varadkar, getting tripped up by his own €5 million spin factory is lost on no one.

Deputy Denise Mitchell: Like many other Deputies in this Chamber, I am very concerned by the use of millions of euro of taxpayers' money to fund what appears to be little more than a Fine Gael propaganda department. In October, the Taoiseach promised that this unit would not be involved in promoting political parties or in producing political adverts. That was clearly fake news. A month later the Taoiseach pledged to create a republic of opportunity but I think what he meant by that was a republic of photo opportunities, for himself and his party's candidates.

Some of the paid-for adverts for the Project Ireland 2040 plan were designed to look like regular news stories which included pictures of Fine Gael general election candidates. It was a blatant attempt to get certain candidates' faces into photos and to get the public to associate a vote for that person with the completion of new infrastructure or new public transport services. It was parish pump politics at its worst. Not only that, it was a sly and underhanded approach aimed at deceiving the general public.

It is time for the Taoiseach's personal spin unit to be closed down. Public money should not be spent on promoting Fine Gael and its candidates. The use of this money should also be scrutinised by the Committee of Public Accounts as soon as possible.

Deputy Brian Stanley: I welcome this motion. I heard the defence by the Tánaiste earlier on. I think he is either confused or deliberately missing the point. Communications, political or otherwise, must not be about confusion, contradiction or concealment. They must be about clarity and facts. Leo's good news department was not created for clarity and truth but for confusion. We now have this unit at a cost of €5 million to the taxpayer which is basically being used as a Fine Gael propaganda machine to hoodwink taxpayers using their own money. This unit is about filtering the Taoiseach's party's true politics and its lack of achievement in housing, workers' rights, health, climate change and so on. There are basic strands to a democratic open state. One is that the State puts across the truth of its actions and that they can be openly debated. This Government unit has spent more than €182,000 of the €5 million allocated to it to distort that. I have seen huge two-page spreads in the local media in County Laois on the national planning framework where old news is passed off as "new happy stories" from Leo's

good news department. The crux of the matter was that there was no advertising and advertorial label. There is nothing wrong with a Government communicating its message and communicating it effectively but it must do so in such a way that the public knows what it is. I checked the spreads many times and found no advertorial or advertising label on them. The content was passed off as reportage, which was the problem with it.

If we look at what was announced in it, we can see an announcement about the completion of the Portlaoise orbital route, which was announced by the Minister for Transport, Tourism and Sport months ago. All local Deputies, including the Deputy from Fine Gael, welcomed this. In addition, there was information about the new psychiatric unit and the new court house, both of which have been doing the rounds for many years at this point. There was no need to spend taxpayers' money telling people what was already announced. This was clearly an attempt by the Taoiseach and Fine Gael to promote themselves with taxpayers' money. This unit is on a dangerous path. It must be disbanded and we must stop spending taxpayers' money on the Taoiseach's vanity projects. We can see that the unit is the Taoiseach's vanity project. He set it up when he came into office. Members of Fine Gael need to look closely at this. It should be disbanded.

Deputy Louise O'Reilly: I listened with interest to the Minister for Finance and Public Expenditure and Reform and his characterisation of my party as being somehow opposed to good news. Of course, the truth is that if there was any good news on housing, health or even some of the infrastructure projects, we would welcome it, as we have done. We have been consistently constructive in our approach. However, we will not join in the backslapping festival that seems to be heralded by the Government and we will not be silent when taxpayers' money is used to somehow promote the narrow political interests of one party. That is not acceptable. I commend Deputy Pearse Doherty for bringing forward this motion.

I also want to say a word of thanks to journalists like Ellen Coyne and Hugh O'Connell who have been derided by An Taoiseach and others in Fine Gael for simply doing their job. Their job is not to promote the Government or to continuously high five the establishment parties. Their job is to critically report the news and this is what they do and do well. They should be commended in this instance for what they have done in highlighting this issue.

Either directly or indirectly, the strategic communications unit sought to encourage and sponsor the dissemination of uncritical subjective opinion pieces as objective news, which they clearly were not. The Government knows that there is a problem. It has advised that there will be a review. There would not be a review if there was not an acknowledgement on that side of the House that there is a problem. We see reports in the media today that the review is likely to find that the strategic communications unit is doing a good job. I think Jack Horgan-Jones of *The Sunday Business Post* said this was like a student who sets and supervises their own examination announcing that they are confident of getting a high grade. There is not much faith on this side of the House in the review. We have called for the strategic communications unit to be disbanded. I do not want to pre-empt the result of the vote but in all likelihood, it will be supported by the House. The question we ask is this: will the Government support the will of the House and if this motion is passed, will it acknowledge that the strategic communications unit should be disbanded?

The Taoiseach: I rise to oppose the motion. I welcome this opportunity to put some facts on the record for those interested in them. The establishment of the strategic communications unit, SCU, as a Civil Service unit in my Department was approved by Cabinet in September.

A budget of €5 million from within my Department's existing envelope was allocated in October and a work programme was agreed by Cabinet in December. This was all done transparently. Approximately €170 million is spent per year on communications and public relations by Government agencies, Departments and public bodies comprising about 700 staff and many hundreds of external contracts. Often this is very well done but not always. Sometimes it is fragmented, there is duplication, it is expensive and it is unclear as to whether or not it is a Government-supported or funded campaign. There are too many silos, too many cooks and too many empires and there is a compelling case for reform in my view.

The remit of the unit is to bring consistency, clarity and professionalism to all Government communications. Its focus is to treat communications as a whole-of-Government activity and to speak to our citizens directly so they can be aware of Government services and policies and the actions Government is taking on their behalf. The SCU's output comprises three work streams: streamlining communications to the citizen, including the roll out of a single unified Government of Ireland identity, which is well advanced alongside the *gov.ie* website; running cross-government and cross-Department information campaigns such as the back to school, Healthy Ireland and the self-employed campaigns and Project Ireland 2040, which is ongoing; and implementing a capacity-building professional development programme for officials working in communications across the Civil Service. Contrary to some recent reports, upskilling and training civil servants is part of the stated remit and is no revelation. It is one of a number of Civil Service units that provide training for other civil servants in specialised areas. This type of cross-governmental collaboration is common sense and is increasingly the norm across Europe. The public is not best served by having Government communications hived off to different silos, having multiple confusing brands and having communication activities carried out by those without the training or experience to do it. I very much believe in joined-up Government and part of my job as Taoiseach and head of Government and that of my Department as Department of the Taoiseach is to put joined-up Government into effect. This applies to policy, implementation and communications among other things. Communication is, always has been and should be part of the work of Government just as it is for any large organisation. It should also be effective, modern and professional. The long-term benefit to the public service of the unit will be particularly evident from the capacity-building element of its work. I believe it will deliver financial savings to the taxpayer.

I would like to take this opportunity to bust some myths. First of all, the SCU does not run any of my Twitter, Facebook or Instagram accounts. It does not record or promote my weekly video or decide what I wear. It has minimal input into my speeches, press releases and preparation for interviews. These are all done by me with the help of my political staff. My communication style is different. It is more direct, more personal, more present and more modern. Some people do not like it. I accept that. Other people do like it and I accept that too. Some would prefer a more traditional model. Either way, it is who I am and it is not going to change - SCU or no SCU.

As Deputies are well aware, with regard to concerns about advertorials for Project Ireland 2040, specific instruction was issued to the media buyer by the SCU that all content should be identified as being "in partnership with the Government of Ireland" or "in association with the Government of Ireland". It is disappointing and disingenuous if not inaccurate that some have conflated instructions related to the Creative Ireland campaign with Project Ireland 2040. As Deputies should know, Creative Ireland predates the existence of the SCU. While some of the players were the same, it is conjecture to say that the instruction was the same when it seems it

was not.

The SCU supplied each media unit with facts about Project Ireland 2040. However, the decision on editorial style was left to each media organisation. This explains why there was such a wide variation in the presentation and content from one newspaper to the next. The SCU had no input in selecting or contacting any external or third persons for interview. No political spokespeople, or Government Senators or backbenchers were recommended for interview in any of the partnerships with regional media organisations. Any suggestions to the contrary are purely in the realm of conspiracy theory and have not been supported by any evidence to date.

Decisions about what organisations and individuals would be asked for comment were again left to each media organisation. The SCU did not sign off on final copy. However, given the reasonable concerns that have been raised, I previously informed the House that in future any sponsored or paid-for feature article should continue to be clearly identifiable. This is best done by including the Government of Ireland logo and such features should also state that the copy is advertorial, advertisement, sponsored or special feature. If media partnerships or agencies are used, in future, final editorial control or sign-off must be by the Department or the SCU. Anyone interviewed for an advertorial or an infomercial should be informed of the purpose and their permission sought. Politicians and public representatives should not feature in any paid-for content by Government other than relevant officeholders, that is, Ministers. The SCU is part of a Department and is therefore staffed by civil servants. Like any other unit or section, it prepares replies to parliamentary questions on its role and functions. This is the norm. This is standard practice. It is not a revelation.

The suggestion that officials or staff in the Tánaiste's office should prepare replies to queries about the SCU is barmy. It is akin to suggesting that staff in my office would prepare, unaided, speaking notes on the office of patient safety in the Department of Health or on the building unit in the Department of Education and Skills. That is simply not how it works.

Regarding constituency functions, the sod turning for the satellite centre for the new national children's hospital was, of course, a national event even though it was in my constituency. In any case it is actually part of the normal functions of the Civil Service to support attendance of Ministers and the Taoiseach of the day at any public event, provided it is not a party political function. This is part of the daily work of civil servants in the diary office, the press office, the protocol section if there is one and the private office of every Department. It has been the standard practice for decades, if not since the foundation of the State. Neither crosses or blurs any lines. That would only be the case if the event was a party political event or a purely personal one.

As the SCU is part of the Civil Service, it, of course, provides input into the Department's management board, as all Civil Service offices do through their relevant assistant secretary or Secretary General. That is where decisions in Departments are made and signed off.

A review of the strategic communications unit is under way. It is being carried out by the Secretary General to the Government. No limitations have been placed on what the review can or cannot propose. The review will be completed before the end of March. That is the right and proper way to examine such issues. I do not believe it is proper for the Dáil to seek to redesign the internal structure of a Department. That, I believe, is blurring the lines between politics and the Civil Service, as is the suggestion from the main Opposition party that politicians should adjudicate on what is released under freedom of information rather than officials as is currently

the case. Those two stances are somewhat hypocritical.

The behaviour of Opposition Members on this matter does not reflect well either on their sincerity or their standards. Mud is slung simply in the hope that some of it will stick. Decent hard-working civil servants and public servants have had their probity questioned. They have even been accused of corruption and involvement in party politics-----

Deputy Peadar Tóibín: That is completely untrue. The Taoiseach is putting them into that position.

The Taoiseach: -----even though there is no evidence to support that. Allegations are thrown around in a “make them deny it” sense. Conspiracy theories are put about because, of course, conspiracy theories require no proof. Innuendo is passed off as analysis or even fact. The Government was compared to Nazis by the deputy leader of the Labour Party and yet no sanctions or dissociation from his party or his leader have come, even though that leader demands the highest standards from others almost every day.

Why is this happening? Why does the Opposition have a relentless focus on public relations and communications? The reason is quite simple. Opposition Members do not want to talk about issues of substance. They do not want to talk about Project Ireland 2040 because they know it is a good piece of work and a good plan. They do not want to talk about budget 2018 because they know they would not reverse it. They do not want to talk about the welfare and pension increases coming into effect next week, which will benefit almost 2 million people. They do not want to talk about Brexit. They do not want to talk about the public sector pay deal. They do not want to talk about the most important work the Dáil did the week before last, which is the legislation on the abortion referendum and the ratification of the UN Convention on the Rights of Persons with Disabilities. I could go on but I think it is obvious the Opposition has no substance, has few alternative policies and even fewer solutions. As there is no alternative to this Government, they just go on the attack instead.

Deputy Peadar Tóibín: That is an alternative theory

Deputy Imelda Munster: We all acknowledge that the strategic communications unit has been a disaster from day one and the Government will eventually be forced to acknowledge it - the sooner the better. A communications unit is supposed to make news, it is not supposed to be the news. Initially we were told the unit would not cost the State a cent. Those were the Taoiseach’s words. Subsequently, we discovered that it would cost in the region of €5 million annually. For that €5 million taxpayers have witnessed a series of blunders. Chief among those blunders was the Project Ireland 2040 launch where the communications unit thought it would be appropriate to use taxpayers’ money to build profiles for Fine Gael candidates. We know the Taoiseach is all about self-promotion and publicity stunts. There is no real substance to his leadership. It is all spin. We also know that this spin unit was the Taoiseach’s creation, his baby. However, he cannot even get his spin right.

If the Government were doing its job properly, it would not be necessary to have such an over-the-top spin propaganda operation that costs the taxpayer €5 million a year to get its message across. The delivery of its work would speak for itself. The media would not have to be paid to cover it. However, this is what happens when the Taoiseach gives jobs to his friends as he has done with the head of the strategic communications unit, Mr. John Concannon. As Sinn Féin spokesperson for tourism, it would be remiss of me not to mention that Mr. Concannon

was director of market development at Fáilte Ireland at the time that the Taoiseach-----

An Leas-Cheann Comhairle: It is not appropriate to mention names of those who are not in the House. The Deputy can refer to them in another way.

Deputy Imelda Munster: This particular person was director of market development at Fáilte Ireland at the time that the Taoiseach in his capacity of Minister for Transport, Tourism and Sport took it upon himself to lobby on foot of a phone call from Donald Trump. Is the Taoiseach 100% sure that he did not ring Clare County Council? Can he state that categorically? We have two different views and both of them are the Taoiseach's. Was his humorous anecdote simply him telling lies or did he know he had an ally in his friend, the director of market development at Fáilte Ireland? Did he know that was an ally? Did he take comfort in the fact that he had an ally in that friend? If he changed his story, was the Taoiseach comfortable that if he changed his story from lobbying the council to lobbying Fáilte Ireland he would have a certain level of protection? Was that his reason for doing it? Was it that friend of the Taoiseach's who advised him to change the story for that very reason? Which was it? He has yet to answer those questions. I think it is time - everyone knows this - for the Taoiseach to disband his spin unit. It has been an abysmal failure. It is fooling nobody. He should do it before he is shamed into it.

Deputy Pat Buckley: The Tánaiste said in the House today that the strategic communications unit was set up to communicate with the electorate. Instead it has turned out to be a Fine Gael propaganda unit. We should call it the "huff and puff and do nothing" unit at a cost of €5 million to the taxpayer.

5 o'clock

This certainly was a mistake. They say that a bad law is an unjust law. The strategic communications unit, SCU, is unjust. The €5 million cost of the SCU could go a long way towards providing extra special needs assistants, SNAs. It could help in the areas of health or housing. It could be used to assist people with special needs and the elderly. It could help provide for a special wheelchair for a three year old child in east Cork, which another Deputy mentioned recently. I myself sourced two wheelchairs for constituents last week. That says a lot about how bad this country is. We need a reality check on this. The €5 million could fund aspects of mental health care. It could help to pay our Garda and members of the Defence Forces. It could help fill potholes in east Cork. Money can be spent in much better ways, but this Government prefers political spin over investing in the very people it is supposed to represent. The money could be spent on redress for the survivors of the mother and baby homes.

The SCU is a mistake. It must be disbanded. We must use taxpayers' money wisely and invest it to assist people and not spend it on political spin. I urge the House to support the Sinn Féin motion.

Deputy Eoin Ó Broin: I would like to respond briefly to some of the arguments put forward by the Taoiseach, the Tánaiste and the Minister for Finance, Deputy Donohoe, in defence of the SCU. We are told that the purpose of the unit is to streamline Government communications, to co-ordinate, to train and to promote best practice. How much of the time of the 14 members of this unit is dedicated to that? How much of the €5 million budget is dedicated to those specific tasks? The only bit of work reported in the public domain which relates to that part of the function, which the Taoiseach says is integral, is an audit of the unit which is very light in terms of actual recommendations on how to co-ordinate, streamline, train or share best practice. I do

not believe for a second that is its primary function. I am not even sure that it will do that at all.

The Tánaiste told us earlier that the SCU also helps to attract private sector finance for Project Ireland 2040, as if somehow advertisements in *The Corkman* or in local cinemas will influence decision-makers in the private sector. That is probably the most spurious argument I have heard to date.

We were also told earlier that somehow the €1.5 million investment in Project Ireland 2040 is comparable to informing people about benefits for the self-employed or back to education supports. Those two campaigns were telling people about things they could access today. If one looks at the detail of Project Ireland 2040 it does nothing of the kind.

Probably the most spurious argument made by the Minister for Finance, Deputy Donohoe, and again by the Taoiseach, is the idea that we do not want to talk about the real issues. We talk about the real issues every single day. We present alternative proposals to the Government, which it ignores. The only relentless negativity is the negative impact bad Government policies are having on people's lives. I have heard nothing from the Government to support this unit and it should be disbanded immediately.

Deputy Pearse Doherty: I thank all the Deputies who spoke in favour of this motion. All political parties, with the exception of Fine Gael and the Independent Alliance have supported the motion and I believe that speaks volumes. The Taoiseach indicated that he is likely just to disregard the democratic will of the Dáil, and that also speaks volumes. I want to extend my appreciation on behalf of my party to everybody who has recognised that the SCU was an error made by Fine Gael. The spin is continuing.

A number of claims were made by the Taoiseach. He said that it was cost-neutral. We now know it cost €5 million. He said that it would be at arm's length from the Taoiseach's office, yet from freedom of information requests which have now been published by Hugh O'Connell and others we now know that the Taoiseach was involved in the establishment of the SCU and suggested the type of campaigns that it would operate. He said it would be at arm's length from Government Ministers, yet we now know that answers to direct questions to Ministers are being drafted word for word - with the exception of one word - by the SCU. The Taoiseach, in response to previous questions, claimed that the SCU was a recommendation of the Global Irish Civic Forum in 2011, and the Tánaiste repeated that claim today. That is not true. The one year update of the Global Irish Civic Forum is online: the Government should read. It originally recommended the establishment of a strategic international communications unit in the Department of the Taoiseach. The update, one year later, says that the unit has been established to ensure a co-ordinated approach to the reputation and business efforts across Departments and agencies to develop a message about Ireland for international audiences. That is very clear, but that claim is still made by the Government.

From freedom of information requests it is very clear that the Taoiseach was involved in instructing and directing the SCU. Indeed, in one email he says:

This is good. Notified Cabinet last Thursday. I think key campaigns coming up should also include the new childcare subsidy. Again, should be a thing that Government is doing for you, not the Department of Children and Youth [Affairs].

The Taoiseach's email address is blanked out in that email. Why was that done? Government email addresses are always published. Why is it redacted in that email? The email that

was sent to the Taoiseach - I am assuming, because it is the same length - does not feature the Taoiseach's name. A blanked out email address has been CC'd. Is that a private email?

Did the strategic communications unit, and indeed senior civil servants in the Department of the Taoiseach, communicate privately with the Taoiseach on the establishment of this unit? Was the direction given to them relating to the childcare campaign sent from the Taoiseach's private email? Is that how business is operating here? I would like clarification on these issues, to put our minds at rest and to confirm that he is not avoiding public scrutiny of the Taoiseach's little vanity project, his spin project, and that this is all being conducted in a transparent way. It is about communication, after all.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 22 March 2018.

An Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018: An Dara Céim (Atógáil)

Thirty-sixth Amendment of the Constitution Bill 2018: Second Stage (Resumed)

Atairgeadh an cheist: "Go léifear an Bille an Dara hUair anois."

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

Deputy Lisa Chambers: We have an opportunity now as an Oireachtas and as a country to right what I believe is an historical wrong and something that has caused harm and pain to literally thousands of Irish women, and in many cases their partners and families. As a member of the cross-party Oireachtas committee that examined this matter and looked at the Citizens' Assembly recommendations, I feel I can say that after almost four months of work on that committee, meeting for around seven hours per week and doing many additional hours of preparatory work, I am quite well informed on every aspect of this debate. I have heard hours of evidence and testimony on this matter. I do not believe that anyone can seriously suggest that the matter has not been properly debated or that proper process was not followed. We had a Citizens' Assembly, chaired by the eminent Ms Justice Mary Laffoy. We then had the cross-party Oireachtas committee on the eighth amendment, and we now have debate here in this House, with the entire process culminating in a vote by the Irish people in a referendum. We have properly discussed and debated this issue at length and the time for talking is very much over. It is now time to vote on the issue and to move forward.

There are those who challenge the process and have attempted at every opportunity to undermine it simply because they did not like the outcome. No evidence has ever been produced to back up the spurious claims that the Citizens' Assembly or the Oireachtas committee were somehow rigged or biased. The reason no evidence was forthcoming is because those claims were ridiculous. It was a cheap and lazy pot shot across the bow by some who say that they do not like what they are hearing and do not like the outcome and that the only explanation is that the process must be wrong. The process was not wrong. It was properly conducted and I was very proud to be part of that process. I am sure if the process had produced for them a more palatable outcome they would be singing the praises of the process and everyone involved.

Various figures have been put forward for the numbers of Irish women who have travelled to the United Kingdom for an abortion, such as 200,000 since 1970 or 180,000 since the eighth amendment was inserted into the Constitution in 1983. However, we cannot know for sure because those figures only take account of the women who gave Irish addresses when they went to the United Kingdom. Many women did not do so and the overall figure is, therefore, higher. The key point is that the eighth amendment does not stop Irish women from having abortions but, rather, exports the problem to another country which it allows to care for Irish women. Abortion is very much part of Irish life. I shudder to think of the situation in we might be were it not for the ease of access to the United Kingdom, although I suspect we would probably have dealt with the matter long before now if we had been unable to lean on our neighbour.

The women who have been silenced to date are listening intently to the ongoing debate. If we retain the eighth amendment, we know that legislatively we have gone as far as we can. With the eighth amendment in place, abortion is only permitted in circumstances where the mother will die. That is the *status quo*. For those who wish to retain the eighth amendment and, therefore, the *status quo*, it is worth outlining what that means. It means that a woman who becomes pregnant as a result of rape or that a young girl made pregnant by a family member will be forced to carry the pregnancy to full term against her will and cannot obtain an abortion in her own country. A woman who self-administers the abortion pill is liable to be sentenced up to 14 years in prison, even if she is pregnant as a result of rape, while her rapist may receive a prison sentence of seven years or less. A woman who has been advised by her doctor that her health will be severely affected by her pregnancy does not have the option of terminating the pregnancy in her own country. Such a woman may be too ill to travel to the United Kingdom or elsewhere and may have other children at home, but that does not matter. A family who receive a devastating diagnosis of a fatal foetal abnormality in a much wanted pregnancy will not have the choice of terminating the pregnancy in this country and if they choose to terminate it in the United Kingdom or elsewhere, the doctors caring for the woman and her family up to that point will not be able to make the journey with them or even make a referral. Irish women will continue to travel to England to access abortion services or go online to order the abortion pill which they will self-administer at home without medical oversight, as many have done. That is the *status quo* and what retaining the eighth amendment will mean.

I the opportunity to directly address some of the key concerns raised by those who are against repeal or unsure of how they will vote. I wish to make it clear that they are genuine concerns which should not be dismissed or left unaddressed. Disability is an issue that, unfortunately and disappointingly, has been used to advocate against repeal. Some who argue against repeal have stated providing abortion services in this country will mean advocating to terminate pregnancies where there is a disability. That is a deeply disappointing argument to make and path to take in the debate. I am totally opposed to disability being used as a ground for abortion. I wish to make it clear that this issue was debated by the Joint Committee on the Eighth Amendment of the Constitution which voted categorically against it being a ground for a termination. It is not and should not be part of this debate. Many families of children with disabilities such as Down's syndrome have stated they are utterly disgusted that their children are being used in this way in the campaign. For that to be done is totally wrong.

It has been alleged that abortion will be on demand and unrestricted. Nobody is suggesting abortion be unrestricted. The term "on demand" is deeply insulting to women. We do not suggest one should be able to walk into one's local convenience store and purchase an abortion pill as one would a box of Panadol. What is being proposed is highly restricted and regulated and

will be carried out in conjunction with the medical profession. Women buy abortion pills online and self-administer them without medical supervision. That is unrestricted.

It has been argued that GPs will be unable to cope with the demand for abortion services. Doctors for Choice has stated that is untrue and that there is no evidence to support such a claim. Even if only a small number of GPs were to opt to provide abortion services, the demand would amount to approximately one patient per week for each GP. It is untrue that GP services would be overwhelmed by demand.

It has been suggested the right of doctors who do not wish to provide abortion services to conscientiously object will be undermined and taken away. I support the right of every doctor operating in this country to conscientiously object and not provide the service. All that such doctors will be required to do is to refer a patient seeking an abortion to a GP willing to provide the service. The suggestion the right to conscientious objection would fall away or be undermined is not backed up by facts or evidence and is scaremongering of the highest order.

Another argument brought forward as a key concern is that there is uncertainty as to what legislation will be enacted should the eighth amendment be repealed. Legislation indicative of what will be proposed will be put before the people who will be able to see what it is proposed to put before the House if the eighth amendment is repealed. If citizens of this country, having seen the proposed legislation, then vote to repeal the eighth amendment, they will be endorsing that legislation and I will support the vote of the people in that regard. The idea that we cannot trust politicians, as suggested by some politicians, does not hold water. That politicians have themselves suggested this is ridiculous. Deputies are elected to legislate. That is the purpose of this House and every Member of the Oireachtas. If the people do not like what we do in this House, they will have their say at election time and in the polls. That is how our democracy functions.

It has been argued that abortion rates will increase exponentially, that there will be queues around the corner and that the only reason for the current rate of abortion is that women are too lazy to travel, whereas if it were easier and more convenient to procure an abortion, women would be lining up to do so. That suggestion is deeply insulting to women. No woman makes such a decision lightly or would flippantly seek a termination without consideration of what she was doing. The idea that rates will rise and that women will be queueing around the corner is unfounded in evidence or fact and deeply hurtful and insulting to Irish women. During the debate on the Protection of Life During Pregnancy Bill in 2013 it was suggested the floodgates would open as a result of its enactment. The floodgates did not open and we did not have an avalanche of women seeking abortion under the Act. The suggestion was completely disproved and there is evidence to back it up. The debate should always be based on evidence and fact.

It has been stated hard cases make bad law. When asked to address the difficult issues I have outlined such as cases of rape, incest, fatal foetal abnormality or a threat to a woman's health or life, persons who oppose repeal of the eighth amendment and abortion services in this country will often deflect, skirt around and attempt to ignore these very real issues. As a Deputy and a legislator, I do not have the luxury of ignoring the difficult cases. How could anyone deflect or skirt around the horrific cases that have come before the courts in the form of many letters of the alphabet such as those of Ms X, Ms C, the A, B and C cases, Ms D and Savita Halappanavar? It is a list of which we should be ashamed and shows that the hard cases are not that rare and increasing.

Let us reflect for a moment on the current constitutional position. The eighth amendment makes abortion illegal, except in cases where the mother will otherwise die. The thirteenth amendment expressly permits a woman to travel to obtain an abortion in another country, while the fourteenth expressly allows a woman to receive information in Ireland on abortion services in another country. The hypocrisy displayed in the amendments is quite stark. The Constitution provides for a not in my back yard approach to abortion. I wonder how those who oppose the repeal of the eighth amendment and do not wish to see abortion services in this country feel about the thirteenth and fourteenth amendments. Are they advocating that we repeal those? Should we begin to stop pregnant women at the airport? If not, why not? If one is totally against abortion and believes it is never justified or necessary, why then are we happy in this country to expressly write into the Constitution that Irish women can go abroad to do something which is illegal here? Why would we allow such a situation to prevail? Are those people happy to maintain the criminalisation of women who have abortions here in Ireland? Are we okay with leaving a potential 14 year sentence for having an abortion, by means of self-administration of the abortion pill, on the Statute Book? I have heard some people who oppose repeal of the eighth amendment say they do not wish to see women prosecuted for having an abortion or for self-administering the abortion pill. Why is that? If we want it to remain illegal, why are we not seeking to prosecute? I maintain that people see the reality of the situation and that it would be a very slippery slope if we were to pursue such a line. It would set us back 100 years. Clearly, they realise how barbaric a situation it would be to lock up a woman for terminating a pregnancy for whatever personal reason she felt she could not continue with it. It should naturally flow from that position that we should decriminalise abortion in our laws.

The abortion pill has been debated widely in recent weeks and months. Its widespread availability in this country was undoubtedly a key factor in helping the committee reach its decision. Ms Justice Laffoy asked us specifically to look at that as the Citizens' Assembly did not have enough time to do so. Some 1,600 deliveries of the abortion pill were made to this country in 2016 and the number is increasing as awareness of the pill's availability increases. The evidence to the committee from medical professionals is that the abortion pill is being taken without any medical supervision and women may be afraid to seek help if something goes wrong, due to criminal sanction. It is the view of the medical profession that this situation is unsafe and poses a real and genuine threat to the life and health of women and girls in this country. It was the strong majority view of the committee that the situation needed to be regulated and made safe as it was only a matter of time before something went wrong and a woman or girl in this country lost her life.

A key part of the report was the ancillary recommendations on sex education and contraception. Unfortunately, that is not getting much attention in the media. Perhaps that is because it is not the most contentious issue and there was widespread support for the recommendations. We must do all we can to reduce crisis pregnancies and to educate women and young girls properly on how to protect themselves in terms of increasing the use of contraception in this country. Even with all the supports and education, there will always be a need for abortion services. We cannot get away from that. Women need to have full control over their health and future family and no woman should have the trauma of rape, incest or a diagnosis of fatal foetal abnormality further compounded by a lack of compassion and full and proper health services in her own country.

Some aspects of the campaign to date have been disappointing but in other respects it has been heartening and respectful. I am heartened by the respectful debate in my own party. Many

of us have opposing views but we have been able to debate the issue in a mature manner and have respect for one another and our differing views. I very much welcome and appreciate the free vote on this issue afforded to my colleagues and me by our party leader and our party policy because I fundamentally believe that it is a very deep and personal choice for each individual member to make. In making that personal choice as a Member of the Oireachtas and in advocating a position we are having an impact on girls and women in this country, and we are having an impact on the provision of proper health care and we must be conscious of that and very cognisant of the impact of our position and what we say.

I mentioned earlier the 200,000 or so Irish women who have travelled to the UK for abortions. They might not talk about their situation or experience and neither might their partners and families but what the statistics show - I accept they are not the full picture but they give us a clear indication of the reality - is that those women are in the every corner of the country, in every county and constituency. It is quite likely that we all know a woman who has been through a very traumatic situation and has made that very long and lonely journey to the UK or elsewhere. I ask people to be very respectful and compassionate and that they are careful with their language and how they articulate their position. While I will always argue and defend the right of every citizen and every Member of this House to have an opinion and to hold their own personal view, it is worth remembering that the statistics we cite are real women who walk among us every day. They may have been silenced but they are very much listening to the debate in this House and outside of it.

A fact that is often overlooked is that the eighth amendment does not affect all women equally. I do not believe I am equally affected as others because my means are different from those of other women. Many women have the financial means to travel to the UK but those most affected by our laws are the poor and most vulnerable women in society, namely, refugees and those too sick to travel. The country is failing those women. In the end, this is a deeply personal and private matter for a woman and the decision should be taken by the woman in conjunction with her doctor and her family.

The debate has the potential to become very hurtful. I have spoken to people involved in the referendum debate in 1983 and some of those who participated, on both sides, say they found the entire process very difficult and that it has stayed with them to this day. The one thing we owe to those women who have been affected and to those who will potentially be affected is to keep the debate respectful and to ensure the facts and the evidence are to the fore. We must not mislead the public in any way. The referendum commission will have a vital role to play in that regard. The key message I have got from speaking to people is that there is confusion, a lack of facts and a lack of information. People are looking for answers to genuine questions. I believe most people are somewhere in the middle ground, which we hear about a lot. We owe it to the citizens of this country to put forward the facts, address their questions honestly and genuinely and show respect for both sides of the debate. If we do that, ultimately I believe the Bill will go through the House in a respectful way. No Member of this House should ever stop the people having their say. The Bill is only asking whether we will allow the Irish people to have a vote on the issue. It is not asking whether one supports repeal or not. It is 35 years since the amendment was inserted into the Constitution and it is important that those who are, arguably, most affected, namely, young women, should have an opportunity to have their say and make their voices heard both to this Parliament and this country.

Deputy Louise O'Reilly: I wish to share time with Deputy Donnchadh Ó Laoghaire.

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

Deputy Louise O'Reilly: I am delighted to finally get an opportunity to speak on the Thirty-sixth Amendment of the Constitution Bill 2018. This is incredibly important legislation that will finally give a whole generation of people the opportunity to have their say on the eighth amendment and Ireland's effective constitutional ban on abortion.

The repeal of the eighth amendment is necessary in order to ensure that Irish women have access to proper and appropriate health care. The eighth amendment should never have been placed in the Constitution. It was a mistake and bitter experience over decades demonstrates that. I have spoken about that on a number of occasions and I have referenced my parents and people like them who campaigned against the insertion of the eighth amendment into the Constitution in 1983. At the time people warned what would happen. They were not fortune tellers and they did not have crystal balls but they were people who listened to doctors and women and they could see what would happen. History shows us that they were right and that we need to repeal the eighth amendment.

We need only ask the masters of the maternity hospitals - the men and women we trust to look after our daughters and friends. They have told us, clearly, in a way one could not misunderstand or misinterpret, that the eighth amendment is an impediment to them in doing their job. Dr. Rhona Mahony, master of the National Maternity Hospital, Holles Street, said it is clear that the eighth amendment does not protect the best interests of mothers or babies as a result of the chill factor it imposes in respect of what medics can do, whether in routine or emergency situations.

As has been highlighted at the Citizens' Assembly and in other fora, the criminalisation of abortion causes a chilling factor for women seeking medical care, as well as for health care staff providing such care. The criminal law plays a major role in creating a chilling factor for women in getting post-abortion care. Women are less likely to present at their doctors after an abortion in Ireland, which would be carried out illegally, or a legal abortion overseas. That puts them in distinct danger in even getting aftercare.

The eighth amendment was never about morals or ethics: it was about the control of women. It finds its genesis in a sexist and conservative State with sexist and conservative social values which dominated society for decades. The core driver of such conservatism and sexism was a church obsessed with control and the pursuit of its warped vision of what it believed to be a moral society.

The insertion of the eighth amendment into the Constitution in 1983 was the collective reach of ultra conservative elements within the State into an area of health policy in order to control women and their bodies. The fight for the removal of the eighth amendment is a fight to give women back control of their bodies and to restore the termination of a pregnancy to area of medicine where it is between a woman and her doctor and not a matter of national social policy. Women should be trusted to make decisions about their own bodies and medical needs.

The referendum provides us with a historic opportunity to ensure finally that compassion and trust in women prevail. We have heard the evidence from experts. We have heard indisputable facts. We have heard the evidence from the experts on why they believe the eighth amendment must go. That evidence is available. We heard it at the committee and at the Citizens' Assembly. It is freely available and I encourage everybody to acquaint themselves with

the facts in advance of this referendum vote. It does not suit the narrative put forward by the anti-abortion lobby, which is reminiscent perhaps of what was being said in 1983, but we have moved on. Just because the facts do not suit their agenda does not mean we should not discuss those facts.

It is not lost on anyone that even at the Joint Committee on the Eighth Amendment of the Constitution there were representatives who appeared before it and gave misleading claims. I had to write to the Icelandic and Danish Governments to ensure they could defend themselves against the misinformation put forward at the committee by some of the representatives. I had to invite them to put facts on the record and not misinformation.

It is little wonder, therefore, that the anti-choice side have now hired a company with close ties to Cambridge Analytica. For anyone who does not know, Cambridge Analytica is a company which combines data mining and data analysis with strategic communication for the electoral process. It has been accused of harvesting and using the personal data of millions of Facebook users and is under suspicion as to whether that data was used to influence the outcome of the US 2016 presidential election or the Brexit referendum.

As *The Times* Ireland edition reported, Thomas Borwick, who it is reported used to work for Cambridge Analytica but who set up his own company Kanto, has been hired by an Irish anti-abortion group. This is who the anti-abortion and anti-choice groups which will be party to the debate on this referendum have turned to in order to maintain the *status quo*. They are organisations which do not deal in facts, but which no doubt help to disseminate fake news and propaganda. The Data Protection Commissioner has every reason to be worried and to start investigating to make sure that the arrival of Kanto to this State to work with one side in the referendum debate means that data protection laws could be breached. I believe the Data Protection Commissioner should investigate this matter.

Similarly, the latest campaign by the anti-abortion side carried advertisements with a man who claimed to be a scrub nurse who spent years assisting in operating theatres when abortions were being carried out. The only problem with this was that it was completely fake. The man was not a scrub nurse but was a hospital porter for eighth months and he has been found out for having falsified a qualification document. That is what we will be up against. Those are the opponents of women's rights and the opponents of the repeal movement.

Women have fought and continue to fight for equality. We do not want to go back into the boxes in which the patriarchy tried to put us in 1983 and the decades thereafter. We want the eighth amendment repealed and we want legislation to allow compassionate access to abortion in this State. We cannot say Irish women do not have abortions. They do. We all know somebody who has been affected by it. Irish women have abortions every day. With the advent of the abortion pill we cannot even say, as we did years ago, that they have abortions every day but they just do not have them here. They do have them here, every day, and we cannot deny that. To continue to deny that is to continue to perpetuate the kind of place Ireland was in 1983 and we have moved on.

I use this opportunity to call on the leaders of all other parties to do what their job title suggests and provide leadership on this issue. The women of Ireland will not thank us if we do not provide leadership. They will not thank us if we use this referendum to score political points.

On days like this and when we debate the eighth amendment we should remember Ann

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Lovett, Sheila Hodggers, Joanne Hayes and all those women who have been served so horrendously by the State. For them, our daughters and our granddaughters, we can and must repeal the eighth amendment.

That is why I am very proud to be a member and a supporter of the group Together for Yes. It is a civil society group that will be launched on Thursday and it is calling for a “Yes” vote in the referendum - “Yes” to repeal the eighth amendment. The group is made up of supporters from all walks of life. The one thing that unifies us is that we want to acknowledge that this is a modern State. We want the State and its laws to reflect that. We do not want to live in the Ireland of 1983.

Yesterday was the anniversary of the death of Sheila Hodggers. Sheila was a friend of my mother and I have spoken about her on a number of occasions. She died 34 years ago yesterday and her baby died two days later. Sheila was treated horrendously by this State. She was let down. Her two beautiful daughters were left without a Mammy. Her husband was left without his wife and, as I said, her baby died.

That was Ireland in 1983. That was the State we lived in in 1983, and it was because of women like Sheila that women like my mother got out and campaigned against the insertion of the eighth amendment into the Constitution. They lost, not because they were wrong. They were not wrong. We see now that they were right. We have an alphabet soup of missed deeds. We have Savita Halappanavar and all the women who have been so badly let down by this State. We know that people like my mother were right in 1983. They lost because they were up against powerful vested interests, groups with deep pockets intent on ensuring that women and anyone with a progressive mind did not have a voice in the State at the time. It was absolutely wrong.

I have said this previously and I will echo what has been said by other Deputies. This can and should be a respectful debate. People are entitled to their own opinions and views. Within my party we have debated this at our Ard-Fheis and at many ard-fheiseanna. As recently as yesterday and on the anniversary of Sheila’s death, our ard comhairle announced that it will put forward a motion to the next Ard-Fheis in June which makes clear the direction of travel for the party, but it will be done in conjunction with and guided by our members and we will respect, as we always do, the decision of our members.

This motion reasserts that abortion should be available where a woman’s life and health or mental health is at risk and in cases of fatal foetal abnormality. It supports the joint committee’s findings that it is not possible to legislate for abortion in the case of rape in a compassionate way. It recognises that Irish women already access abortion services every day in other countries or through abortion pills purchased online and accepts that abortion without specific indications should be available through a general practitioner led service in a clinical context, as determined by law and licensing practice for a limited gestational period. The motion does not provide for abortion on demand or the opening of the floodgates but offers a proportionate response. I support it wholeheartedly and I will campaign for it in my party.

It is important that we trust women and do not go back to 1983. We must consider what has occurred as a direct result of the eighth amendment. We must decide to trust women, do the right thing and look to the new generation of young women, which includes my daughter. We should look to those who did not have a say in the referendum of 1983. While I have spoken about that referendum many times, I did not have a vote at the time because I was only a child,

although I remember the campaign was bitter and divisive. The forthcoming campaign should not be bitter or divisive because it will be characterised by a fact-based discussion. We will be led by doctors and medical professionals, not clerics or those who seek to moralise.

Irish women have always had to fight for rights. They fought for the right to vote and to access contraception and the removal of the eighth amendment is our next fight. We often look back and speak about the revolutionaries of the past. Two weeks ago, when I looked out at the rally for repeal of the eighth amendment, I saw a large number of young, unmanageable revolutionaries wearing black jumpers inscribed with the word “Repeal”. These young women and men will make history of their own. We owe it to Sheila Rodgers, Ann Lovett and Joanne Hayes to say to these young women that we do not want to go back to 1983 but instead trust women and put their health care in their hands and the hands of doctors. Women’s health care should not be in the Constitution. We have an opportunity to remove the eighth amendment from the Constitution and do right for a new generation of young women.

Deputy Donnchadh Ó Laoghaire: This is a welcome, overdue and vitally important Bill. Above all else and regardless of how people will vote, it is right and proper that they have their say. No person affected by the eighth amendment and no pregnant woman or woman of childbearing age has had a vote on the article in the Constitution that has caused so much pain and suffering. It was heart-rending to listen on “Morning Ireland” to the testimony of a mother who was given a diagnosis of fatal foetal abnormality as she recounted her awful journey home and the additional heartache and suffering she endured because the care she needed could not be provided at home.

I welcome that members of the public will finally have their say on this crucial issue. I commend the efforts of campaigners who placed this issue on the agenda again. It is extraordinary that some of them have been fighting for the repeal of the eighth amendment for decades. The issue should not have been long-fingered in such a way. I also commend Members of the Oireachtas and other institutions who have brought us to the crucial point at which a referendum will be held. I hope the campaign will be successful and conducted in a respectful and mindful manner. I hope it will not be bitter or divisive. Members of the Oireachtas have a specific responsibility to show leadership in that regard. While debate in the Houses has been largely respectful, there have been exceptions and I hope Members will be respectful when they knock on doors during the referendum campaign. People are perfectly entitled to their views on this matter. Some people close to me will vote differently from me and I know many who have not yet made up their minds. People deserve to have their opinions respected but that responsibility applies to both sides of the argument.

I echo the concerns raised by Deputy Louise O’Reilly regarding potential interference by companies that may be manipulating or abusing data and I hope the Government will carefully monitor this issue. It underlines the need for the establishment of a permanent referendum commission.

I am proud that I will vote for repeal of the eighth amendment. I stand by my statement in a previous debate that a vote for repeal is the moral, ethical and right thing to do. I emphasise that the case for repeal cannot be simply restricted to a recognition of a hard reality, although this too must be part of the discussion. Not only must we recognise that women are having abortions both here, through the abortion pill, and abroad, but we must also point out that it is right and proper to repeal the eighth amendment. Those of us who argue for repeal should make clear we believe we are on the side of right because forcing women to go through pregnancy

against their will is manifestly wrong. Repeal is right because the eighth amendment puts survivors and victims of rape through the most inordinate torture, psychologically and physically, and forces them to travel abroad. It is right because the amendment forces children to go to term unless they go abroad, puts the lives of women at risk and has resulted in deaths. Repeal is, therefore, right and moral.

The proposed gestational limit of 12 weeks is the only truly compassionate way of legislating for instances of rape, fatal foetal abnormality and incest. While other ways may be available in theory, none of them is compassionate. The proposal for a 12 week gestational limit is the only compassionate way to deal with this issue. This is a personal opinion and, like Deputy O'Reilly, I will support the motion to be discussed at the Sinn Féin Ard-Fheis and enthusiastically advocate adopting it as policy. I hope the campaign proper will begin when the legislation is passed. Tá súil agam gur rud stairiúil a bheidh ann, go gcuirfimid deireadh leis an gcuid seo d'ár stair agus go ndéanfar an ochtú leasú a aisghairm. I hope that, at the end of the campaign, we will be able to reflect finally on the end of what has been a dreadful episode in Irish history, namely, the inclusion in the Constitution of the eighth amendment.

Deputy Alan Farrell: I am grateful for the opportunity to discuss the Bill and cast my vote to commence the process of holding a constitutional referendum. Regardless of whether Members believe the eighth amendment should be repealed, I, too, ask all Deputies of all parties and none to allow citizens to have their say on this matter, which is extremely important to many of them. Recent censuses have consistently found that the majority of people in the State are women. On that basis and given that 30 years have passed since the eighth amendment was passed, it is appropriate that we acknowledge that women are perfectly capable of looking after their health and well-being. For this reason, the constitutional ban on abortion, the only such ban in the world, should be repealed and a proper debate should take place in the House on the realities facing many women in this country.

No citizen under the age of 53 years has had an opportunity to cast his or her ballot or have his or her voice heard on Article 40.3.3° and the eighth amendment or whether the Constitution is the most appropriate place to provide for the governance of our abortion laws. In my view, the governance of abortion law would be appropriately dealt with by the Oireachtas rather than in the Constitution. However, it is not our job to decide what should be in Bunreacht na hÉireann and that is the duty of the people of Ireland. We, as representatives of the people, are merely custodians of the Constitution. As such, I am appealing to all my colleagues, whether pro-choice or pro-life, to recognise that all of us in this House are democrats. We are all elected here and seek the votes of our electorates within our constituencies. We should acknowledge that people have the right to a say on this matter as it is not the preserve of Members of this House or the Seanad to determine whether the article should remain within our Constitution.

Having made my position on the eighth amendment very clear in this House on 18 January, I wish to acknowledge the statement of the former Attorney General, the late Peter Sutherland, who in 1983, prior to that referendum, indicated his belief that the eighth amendment was flawed and would not guarantee what the proponents of the amendment had in mind. Only a few short years later the eighth amendment was pierced by the Supreme Court. I cannot deny that the eighth amendment has led to uncertainty in a number of medical cases, which have been outlined in great detail by my colleagues in Sinn Féin. I see no reason to further add to their comments as they did a good job at eloquently outlining certain very public examples. I refer to the fact that there are probably hundreds if not thousands more cases with equal amounts of tragedy that perhaps did not get into the public domain over the past 30 years. However, if the

people decide to repeal the eighth amendment, we in this House will be able to legislate and to ensure the medical needs of pregnant women are taken into consideration in all instances.

In this debate we must be cognisant of the fact that replacing Article 40.3.3° of the Constitution with provisions to allow for abortion in the cases of fatal foetal abnormality, rape, or incest would simply not be practical or workable either in legal or health terms. In effect, we would be placing women, particularly in the cases of rape or incest, on trial for the right to access proper medical health care. Many have outlined tragic circumstances, both in the print media and elsewhere, which are heart-wrenching, but the eighth amendment is completely inflexible. For that reason we should legislate and have a full debate in this House. We should agree the legislation, line by line, if the Irish people determine that Article 40.3.3° should be no more. It would be impossible to legislate for abortion in circumstances such as rape or incest in a way that provides women affected by such cases with the medical care and compassion they so richly deserve. This is one factor that shaped the work of both the Oireachtas committee on the eighth amendment, and, prior to that, the Citizens' Assembly. I reiterate my support and compliments to all the members of those bodies for that work.

There are many realities that must be tackled with regard to abortion. It is simply disillusionment to believe that women in Ireland are not accessing abortion, as they are, of course. As the Minister for Health, Deputy Harris, stated in this House, since 1980 the number of women who have travelled from Ireland to other countries to access abortion is estimated to be at least 170,000. To act as if Irish women cannot or are not accessing abortion would be tantamount to burying our heads in the sand with respect to the experiences of those 170,000 women. To contextualise that number, it is enough to fill Croke Park twice, Semple Stadium three times and Páirc Uí Chaoimh almost four times. It is a significant number of people that the eighth amendment has simply ignored.

The availability of abortion pills is a reality we must address. It is a fact that abortion pills can be ordered online and delivered to this jurisdiction with relative ease. I know one constituent who did this; the pills were ordered on a Sunday evening and arrived three days later on Wednesday morning. Not acknowledging the importance of addressing such a matter would be a dereliction of responsibility in this House, regardless of the outcome of this debate on Second Stage of this Bill. There is nothing we can do at all about abortion pills if the eighth amendment is retained, other than perhaps withdrawing the constitutional amendment that facilitated women travelling, being provided with information or individually going through every package that arrives into the State. That is simply not practical. The availability of abortion pills cannot be dealt with while the eighth amendment remains in place. Women who access and purchase these pills do so in secret and take them behind closed doors without medical advice or health care. Surely, it must be the priority of this House and all its Members to ensure that women are protected and are accessing such medication with medical supervision, and in an appropriate environment. We should not be ignoring these facts based on what some might perceive as Christian morality. Furthermore, we must address the cases whereby women who have travelled to access abortion who have to then have the remains returned to them in a box or in the boot of a car. I can think of nothing more harrowing than experiencing that.

We can no longer pretend that women in Ireland cannot and are not accessing abortion. Instead, it is our job, as legislators and as representatives of the public, to deal with the realities facing our citizens. In an ideal world, abortion would not be necessary, and fatal foetal abnormalities, rape, and incest, in particular, would not happen and no woman would find herself in a position whereby she is required access to abortion for any reason. However, unfortunately, we

do not live in an ideal world. Whereas I understand the argument that some people put forward that the eighth amendment has saved lives, which to a certain extent I am sure is true, on the other side of the coin, the eighth amendment has caused uncertainty in many cases which, I am sure, may have cost lives. Sadly, with the eighth amendment in its current form, it appears there is no happy medium. We cannot legislate and we cannot regularise or prevent abortion, as it is happening every day. Many of the arguments for retaining the eighth amendment could easily be turned over in favour of its repeal.

Taking all these factors into account and examining all the circumstances and potential means of addressing the inadequacies of the current governance of abortion laws in our country, I cannot help but feel that the recommendations of the committee on the eighth amendment provide the best means by which to meet the medical needs of women in Ireland and to provide the best care for pregnant women in this country. I appeal to every person who wishes to engage with this debate and Bill to do so respectfully. Unfortunately, we have already seen elements on both sides reducing this debate to mud-slinging. In this House the debate has been very respectful throughout all the stages I have seen. The debate on the report of the committee was broadly respectful. To hope for this to continue with 4.6 million possible contributors to the discussion might be a tall order. I hope we will present facts rather than fiction or the ideal world scenario I spoke of.

Many people will have differing views, many on the basis of personal experiences and personal circumstances. By all means let us disagree but do not let us detract from the validity of every individual's experience or opinion. Fundamentally, this decision will be one made by the voting public. Let us allow both sides to put forward their arguments and inform the debate but let us do so in a respectful manner. In this campaign, it would be my view that once this debate takes hold on our televisions and on our radios, division and the proliferation of false information will likely dominate. Today we discussed the fallout from the Cambridge Analytica Facebook matter. We spoke earlier about the proliferation of false advertising and news, among other issues. I am absolutely certain this will dominate proceedings over the next number of weeks. I suggest to any person seeking further information to go to the referendum commission's website when it is established to get the facts. These will be without any particular colour. People should do this instead of relying on pop-up ads on computers or phones, or pamphlets and leaflets handed through the door. People should go to the referendum commission's website and verify the facts in hand. It is best piece of advice I could give anybody in this conversation.

6 o'clock

Once the debate takes hold during the campaign, we must ensure we are able to filter the information provided to us. A great deal of moral superiority will adorn our newspapers. Yet again confusion will reign and the potential will be there for the debate to go off on a tangent rather than on the substance of what it is we are discussing. Let me contextualise what happens today and on a daily basis. Every year 3,500 women travel abroad and another 1,500 avail of illegal abortion pills. It is not that those who advocate to retain the eighth amendment are wrong. It is that our society deserves better than absolutism. Absolutism does not provide an option for proper health care in certain circumstances. It is those circumstances that I as a legislator have to consider.

If this House cannot legislate for a health care matter because a certain section of Irish society could not countenance availing of a termination, why must that section of society deny

the rights of other women's bodily integrity to do what they please if it is appropriate? In the case of rape which results in pregnancy, do we as a society really believe that a woman violated by a man should be forced to carry a baby? Where is the compassion in that? There is then the fact that even if we inserted a constitutional amendment to allow for terminations in the case of rape or incest, the women involved would have to prove rape in under three months. Anyone who knows our legal system would acknowledge that simply is not possible.

I believe we are a compassionate society. We are the largest *per capita* donors to charity on the planet. We want to help those who do not have. We want to treat citizens who are in need with compassion and I want this State to treat its own women in crisis pregnancies with compassion.

In closing, I thank my colleagues for listening to my contribution. I urge colleagues, whether or not they agree with my position with regard to Article 40.3.3° or the eighth amendment, to facilitate the passage of this Bill to allow the people of Ireland to cast their ballots on this matter and to utilise their rights as Irish citizens to decide whether the eighth amendment should be retained.

I urge all Irish citizens to check the electoral register. They can login to www.checktheregister.ie, go into their local authority area and ensure their name is on that register. If it is not, google an RFA2 form, download it, fill it out, get it signed and stamped in the local Garda station and bring it to the franchise section of the local authority to get registered because many people pick up a newspaper or listen to the radio and read or hear about the many tragic cases of circumstances where the women of this country have had to avail of abortions. They have been moved but they sit, await the referendum and then realise perhaps that it is a bit late. They do not get their polling card so they do not vote. I ask people to ensure that on this occasion, as so many did during the marriage equality referendum, that they actually come out and make sure that they vote and have their say on the Constitution. It is their Constitution. It is not the preserve, as I have said, of this House or indeed the Seanad. I believe we should all be given the opportunity to have our say on this matter after 30 years. I commend this Bill and I look forward to its speedy conclusion.

Deputy Mary Butler: I welcome the opportunity to speak on one of the most important issues to come before this House since I became a Member of the 32nd Dáil. The Oireachtas Joint Committee on the Eighth Amendment of the Constitution published its report on Wednesday, 20 December 2017. The committee's report reflected the majority position of its membership, with dissenting positions and voting records set out in the report. I was not a member of the committee. However, from the outset I engaged with the process by reading as many of the transcripts and by watching as many witnesses as I could and by reading both the majority and minority reports over Christmas. It was clear there was not a consensus in the committee.

On 29 January 2018 the Government approved the holding of a referendum on Article 40.3.3° before the end of May 2018, subject to the timely passage of a constitutional amendment Bill on the matter by the Houses of the Oireachtas. It will be a matter for the Irish people to consider and determine by way of referendum whether to amend the Constitution. Today, we are debating the Thirty-sixth Amendment of the Constitution Bill 2018. It is a short Bill. Probably for anybody not used to reading Bills, and I was not used to reading them up to two years ago, it is a little bit complicated on the first page:

An Act to amend the Constitution.

Whereas by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article.

We move on a couple of pages and it comes to the substantive issue. Part 2 of the Schedule to the Bill states, in English: “3° Provision may be made by law for the regulation of termination of pregnancy”. For anybody listening today or watching and wondering what will they be voting on in the referendum, that is exactly what they will be voting on: “3° Provision may be made by law for the regulation of termination of pregnancy”.

I would like to continue the respectful debate of this very emotional matter. It is a very emotional matter. Any modern democracy should be capable of debating this in a respectful way. I refer to trying to address genuine concerns while preserving the life of the unborn child. As a Fianna Fáil Deputy I will state my position. I am thankful I am in a party where I can express this and follow a vote of conscience. It is very important to me and I have been consumed by this topic for quite a while. I accept my position will differ from others - I accept that - but I hope others can accept my position because I have learned to accept other people's positions. We have managed to be very respectful to each so far.

I made my position clear before I ever entered the 32nd Dáil. The people of Waterford knew how I stood before I became a councillor and a Deputy. I want to continue to support the unborn child's place in the Constitution. I am against repealing the eighth amendment. I was on the record from the very start saying I support a referendum. We live in a democracy. People are entitled to a vote and a say on this. I do accept that it has been 35 years since people got the opportunity to vote. However, if what I was asked to vote on tomorrow or Thursday said quite clearly am I in favour of a referendum, “yes” or “no”, I would be able to answer that question with “yes”, I am in favour of a referendum.

However, if it is whether I am in favour of a referendum where provision may be made by law for the regulation of the termination of pregnancy, I will not be able to vote “yes” to that. I am probably a little bit premature saying it because the vote will probably be taken on a Wednesday or Thursday, but that is my clear position. The committee recommended that the law should be amended to permit termination of pregnancy with no restriction as to reason. I have grappled with the words “provided it is availed of through a GP-led service delivered in a clinical context as determined by law and licensing practice in Ireland with a gestational limit of 12 weeks” or three months. I keep going back to the phrase “with no restriction as to reason”. I will be honest in saying that I cannot understand how anybody can propose, “with no restriction as to reason”, to end a 12 week-old baby being carried by a mother. It really bothers me that the life of the unborn child is thought of so little that I could be 11 and a half weeks pregnant, go along to my GP, say I no longer wished to be pregnant, be asked why and I could say that I had no reason. I could say that I did not want to be pregnant, I no longer wished to carry that baby and, if this law is implemented and this referendum is passed, the doctor could turn around and hand me a box of abortion pills. I could then go home and end the life of that 11 and a half week old baby which I am carrying. I just cannot understand the term “with no restriction as to reason” and how we have come to this.

This will go beyond the position in Britain where the Abortion Act 1967 still requires two doctors to form the opinion in good faith that an abortion is necessary to prevent a risk to the mental or physical health of the pregnant woman. We all know this law is applied in such a way as to provide abortion on demand with one in every five pregnancies in Britain ending in abortion. That is 200,000 abortions performed in Britain every year with stronger laws than

were proposed by the Citizens' Assembly. Currently in Ireland, one in approximately every 15 pregnancies, unfortunately, ends in abortion. I was also struck when I discovered that three fifths of people in England who have an abortion will go on to have a second abortion. That really fails me.

I still feel a premature vote was taken by the committee on 18 October 2017 when it decided, not by a majority, that Article 40.3.3° should not be retained in full. I remember thinking that night that it was job done, pull down the shutters and close the curtains. The decision was made without hearing all the viewpoints or all the witnesses. Why would one do that on the third week of witnesses appearing before the committee? Why would the committee not wait to hear all sides of the story? I was concerned and saddened at that stage. There has been much criticism that the committee was biased. I have sat on many committees myself. It takes up much time and the majority of people who sit on committees do so in good faith. One has to be shown the relevant facts in both sides of an argument. When looking at the number of different witnesses who presented before the committee, there was a bias regarding the number of people who presented from a pro-life ethos as against a pro-choice ethos. I do not blame any of the members present. I chair a committee myself and one has to have a fair and balanced approach. I do not think that happened with this committee, however. We are not trying to put people in boxes. I feel, however, that the pro-life opportunity was not presented as well as it should have been at the committee at that stage.

During the committee's meetings, I was also struck by how often the committee used the word "foetus". I do not think I have ever heard a word used quite as often. I am lucky enough to have three children. My youngest is 12 years old. I often remember walking down the street when people would say, "Congratulations Mary, you are expecting a baby." I never heard anybody on any occasion tell me, "Congratulations Mary, you are expecting a foetus." It is so much easier when one is talking about a bunch of cells or a foetus. We have to be quite clear, however, that we are speaking about the life of the unborn child. Everything to be found in a fully grown person is formed in a baby at eight weeks in the womb. At 11 weeks, a baby in the womb has fingerprints and its fingernails appear. At 12 weeks, the baby's lips open and close, it turns its head and can leap around the womb. I am not a member of a pro-life group or the Iona Institute. I am a person who has formulated my own opinions. I stand proudly here tonight articulating them.

Another point which disappointed me about the committee was that the only option it gave for a crisis pregnancy was abortion. I watched many hours of its proceedings. There was no or very little discussion of the option of adoption or fostering. There was little thought given to perinatal hospices for babies born with life-limiting conditions. A mother contacted me recently. She told me, unfortunately, her baby had been diagnosed with a fatal foetal abnormality, or as I would call it a life-limiting condition. She and her husband decided they would have their baby. She told me she will never forget the nine months that her baby lived. She will never forget holding that baby. Now, she has little lock of hair, the keepsakes and the grave to visit. I realise life is not simple for everyone. As I stand here tonight, people might think I have simplistic view. There are many people listening to this debate who are suffering crisis pregnancies. However, there are options and we must examine them. Forgetting the life of the unborn child in this debate is one thing I cannot do. The unborn child needs a voice. I am happy to be the voice of that unborn child. I have listened to numerous hours of debate. I might not have always been in the Chamber but I have listened. Unfortunately, the unborn child is the term we are not hearing about all too often. There cannot be only one solution to a crisis pregnancy. It

cannot be the case that the only solution offered to a crisis pregnancy is abortion. Where are the wraparound supports for the babies and their parents?

Some 25 legal abortions were carried out in Ireland in 2017 under the Protection of Life During Pregnancy Act 2013 where the life of the mother was put first. We are living in a society where the life of a mother who presents at hospital can be put first. It has been put first in those instances. We must talk about that as well. There are different options open to us. One is a system which protects life in all its forms, from conception to natural death, and stands squarely and strongly behind those with crisis pregnancies.

I have heard many people talk over recent months that they have come on journeys. Everyone is entitled to their own opinion on that. People have come on journeys and changed their positions. I firmly believe in the journey of conception to birth. I firmly believe in the nine-month journey that when a baby is conceived, the baby deserves the right to life. I know we do not live in an ideal society. However, I am not happy with this perception that if somebody rapes a woman, they might only get seven years in jail but the woman who procures an abortion could be liable to 14 years in jail. I am open to correction on this but I have checked it. I am not aware of any one person in Ireland who has ever been prosecuted in the courts for procuring an abortion or procuring abortion pills. There are no records there. I am afraid that argument does not stand up for me.

On disabilities, we are told we have to stick to the facts. The facts are very clear. Not one child with Down's syndrome has been born in Iceland or Denmark in the past five years. These facts are clear as daylight and are there for everybody to see. The facts are also clear that in England 90% of all children diagnosed with Down's syndrome do not live and only 10% are born. Those facts are there. People can talk about truths and not giving out misinformation. That information is quite clear.

I have a little cousin, 16, who has Amsterdam syndrome. She has never walked or talked in her life. She has been tube-fed since the day she was born. She is a joy to behold, a Cheann Comhairle. I fervently believe she is as entitled to her right to life and to the love of her mother, father and brother as any other baby in this world is entitled to the right to life. We have to be compassionate when it comes to issues like this. Unfortunately, a society has developed in countries of the world where children with disabilities are not respected as much as they should be, and where a termination or abortion seems to be the only way forward. That is where my worry starts.

I read with interest the policy paper approved and published by the Government on 8 March 2018, Regulation of Termination of Pregnancy. I was glad to get the policy paper because it sets out a lot of things quite clearly. Straight away, it deals with termination of pregnancy on the grounds of a risk to health. What the committee proposed was up to 12 weeks in regard to rape and incest and in cases of fatal foetal abnormality. However, the policy paper states:

Policy 1: That termination of pregnancy on the grounds of a risk to the health (which would include risk to the life) of a pregnant woman would be provided for in the General Scheme.

Policy 2: That the General Scheme would make no distinction between a risk to the physical or mental health of a woman.

Policy 3: That two appropriate ... medical practitioners would be required to assess ac-

cess to termination of pregnancy on the grounds of a risk to the health of a pregnant woman.

Therefore, we have already moved beyond what the committee had suggested. I am so afraid that what we are going to end up with in this country is what we have in England, which is abortion on demand. There is no point calling it anything other than that because it is abortion on demand, when there are 200,000 babies being aborted.

I did a little digging on different statistics because, at the end of the day, we want to get to the facts and get to the truth, and we do not want to be accused of putting forward false facts. When abortion was introduced in Portugal in 2007 the rate was 6.6% and within five years it was 17%. The only thing that tells me is that if abortion becomes available in this country, it will open the floodgates and, before we know it, we will have abortion on demand.

I want to set out the reason I will not be able to support this Bill when we decide on it on Wednesday or Thursday, and I want to reiterate the reason. I have no problem with people having their say. We live in a democracy and if the question that was put to us in the House was, "Are you in favour of a referendum - "Yes" or "No"?", I would clearly vote for a referendum. However, when the text of the Bill states, "Provision may be made by law for the regulation of termination of pregnancy", I am afraid I will not support that. Again, I would like to say I would never be in favour of stopping a beating heart.

An Ceann Comhairle: I call Deputy Seán Barrett, who is sharing time with Deputy Fergus O'Dowd.

Deputy Seán Barrett: I am glad to have these few moments to set out my views. I have been contacted on many occasions in the past few weeks by members of the media wanting to know what my views were with respect to the legislation we are now debating but I have refused to tell them until I expressed them here in the Chamber. It is a long time ago - in fact, it is 35 years ago - that I was the Chief Whip of the Government that dealt with the 1983 Bill. We went into government after Fianna Fáil left in November 1982. We accepted the wording that was given at that stage by the outgoing Government but when we went into government, we were advised by the then Attorney General that there were flaws in the wording. We took the advice and we amended the wording and proposed an alternative wording for the public. We were defeated comprehensively by 87 votes to 65 and, in fact, a number of our own Deputies crossed the floor and voted against us, as was their right.

It was a very controversial issue then and a very unpleasant period. All sorts of charges were made against those of us who were doing what we felt was the right thing to do, not promoting abortion in any way, but seeking to talk about the wording. However, it changed into a debate about whether a person was either for or against abortion, and if anyone was against the wording that had been previously published, they were regarded as being pro-abortion. Indeed, my poor late mother, who was a daily communicant and daily massgoer, suffered terribly in Dalkey and, in fact, had a visit from the local curate. She told me she was taking stick from some of the regular churchgoers because her son was seen to be pro-abortion. That was the atmosphere we were dealing with at that time. I am pleased that we have now become more mature and we are able to discuss these issues in a mature fashion.

The fact is I will not be supporting the deletion of the wording from the Constitution. I will be voting "No" to the proposal to delete the wording, even though, at that time, we were seen as being pro-abortion. I honestly believe that the past 35 years - maybe we could call it

maturity - have shown it is only right and proper that there are certain issues where it is not up to this House or the other House to decide alone on such important issues, and that they should be referred back to the people for their views. That is why, while I accept there are some who hold a different view from my own, and so be it, I am convinced this should be decided by the people. I am saying to the people to keep what we have. We should keep what we have because the right to life of the unborn is important.

I am fortunate enough to have five healthy children and 13 grandchildren. One only realises this having listened to the stories of other people who are not as fortunate as I have been. Indeed, I have a cousin who had, I think, three or four miscarriages and finally delivered a baby, but the baby only lasted a week and then was buried. She is happy that she produced a live baby and had the opportunity to bury that baby gracefully and respectfully. It is very hard for men, perhaps, to understand the passion and the desire that women have in regard to their own children and the production of children.

On this issue, however, I think it is far more important that we realise it is not a matter for 158 Deputies to make such an important decision and that we would recommend to the public the taking out of the wording from the Constitution. My strong advice to the public and to my supporters is to leave what is in the Constitution there. If people want to try to change it in the future, they should go back to the people. However, I do not think that it should come to this House, with the possibility that instead of 12 weeks, it will be stretched out to 16 weeks or 22 weeks. These are issues the public will not have control over.

I honestly believe this is a turning point. I am saying all of this in a reasonable way in the context of the issue being debated. I hope that when the debate is finished, people will get on with their business and that the current wording will remain, but it will be up to the people after we have had our discussion and expressed our views. I call on my supporters to vote “No” and leave the wording in the Constitution.

I have only spoken a few words, as there is no need for a long debate. This is simply a matter of whether we believe it is up to the people to make these decisions or just to those of us who are fortunate enough to have been elected to the House. I see nothing wrong in holding a referendum if that is the wish of the people.

With those few words, I will hand over to my colleague.

Deputy Fergus O’Dowd: I thank Deputy Seán Barrett. This is an important debate and I have listened with great respect to all of the different views that have been expressed by every Member of the House and those who spoke to us about this matter in our communities and constituencies. I agree fundamentally with a point made by my colleague, Deputy Seán Barrett, that it is the voice of the people that will be heard clearly and, I hope, decisively on the day. After weighing up the hearings in the Houses and the various arguments they will hear between now and then, I hope the people will reach a decision based on serious and timely reflection.

I will speak first as a parent. My wife and I have three children. Our first baby was born through an non-elective caesarean, in other words, my wife had to have a caesarean. The subsequent two children were also born through an elective caesarean because she no longer had a choice in the matter. After our third child, the doctor advised us that medically she should not have more children. Thankfully, there was no subsequent pregnancy, but if there had been, what would we or, rather, what would she have done? This is the sort of issue that must address

and with which I am dealing right now.

What if a woman with a serious heart condition has an unwanted pregnancy? She might not die as a result of having the baby, but her health could be seriously compromised. What if she has other serious medical conditions? That is an important issue for us to consider. In cases in which significant medical problems arise what can the mother do and what will we in Ireland do? A Deputy mentioned what was available in England, but what we have in England are thousands of Irish women, many of whom are in the category I am discussing, who have travelled there to have an abortion for medical or other reasons. We cannot deny the fact that many Irish women go there because they have serious medical conditions and that, if they have their babies, it will compromise their health which could lead to long-term, life-threatening outcomes. In every pregnancy there are two beating hearts, the mother's and the child's. Those who decide they need to have an abortion must have serious reasons for so doing. A medical condition that may be life threatening is one such reason. I would support and trust a mother in that position.

The other issues that arise are cases of rape, incest and fatal foetal abnormality. Where a woman has been raped or incest occurs, I cannot think of a more appalling or evil act, apart from murder. I would support a woman who has been raped or subjected to incest and is now pregnant in her decision to terminate the pregnancy. Such decisions would not be made lightly or on a whim. Even if the woman could ever talk about the evil things done to her, it would not be for a significant time. I understand part of the reason for having a 12-week period within which it is proposed a termination may take place is one cannot interrogate a mother about whether she was raped, make her prove that she was raped and make her say who, what, where and why. It will not happen. Even if a woman has been raped, it can often take more than a year for the case to come to court.

Incest, a most foul and evil act, often happens to younger women of perhaps 12, 13 or 14 years. In a such case one would not interrogate the mother within the three month period either. It is a long time and there is no denying the foetus has a beating heart at three months, but I would trust the woman and support her if she decided to have a termination.

Apart from the mothers who travel to England, each year thousands of Irish women import what is called the abortion pill which they purchase on the Internet. That is illegal, but it cannot be stopped because it is widely available. If a mother takes the abortion pill and experiences serious medical difficulties, to whom can she go, whom can she trust and what doctor can she ring? She cannot ring anyone. If she rings her doctor, it is illegal for him or her to advise her on the issue.

We must recognise what is happening and deal with it. Abortions should be rare and always safe. They should only happen if there is no other choice. In cases involving rape, incest, fatal foetal abnormalities or serious medical conditions, if the mother so decides, I trust and support her in making that decision. What we need, as legislators, is a recognition of the facts. I have spoken as a parent and a Member of Parliament and believe it is wrong that thousands of Irish women, having given significant thought to their concerns, have to travel to the United Kingdom each year. We should facilitate them in this country and that is what the legislation is about.

I accept the points made about counselling, as it is important that it be made available at every stage to a mother who wishes to think, talk, listen and learn about all of the options avail-

able to her. It is important that it be non-directive. I also support the committee's recommendations on sex and relationships education and a range of people's other needs that are not being dealt with fully in our society as constituted. I have listened to the medical opinions of eminent doctors. I accept that people hold the genuine belief the Houses in their hearings were not presented to by those whom they would have liked to have been asked to attend; therefore, let us hear them in the debate which will take place in the next few months. I will be happy to attend any meeting to listen to any argument and everyone because it is only by opening up our minds to every possibility on all sides of the argument that the people will make the right decision.

For me, it ultimately comes down to understanding and sympathising and empathising with the difficulties the women in question face in society. They are faced with no choice but the boat to England and a cold place where they know nobody to go through a procedure that is extremely difficult even when one is in a homely and friendly atmosphere with people one knows and where people are supportive. If a woman is taking that pill in her house in Ireland tonight, I want her to be able to pick up the telephone, telephone the hospital, doctor or whoever she wishes to telephone, and for the advice to be available within the law of the country notwithstanding the difficulties she has had in making the decision to take that pill or to go to England. Ultimately, we are a compassionate country and we are a compassionate and caring people. We respect people who make that very difficult choice. The timeline we are proposing will allow time to reflect on it.

I respect everybody in the House. I respect the caring society we have. I do not believe what is happening is right or acceptable. It has to change and I believe the changes are proportionate, well thought out and are backed up by medical evidence. They recognise the very difficult position mothers are in and will continue to be in. Even if the eighth amendment stays, there probably will not be another referendum for many years. Mothers who make this decision will still decide to go to England and they will still take the pill without proper legal medical advice. That is unacceptable.

Deputy Bobby Aylward: I am very happy to have the opportunity to state my position on the Thirty-sixth Amendment of the Constitution Bill 2018 in the Dáil. I previously spoke in the House on this very important issue in late January. I will not repeat myself at length but I will reiterate an important point I made in my speech that evening. I have always believed in standing by my principles and that speaking from the heart will never send me too far wrong. That is how I have consistently approached this issue. As I previously stated, I have put politics aside on many occasions in the past and reflected honestly on the issue. Following periods of such reflection, I have always come to the same conclusion; I am a pro-life person and a pro-life politician. Despite agreeing with much of what the Minister said in his speech on the Bill on 9 March, my position remains the same. If we remove the eighth amendment of the Constitution, we will relinquish all protection of the unborn in the Constitution for good. We often speak in the House about vulnerable groups of people in society and the unborn are surely the most vulnerable of all such groups. They are unable to speak for themselves and rely solely on this amendment to the Constitution for their only protection. It remains their only protection. If the result of the referendum removes this protection, the fate of the unborn will be placed in the hands of legislators. I must keep an eye on the future in this regard. Future Governments with a strong majority, whether they lean hard to the left or hard to the right, could make further legislative change which the people of Ireland may have no control over. That is important. The people have to think about that before they vote at the end of May. If they give away the protection the unborn have at the moment, they must consider that they will never again have a

say in legislation to protect the unborn. That is very important. The only way they could get it back is if a future Government, whether of the left or right, went back to the people again for a referendum. It is very unlikely that would happen. People have to think long and hard before they make this decision.

I welcome the Minister's commitment to ensuring that all women accessing maternity services should receive the same standards of safe, high quality care. I will outline some of the recommendations in the Minister's speech that I welcome. I agree with the Minister, Deputy Harris, that every woman from every corner of Ireland should expect and be able to access the maternity services she needs. I am glad the Minister is prioritising the improvement of the quality and safety of maternity care, the development of community midwifery teams and increasing access to anomaly scans. I welcome the commitment from Government to build capacity in our ultrasound service and the additional funding that has been promised to the national women and infants health programme to develop a more equitable and consistent antenatal screening service. The development of the national standards for bereavement care following pregnancy loss and the establishment of bereavement teams on all maternity units is very welcome. As a husband, father, grandfather and uncle, I am acutely aware of the importance of women's health. Despite my views, I am on the record of the Dáil stating that if the appropriate medical personnel conclude the mother's life is at risk, if they conclude beyond medical doubt that the foetus will not survive and both parents are in agreement, then as a last resort abortion should be considered if deemed medically necessary.

I agree this must be put to the people. If it is being put, I would prefer some wording to be included that would protect the life of the unborn. It is very important. I agree that fatal foetal abnormality, rape and incest are very important issues. They are very crude and we do not know why they happen. I accept that some amendment could be made to the legislation, such as exists at the moment, to provide for circumstances such as a threat to the life of the mother or suicide. We can include other amendments. A repeal of the eighth amendment with no protection for the unborn is a step too far. I am asking the people of Ireland when they make the decision to think long and hard before they give away that right. I may be condemning myself as a legislator because we may not be able to handle it here. People must realise that if they vote for the removal of the eighth amendment without other legislation being put in place they will never again have a say in the protection of the unborn in this country. I ask them to think long and hard before they make that decision.

Deputy Eamon Scanlon: There is no doubt that this is a defining moment in our country. The eighth amendment has had a hugely positive, humane and life-saving impact on Ireland. The debate on abortion is exclusively focused on removing the right to life of unborn babies while continuing to ignore all the amazing stories of the thousands of lives saved by the eighth amendment. The Minister, Deputy Harris, has said that pro-life advocates are cold, uncaring and neglectful for fighting to protect unborn babies' right to life in the Constitution. Voters need to understand that Ireland could become one of the most extreme pro-abortion countries in the world if the eighth amendment is overturned. One undeniable lesson from the Oireachtas committee is that once a society accepts that one unborn baby's life is undeserving of legal protection, it effectively means that no unborn baby's life has any value. No matter how it is dressed up, repeal will mean that for the first time in history a modern society would be removing a basic human rights protection from its constitution. What will be decided in the coming months will have huge implications for our society for a long time into the future. Thousands of people will be personally affected in their lives, welfare and happiness by what is decided.

It is a tragedy that any woman has to go abroad for abortion. It is even more tragic when they go for abortion without getting the practical gesture of friendship or support that might lead them to make a different decision. It is wrong that the joint Oireachtas committee and now the Government have failed to acknowledge the obvious, which is that thousands of lives appear to have been saved by the eighth amendment. Britain allows abortion and one in five pregnancies there results in abortion. In Ireland, which does not allow abortion, one in 19 pregnancies ends in abortion. What are the reasons for this difference if not the difference in our laws? In 1983, the Irish people voted to recognise the rights of unborn babies and their mothers. It was a resounding victory for human rights. Should we now ask them to exclude some members of society from the enjoyment of that human right. There is another problem with asking people to repeal the eighth amendment. The political class is asking us to trust it and give it complete power to decide how much abortion will be in the country. As a political class, can we be completely trusted on this issue? I do not think so. Everybody in the House has the right to be here. They have been put here by the people. They have the right to express their concerns and views. I respect their views and I expect everybody else to respect mine. I feel that certain aspects of the amendment referendum debate has thus far been neglected by politicians and the media. No informed vote can be taken without advance knowledge of the legal consequences of the approval of the proposed change. Clarity, from the Government and all who campaign for approval, is the essential factor.

I am pro-life because it is evident to me that an unborn child is a human life and one should be as careful as possible to protect that life. I accept that some of the electorate favour some changes to the current position but I believe that the recommendation for unrestricted access to abortion up to 12 weeks does not reflect public opinion. If Article 43.3.3° is repealed it is inevitable that legislators in the future will not stop at the 12 week threshold but will extend it. In a recent a Supreme Court ruling, seven judges unanimously decided that the only right the unborn baby had was the right to life. It is ironic that we are debating taking away this right to life today.

Deputy Dara Calleary: I am happy to support the legislation on the holding of a referendum and it is important that a referendum commission is given the chance to prepare the necessary information. However, what we are being asked to do here is too big a leap for me. Two weeks ago, the Supreme Court ruled that the only right the unborn had in the Constitution is the right to life but now that it has been stated by the Supreme Court, we are moving to take it away. That right to life will be replaced by a line to be inserted in Bunreacht na hÉireann conferring responsibility on this House to “provide by law for the regulation of the termination of pregnancies”.

The associated legislation, which may be enacted if the referendum is passed, outlines the 12 week limit on terminations in many cases. I use the phrase “may be enacted” very deliberately because the sponsoring Minister cannot guarantee that he has the support of all his Government colleagues to pass the legislation, or that it will be a 12 week period. This is the heart of the issue. The certainty of protection for the unborn child and the mother in Bunreacht na hÉireann will be replaced by the uncertainty of subjecting it, or a future House, to the art of political negotiation which, by its nature, is uncertain and Byzantine. It can often depend on the make-up of a Dáil, which can change from election to election. I firmly believe the right of an unborn child or its mother deserves more than that and more than just being an agenda item for political negotiation.

The committee did a lot of work on this issue and many of the criticisms of it are unfair. Its

members took on a job which many of us passed to them and its staff are the most experienced staff in this House. They should be exempt from the criticism that has been thrown at them. They made some interesting recommendations and I welcome the Minister's commitment in the form of the recruitment of extra gynaecology and obstetric consultants, of which we need 100. There is a recognition in the report of the difficulties in recruiting them but they are difficulties associated with issues around HR and pay, which the Minister can address. We also need the roll-out of perinatal mental health services and I welcome the Minister's commitment to that too. It is necessary for the Minister to outline a timeline for these so that equal credence is given to those recommendations as to the other recommendations the Minister is following.

The debate on the report, and on this referendum motion, has been respectful so far and people have listened to other opinions, which I hope continues. I hope the referendum commission will ensure it continues by providing the necessary information. At the heart of this debate are women and their unborn children and this needs to be remembered over the course of the debate in the coming months. Whatever the result, the Government must respect it, regardless of what some Ministers have stated over the past week.

Deputy Mary Butler: Hear, hear.

Deputy Dara Calleary: Whatever the result, I will accept it because it will be the result of the Irish people, all of them having had the information we have had. We will all have one vote on referendum day. We will have the information and, it is to be hoped, it will be given to the Irish people in the next number of weeks in an understandable manner. I support the legislation going through this week so that they can get that information.

Deputy Michael Moynihan: I have listened intently over recent months as this item was discussed at the Oireachtas committee, where many people made passionate contributions and professionals and families gave very competent evidence. What is before us is a proposal to repeal the eighth amendment to the Constitution and to allow the Oireachtas to legislate further.

I have given it a huge amount of thought, as many people have. The eighth amendment was put into the Constitution in 1983 and it has, by and large, served us well. I believe it should not be repealed and that, if there is an attempt to repeal it, the alternatives should be put to the Irish people. It is not acceptable as it is a fundamental life-and-death issue on which the Irish people should be sovereign. In any decision made on repealing or replacing the eighth amendment, it is not acceptable to repeal it and allow the Oireachtas, or future Houses of the Oireachtas, to legislate. The Irish people should be consulted at all times on what should be in *Bunreacht na hÉireann* as regards the right to life of the unborn. I have listened to the very serious situations in which families have found themselves and the enormous challenges they face but it is not acceptable to allow an Oireachtas, whatever its make-up, to decide. Many people debating this 35 years ago would not have envisaged the type of Oireachtas we have today and who is to say what an Oireachtas of the future will be like? It could be ultraliberal or ultraconservative but God alone knows.

I am standing by what is in the Constitution and it should not be repealed. No Oireachtas should be allowed to make a decision as fundamental as the one we are about to make. Many people at the extremes of the debate have had their say but I believe, from listening to people in my own area and across the country, that people are very personal about this issue. They will make their own minds up absolutely personally, and that is the right way to do it. As Oireachtas Members, we have to give our view but the people are educating themselves on the evidence.

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They want protection in the Irish Constitution and we have taken pride in a Constitution that respects every single person. The unborn should be included in that and under no circumstances could we repeal the eighth amendment to allow an Oireachtas, now or in the future, to decide. That is why I will be voting to retain the eighth amendment.

Deputy Kathleen Funchion: I am sharing time with Deputies Quinlivan, Tóibín and Munster.

7 o'clock

Dr. Rhona Mahony, Master of the National Maternity Hospital, Holles Street, stated it was clear that the eighth amendment did not protect the best interests of mothers or babies. Obviously, we need to remove the eighth amendment from the Constitution, but I do not think we can underestimate the job of work we have ahead of us in order to do this.

I welcome the chance to speak about this issue again. I spoke about it a number of weeks ago, but I always welcome any opportunity we have to raise the issue of repealing the eighth amendment. Whenever I speak about the issue, I always refer to three things - trust, choice and respect. We have to trust women to make choices about their lives and bodies and need to respect the choices they make. For me, it is as simple as that.

I take the opportunity to appeal to those who are genuinely conflicted on whether they are in favour of repeal. Many have very strong views on the issue, some of whom are in my family and among my friends. I strongly appeal to them to look back at the hearings of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution and the factual medical evidence presented at it. I do not think the issue should be debated on social media, including Facebook. People need to inform themselves of the facts of the issue. I also appeal to people to put themselves in the shoes of women who are facing crisis pregnancies. Imagine if it was you or your wife, daughter or sister or a close friend. How would you feel about the matter then? The reality is that every day 12 women or girls in this country have an abortion, nine of whom travel to England, while at least three that we know of - these are just the statistics of which we know - risk their health and a 14-year prison sentence by taking illegal abortion pills ordered online with no medical advice or supervision.

We cannot ignore this issue any longer; we cannot pretend it is not happening, but, most importantly, we cannot continue to ignore women and their health needs any longer. That is why we need to hold the referendum on the thirty-sixth amendment of the Constitution and repeal the eighth amendment. I again appeal to Members of this House who are supportive of repealing the eighth amendment on the job of work we must do to get out there to ensure that it is the facts of the matter that people will discuss, not some of the nonsense we have seen on social media from some on the other side of the campaign.

Deputy Maurice Quinlivan: I welcome the opportunity to speak on the Thirty-sixth Amendment of the Constitution Bill 2018. I am strongly in favour of repeal of the eighth amendment. I recently met our local group in Limerick, Repeal LK, of which I have become a member. I look forward to working with it and other elected representatives in Limerick to campaign to ensure the eighth amendment is removed from the Constitution. The amendment should never have been inserted into the Constitution in 1983. It has imposed untold misery on thousands of women who have had to travel abroad for a termination. It has denied women the right to receive the best health care to meet their individual needs and tied the hands of medical

professionals here. Women who were the victims of rape were abandoned by the country in their time of most need and forced to catch a flight to seek treatment elsewhere. The amendment has resulted in women buying abortion pills online and taking them in their homes with no medical advice or supervision, with the physical and psychological impact it brings. Unfortunately, the situation the amendment has created in the State has resulted in the deaths of women. Abortions are happening in Ireland and the eighth amendment has never changed this. All it has done is export an issue with which we refused to deal and force women and girls to take abortion pills on their own with no medical advice or assistance. As a society, we can no longer continue to keep our heads in the sand and pretend that we live in some utopian society that is not affected by the issue. It has taken far too long for it to come back for public vote and now is the time for change. I hope the generations of people, including me, who have never had a say on the eighth amendment will take the opportunity to ensure we will vote for change and ensure the outdated *status quo* will not be maintained.

The issue is clearly divisive and both sides of the debate hold strong beliefs on the matter. However, whatever one's view or persuasion, one thing for sure is that citizens of the country deserve to have a vote on the issue. That is without question. We live in a democracy and a massive section of society has never had an opportunity to vote on the issue, one which has very wide-ranging consequences in a variety of situations. Regardless of one's personal opinion on the subject, it would be unconscionable to try to block the citizens of Ireland from having a say on the issue in a referendum.

Anyone who listened to the tragic story of “Ciara” on “Morning Ireland” today would have been absolutely heartbroken. She and her husband received the devastating news that their much-wanted child would be incompatible with life outside the womb. They were informed that, owing to the additional threats to her health, the treatment was the immediate evacuation of the foetus. She then asked her doctors why it could not happen immediately and was informed that, despite the threat to her health, nothing could be done for her in this state owing to the eighth amendment. The devastating news that her child would be incompatible with life outside the womb was compounded by being forced to travel to Liverpool for treatment. She vividly described tragic scenarios about the journey such as regretting not being able to have her mother with her and the harrowing ordeal of a ten-hour journey home by boat carrying her baby in a coffin and trying to keep her baby cold with ice packs. As they exited the port, the customs officer looked at them and the small white coffin and waved them through as they had seen it too many times. It was devastating to hear her story. It makes one think of all of the other women and their untold stories who have had to suffer this terrible ordeal.

The eighth amendment needs to go. We need to trust women. I will be campaigning for the repeal of the eighth amendment and hope we can have a respectful and constructive debate on the issue. I commend everybody who took part in the Oireachtas Joint Committee on the Eighth Amendment of the Constitution. They were impressive and excellent and their contributions were really good. I echo Deputy Kathleen Funchion's comment that people should try to read some of the transcripts of the debates at the committee. I learned an awful lot. I thought I was educated on the issue until I started to watch the proceedings of the committee. I encourage people to watch them. They should not read the fake news on social media, including Twitter, but the expert advice given to the committee by Ireland's leading medical professionals and trust women on the issue.

Deputy Peadar Tóibín: Sinn Féin believes the eighth amendment should be repealed and that abortion services should be made available in certain cases such as where there is a life-

limiting disability, in cases of rape and incest and where there is a threat to the health of the mother. I thank my party for giving me the opportunity to speak to the Bill, despite the fact that I hold a different view from that of my party. Respectful debate on the issue is a threat to nobody and should be encouraged. I believe strongly that we need to fight for every single living human being and that our yardstick is that no mother or child should be left behind by the State. Fine Gael is not a good place in which to be if one is a young mother or a child. The feminisation of poverty accelerated under Fine Gael austerity Governments in the past few years. Tonight 3,267 children sleep in emergency accommodation; dozens of children lie on trolleys daily in overcrowded hospitals; 52,257 children are on hospital waiting lists, while 8,500 children are waiting to see medical specialists. What does this say about a particular Government that at a time when hundreds of thousands of children are living in crisis among us, the next seven months of its time will be consumed by deleting the right to life of the unborn child?

The Taoiseach states he is pro-choice, but he ignores the fact that he has created the economic circumstances that lead so many women to believe they do not have a choice. I believe that if he is actually pro-choice, he should lift families out of poverty; fund child care, housing and health care services; and provide a decent living wage for women in order that they will believe they have a future and that there is hope and a choice for them.

In the Sunday newspapers the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, stated she had been ignorant when she was pro-life. If she was ignorant, that was her responsibility because no elected representative should come into this Chamber and speak on the issue unless he or she has carried out research and listened to the people on both sides of the debate. She has also stated a “No” vote might not be expected. What kind of a slap in the face to the democratic process is it when a Minister alludes to the holding of a second referendum before the date of the first one has been selected?

The right to life is one of the most fundamental rights there is. It is probably one of the most defining values any of us on both sides of the debate recognises. Typically, it is not something that changes among people with radical speed. A number of months ago the debate was focused on the most difficult situations in people’s lives. It focused on life-limiting disability, and children conceived in rape and incest. That is not where the debate is at anymore. In a few months the debate has been radically transformed into a debate about whether we should have abortion on request in this State. The debate on repeal is currently a debate on abortion on request with no restriction for the first 12 weeks of the child’s existence. At 12 weeks it is about the time when mothers and fathers get to see the child for the first time at the 12-week scan. Most families will have in their homes photographs of their 12-week gestational child. What is being discussed is a regime that will go much further than the people in the country will accept.

Another element is not being discussed. The Minister’s policy document does not seem to mention any gestational limit for certain children, maybe children with life-limiting conditions. The UN Committee on the Rights of Persons with Disabilities has recently objected to foetal fatal impairments being used as a specific ground for abortion. The committee maintained that there was no guarantee as to whether a foetal abnormality was fatal. It stated:

Even if the condition is considered fatal, there is still a decision made on the basis of impairment. Often it cannot be said if an impairment is fatal. Experience shows that assessments on impairment conditions are often false.

The debate has moved on with surprising rapidity recently, which has taken people by sur-

prise. Some people have told me that it feels like a blank cheque. Two years ago the Taoiseach, then a Minister, alluded to the fact that if we delete the eighth amendment from the Constitution, we would literally leave every single decision in the hands of governments which individuals may or may not have voted for. He said that the Dáil could legislate even for third-trimester terminations. He said that as if it was shocking and yet the Minister's policy document does not give a gestational limit for children with life-limiting conditions.

In his opening speech on the debate, the Minister referred to Miss C. The Minister has wronged Miss C in this situation because she specifically asked that her case would not be used as an advertisement for abortion. Her experience highlights a taboo issue that is not being discussed, which is the damage that abortion can do to mothers as well. Miss C was brutally raped when she was 13 years old and she was taken by the HSE to England for an abortion. In the days before her abortion she said she was drugged to the eyeballs in her own room. The staff held her down and injected her with drugs. Her parents took a legal action to try to prevent the abortion, but they failed. A few years ago Gemma O'Doherty published an interview with her, in which she said:

It only really hits you after you have children. You never forget your missing baby. It plays on your mind every day. Any woman who has an abortion and then goes on to become a mother will know all about it...

Due to the Supreme Court judgment, no further protection for an unborn child is left in the Constitution apart from the eighth amendment. The only thing that stands now to protect unborn children in the Constitution is the vote of the Irish people.

One of the major difficulties I have with abortion is the effect it has on people on low incomes. In the United States, people on low incomes or below the poverty line are much more likely to have abortions. In New York city, for example, more black children were aborted than came to term. That is in a city that cries that black lives matter there.

When a law changes, it affects the culture and society in ways that we cannot even imagine. The culture change is not by design but by default. We do not want to become a country that counts chromosomes like other countries do.

Also invisible in this whole debate is the issue of gender-selection abortion, with which I have major difficulties. Estimates by Nobel Prize-winning professors have stated that about 100 million are currently missing from the world due to either gender-selection abortion or infanticide. I do not see anything in the Minister's policy document that could prevent that happening in this country.

The life of the mother should be protected in every crisis bar none. This is a red line issue for me. Ireland has one of the lowest maternity mortality rates in the world - even lower than many countries where abortion is legal. In 2013 I attended the committee dealing with that particular legislation. I asked the masters of the maternity hospitals who were present if they knew of any situation where a mother's life was lost in this country due to the eighth amendment and they all said "No" to me.

This referendum will determine for 50 years hence who lives and who dies. What is at stake in the forthcoming referendum is the existence and the lives of tens of thousands of unborn children. Where there is life, there is hope. I am a firm believer that in the 21st century we have to have a society that looks to protect every single mother and child and leaves absolutely

no one behind.

Deputy Imelda Munster: The eighth amendment of the Constitution has been a blight on the State for 35 years. Generations of young Irish women have suffered hurt, stress, anguish, poor health and even death because of it. The Citizens' Assembly and the Oireachtas Committee on the Eighth Amendment have worked hard informing the debate and guiding Oireachtas Members regarding the facts of abortion and the options available to us to remedy the current untenable situation. It is proof of the importance of informed factual evidence-based discussion.

There have been many cases of women who have been wronged by the eighth amendment. There is the tragedy of thousands of women every year - 12 women every day - leaving the State and going abroad to access health care. It is already a very difficult situation to be in, facing a crisis pregnancy. Having to fundraise and make arrangements to travel abroad makes the situation much worse. Despite the safety valve of women travelling to England for those who are in a position to do that, or abortion tablets which women are forced to administer without medical supervision, tragedies still occur. This State ignores its duty to women and foreign health services have been picking up the slack for too long. Irish women should not have to rely on a foreign health service for medical care. We ought to be ashamed of ourselves.

In recent days we also heard that a 12 year old child travelled from Ireland to procure an abortion in Britain. A small child was forced to travel in order to have an abortion without local services or family support. In cases of incest or abused children, they might not be in a position to travel. Children like her are not protected under the current legislation. Forcing a 12 year old child to give birth is barbaric.

When I spoke in the Dáil earlier this year on the recommendations of the Oireachtas committee, I spoke about political responsibility and it remains an important point. We are legislators with the privilege of representing our constituents. We have a responsibility to see this through. The people deserve an opportunity to vote to repeal the eighth amendment and I hope they choose to repeal.

Deputy Brendan Howlin: I am sharing time with Deputy Kelly.

My party's support for this proposal is well known. We supported it at the all-party committee and we support it today. I am pleased that on this truly important matter of social policy, the Labour Party will speak with one clear and unified voice.

I will address a number of the arguments I have seen made against the proposal, largely outside the House. However, let us also be honest. This is not a pro-choice amendment. That is not the type of the discussion that took place at the Citizens' Assembly or the Oireachtas committee. It was an open, listening, inclusive debate, grappling with truly important issues.

The proposal before us, and I do not shy away from the fact that the 12 week recommendation is integral to the proposal, is what I would call a hard cases proposal. It arises from a widely held acceptance that the eighth amendment does not afford adequate protection to the lives and health of women, and that there are cases and instances where the termination of a pregnancy is the compassionate and right thing to do. I refer, of course, to the tragedy of fatal foetal abnormalities, pregnancy arising from rape and incest, and cases that impact upon the health of women. It is critical to recall that the reason the all-party committee achieved the level of agreement that it did is because, after detailed and careful consideration of the issue,

it could see no practical way to address these issues without allowing for the recommendation that abortion be permitted up to 12 weeks' gestation. That proposal came about because it was and remains the only way of addressing these hard cases. Any other approach, for example, one which seeks to prove rape or incest, would be impossible and indeed unacceptable. Once again, policemen and lawyers would move in where doctors and medical practitioners should be the people assisting women at a time of distress.

I have respect for the Tánaiste. I do not doubt his own sincerity in struggling with this issue. It is instructive, however, that he has been unable to answer his own question about any alternative approach for dealing with those hard issues. I do not believe that the Taoiseach, the Minister for Health, who is present, or the leader of Fianna Fáil would have arrived at the positions they arrived at if there was a viable alternative approach. For this reason I reject the argument that politicians cannot be trusted with this issue and cannot be allowed to take this in a compassionate way. That was the spurious argument made in 1983. I believe the real position is the exact opposite. Politicians, no more than any other citizen, struggle with this issue and act in accordance with their consciences. If afforded the responsibility of legislating for this issue, I am confident that all the Members of these Houses will do so in accordance with their best beliefs, the balance of advice afforded to them by medical experts, and in the best interests, as we perceive it, of the people of this Republic.

I share the ambition of the Taoiseach that abortion should be safe, legal and rare. As the Minister responsible for the legislation liberalising the law on contraception 25 years ago, I welcome the proposal from the Minister for Health to expand access to contraception. I recognise too that abortion takes place in this country already. The abortion pill is perhaps the transformative medical disruption since the last referendum. It is a fact that cannot be ignored that many Irish people import abortion pills and take them in their own homes. That is illegal as the law now stands. Does any Member of this House seriously suggest that we now set about arresting, prosecuting and jailing all the women who have imported or taken these pills, or those who will take them tomorrow or the day after? Some extremists might favour that course of action. I honestly believe that most Irish people would recoil at the prospect.

It is not a choice between the perfect abortion-free world of the eighth amendment and a liberal abortion regime. That is a false dichotomy. The perfect world of the eighth amendment never existed. It was a cop-out, perhaps for many a well-intentioned cop-out, but a cop-out nonetheless. As such it prevents this nation from addressing this issue in the manner we might otherwise have done. Others, I am afraid, would like us to look away and pretend what is happening is not happening in Ireland. For them, there is no abortion here. That happens somewhere else and is not our responsibility. Our consciences are clear. The truth is that Irish women travel every day to the United Kingdom and elsewhere to avail of abortion facilities. We all know that to be the case. We passed a referendum to facilitate it. It happened before 1983 and has happened every day since.

Contrary to the suggestion of some, what the all-party Oireachtas committee proposed does not put Ireland among the cohort of the most liberal abortion regimes in Europe. That is simply not a fact. It puts us in the sensible mainstream, a point informed by our belated recognition of the challenges women face on an ongoing basis. I do not think it is an accident that we are discussing this issue now, when we have come to realise the manner in which we have respected and treated women historically in this land. I read last week of comments made by the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, on the issue. I do not believe she intended to do this, but a clarification I think is required.

Whatever people feel about the outcome of this referendum, whether they are satisfied or not, I believe this referendum is a once in a generation opportunity to address this issue for a new generation. Were we to lose, for instance, those of us supporting this proposal, having made the argument that a new generation were entitled to have their say on this issue, would have to accept the outcome as resolved for the foreseeable future. I make this point so that we can avoid complacency on this issue. This is our opportunity to change an amendment that fulfilled the worst fears of those who opposed it and never fulfilled the dreams of those who supported it.

I conclude with remarks made by my former colleague and party leader, Dick Spring, speaking on the equivalent debate 35 years ago or so. Opposing the Bill, he said that if this clause is inserted in our Constitution then that document will enshrine an attitude to women which verges on contempt. Ireland was a very different place in 1983. The Ireland of 2018 has faced many problems and issues and has recognised the dark recesses of our past, particularly this nation's treatment of women. I believe that we must now face the issue of abortion as an issue for us to settle for our people, on our soil, with compassion, understanding and empathy.

Deputy Alan Kelly: For me, repealing the eighth amendment is about trusting women. It is also about trusting men. I might also say that it is about trusting the electorate and legislators. That is what we are here to do. We are all honoured to be elected as Members of these Houses and it is our job to deal with this issue which has been outstanding since 1983. As I stated previously, I fully support the report of the Joint Committee on the Eighth Amendment of the Constitution, the approach of the Government and what is being done by the Minister for Health, Deputy Simon Harris. He and I often criticise one another in the House, but he is doing quite well on this issue.

According to the 2016 census, 50.49% of the population are women whom I trust them. I support the repeal of the eighth amendment which should never have been inserted into the Constitution. It was a sign of different times when we did not trust the women or men of the country, nor the Chambers of the Oireachtas. The decision to allow for terminations up to 12 weeks is proportionate and correct, while the decisions not to allow for terminations up to 22 weeks or on socioeconomic grounds are also correct. I support the provisions outlined by the Minister in recent weeks in that regard.

There will be an opportunity to showcase new politics in the Chamber in the coming weeks. Many Members on either side of the argument have expressed themselves in a very fair manner. Those who are in favour of the proposed change have expressed themselves in a way that has shown the reality of the situation in which we find ourselves. However, although I oppose their point of view, I must admit that the majority of those who are against repeal have also expressed themselves in a fair way. While walking through my home town of Nenagh last week I met several people who were campaigning against the proposed amendment. I admire that they were campaigning and that they spoke to me in a civil manner, even though they knew my views on the issue. We need more of that type of approach and less of that typified by the 12 nasty and anonymous text messages I have received since last Saturday because of my political views on the issue.

We must ensure the Referendum Commission will monitor that the campaign is proceeding in a proportionate, fair and balanced manner and that the tactics being used are fair. That is particularly important, given what we have read and heard about campaigning on social media in the past 48 hours. This is probably virgin territory in terms of the impact of social media, the

data available to many companies as a result and how they might be used in a referendum campaign on a social issue such as this. The position in that regard has changed since the marriage referendum and we must be very conscious of the unique capacity of social media.

The track record of the Labour Party on social issues is second to none among the major political parties. Some Members such as the Tánaiste, Deputy Simon Coveney, have argued for some kind of halfway house on the issue and that issue must be addressed. I have spoken about those who are opposed to repeal, but a Member such as the Tánaiste who believes there is a middle ground or an alternative view must outline it in detail. I have not yet heard any detail in that regard. Such Members are being disingenuous. While I accept that Members may have different views on an issue such as this, they must outline that they are in favour of repeal but have a different view in terms of the proposed period of 12 weeks and then let us know what that the different view is and how it will give protection to women and clear guidance to medical professionals on how they can act. Such Members must not leave the situation as it is.

The situation where gardaí, barristers and other lawyers were debating various medical circumstance involving women was not acceptable or workable. What is being proposed is practical, humane, sensible and modern in how it would deal with the issue. The eighth amendment has been disintermediated by hundreds of thousands of women since 1983. They did so by leaving the country to have a termination, mostly in the United Kingdom. The most worrying aspect is that women are now circumventing the eighth amendment by illegally taking abortion pills. Unfortunately, we do not know what the consequence will be in the years and decades to come, which is deeply worrying and should be of concern to all Members, no matter on what side of the debate they are. We do not know the consequences or future impact of women taking such pills. The issue cannot be addressed by An Garda Síochána being empowered to arrest those who are taking abortion pills. Do we know what such women are taking or how the pills are administered? There is no medical supervision. Women, many of them young, are sitting alone in rooms and taking the pills without supervision, possibly not having spoken to many people, if anyone. I do not wish to be a legislator in a country where such situations are allowed to continue to occur. That is barbaric, insensitive and goes against all common decency.

As I have told the Minister, I will never forget bringing Amanda Mellett to meet him. He dealt with the issue very compassionately and I knew from that day that he would deal with this issue in the manner he has. I congratulate him and all those working with him in that regard. Ladies such as Amanda Mellett encouraged and will encourage me to play a very active part in the campaign.

My county and constituency are probably the second most conservative in referendums on social issues in the history of the State. However, legislators must lead, act in accordance with their conscience and stand up for their beliefs. Everybody should support the will of the people and let them make the decision on this issue. My party and I will work in the coming months with those across all political divides who are in favour of holding and, it is to be hoped, passing the referendum.

Deputy Paul Murphy: Anti-choice billboards carry the slogan “One of us”. On the billboards with pictures of foetuses there is something or, more precisely, someone obviously missing: the person who can become pregnant. The absence of women betrays the real viewpoint of the most reactionary and right-wing anti-choice campaigners. In their world view women - pregnant women in particular - are not one of us but, rather, merely vessels for foetuses. The referendum is an opportunity to say pregnant and other women are one of us. They should not

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have a constitutional provision interfering with their health care or denying their bodily autonomy. Sheila Hodgers, whose cancer medication was stopped when she became pregnant and who was denied a caesarean section for the same reason, died yesterday 35 years ago as a result. She was one of us. Savita Halappanavar was one of us. Miss X was one of us. Miss P was one of us. Countless women, with letters and names, were treated horrifically and their health and lives were endangered as a consequence of the odious eighth amendment. They were and all are one of us. The 170,000 women who have been forced to travel to access abortion - they are all one of us. We have a unique opportunity to right an historic wrong by removing that barbaric provision from the Constitution.

Across the country, in pro-choice groupings such as in Tallaght tonight, in colleges, schools and workplaces people are discussing how we can win, how we can seize the opportunity. I think it is worth looking back at the historic victory for marriage equality. In a country where, let us remember, homosexuality was criminalised until 1993, we won a “Yes” vote of 62%, with the highest turnout for a referendum since the divorce referendum in 1995. That transformation happened because of a social movement, bigger and bigger Pride parades and thousands demonstrating for marriage equality. In the run up to the referendum, let us remember how the “Yes” badges were ubiquitous. People were consciously making a statement that they supported marriage equality. Activists turned out and had conversations on doorsteps, in homes and in workplaces. They explained the need for equality and challenged prejudice. Young people, women and working class communities led the way in terms of “Yes” votes. The youth mobilisation was seen in the #HomeToVote phenomenon and in the 66,000 mostly young people who added their names to the supplementary electoral register in order to vote. Young people turned out overwhelmingly to vote. In Fingal, for example, 96% of newly registered voters came out to vote. Working class areas came out to vote “Yes”. In Coolock the turnout was 88%. In the Liberties it was 88%. In Cherry Orchard it was 90%. It was 70% in Moyross and 72% in South Hill. In Jobstown it was 87%.

What are the lessons of that victory now? The first is that the conservative “silent majority” is a myth. The source of the conservative nature of the State is not to be found in the attitudes of ordinary people, but rather in the backward nature of a capitalist political establishment which has historically rested on the church as a means of social control. The second is that the force required to achieve change and to win the kind of progressive society based on equality that the majority of people want is a movement of people from below. The same lessons are also present from the struggle that has got us this far towards repealing the eighth amendment. The reason we have a referendum is because of a groundswell of public opinion against the current repressive backward abortion regime. This was driven by an active movement from below when people came out onto the streets after the death of Savita Halappanavar five years ago to say “never again”. Tens of thousands demonstrated in protests that grew year on year. Just like the “Yes” badges, the “repeal” symbol is all around - on bags, jumpers and badges. Two weeks ago, on International Women’s Day in Dublin, one could see just how young, radical and active the movement is. It is part of a global movement led by young people and women for equality, freedom and choice. We saw on the same day the same movement mobilised 6 million people to demonstrate as part of a feminist strike in Spain. It is that grassroots movement which got us this far and it is that movement which will win the referendum campaign too.

We know we have to be prepared for a campaign of misinformation and lies. We caught a glimpse of that in recent weeks with the case of Noel Pattern whom the Save the 8th group claimed was a psychiatric nurse who was present during abortions. He turned out not to be a

nurse at all. He admitted altering the document which he claimed was his nursing qualification. The hospital in which he claimed to work - passing instruments to surgeons between 2001 and 2005 - said he only worked in it for eight months in 2000 in a portering role. In the end, John McGurk, the campaign spokesperson, was only able to claim that “it cannot be disproved that Mr. Pattern was never present during an abortion.” That is a long way from the claims on his video that he saw foetuses left on shelves for four or five days. Tribute must be paid to those on Twitter and the journalists who exposed the truth about Noel Pattern. The same approach, unfortunately, will be required again and again in the coming months.

I wish to address some of the points made in the debate so far by Deputies who spoke against repeal of the eighth amendment. Deputy Mattie McGrath made a big play for this debate being rushed. He should tell that to the 170,000 women forced to travel since 1983. The amendment has been in the Constitution for 35 years. In recent years there have been two repeal Bills and two fatal foetal abnormality Bills. Those who can become pregnant today did not have the right to vote in 1983. Entire generations of women have had no say on the issue and now they have to be listened to and they cannot be told that attempting to listen or giving them the right to have a say is rushing things. Deputy Fitzpatrick called on us to consider adoption as a “life-saving alternative to abortion”, as did Deputy Butler. However, they failed to mention what must happen before adoption. They are talking about forcing a woman to go through pregnancy, followed by a forced birth, followed by adoption. Their alternative literally means using women as vessels, as in *The Handmaid's Tale*.

Deputy Kevin O’Keeffe declared that access to abortion pills online “is a manifestation of global interference in our society.” Does he believe that women being able to travel to access abortions in Britain or the Netherlands is similarly a manifestation of global interference? Is he in favour of preventing women from travelling so that Catholic Ireland can be saved from so-called global interference? I hate to break it to the Deputy, but abortion existed long before the Internet. He also admitted that he “did not read the reports of the Citizens’ Assembly or of the joint committee entirely”, which did not stop him opposing their recommendations. What he, Deputy Tóibín, and all of those opposed to repeal have emphasised is the proposal for access to abortion up to 12 weeks on request. Given that Deputy O’Keeffe did not bother to read the reports, I will summarise some of the key evidence which was given and which he can read in the transcripts, which led to the recommendation by the Oireachtas committee for abortion to be available up to 12 weeks. Fundamental to that is the point that the Citizens’ Assembly recommended 12 weeks on request after being presented with the facts. Those facts include that 12 weeks is the basis of most abortion laws around the world, including across Europe; that pills and abortion before 12 weeks cover 92% of abortions; and that 15% of people go past the 12 weeks currently because they have difficulty in making arrangements for travel because of financial difficulties, child care and work, among other issues. That delay would be eliminated by legislation providing for abortion up to 12 weeks on request. Additional facts include that the abortion pill is perfectly safe, as highlighted by the World Health Organization; the increasing number of people using the pills regardless of the law and the problem of the criminalisation of people using pills given that it acts as a deterrent to people seeking aftercare if needed; and the difficulty in legislating only for rape and incest, as it would require some form of proof.

Just as the Citizens’ Assembly proposed to make provision for abortion up to 12 weeks after hearing all the evidence, we should be confident that the public will support 12 weeks on request if people hear all the evidence. We have to explain upfront and clearly why legislation that will make a tangible difference to women and pregnant people in Ireland is crucial. I think

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we can be confident that a significant majority can be convinced of the need for abortion access which provides for the 92% of women who make the decision. A crucial part of that is explaining the multiple reasons women need to access abortion services. Those reasons are made very real and personal by the excellent Facebook page, “In Her Shoes - Women of the Eighth”, which should be required reading for those campaigning to maintain the eighth amendment so that they can see the consequences. I will outline one example:

I was in an abusive relationship, I had a two year old daughter, struggling to make a life for her and I.

I had summoned the courage to make him leave.

I found out I was pregnant.

I was scared at what kind of life my daughter and I would have, and the new baby, as a mother on my own...

I decided the best option for all of us was my baby inside would be better off in spirit than with us. That I could give my two year old daughter a better life with just two of us.

I had to ask my family for money to travel to the UK.

She further states:

Myself and my mam took the plane to Liverpool. Flights were extortionate, money we didn't have.

Feeling rotten when I had to go to work the next day and pretend I was “normal” with cramps in my tummy, antibiotics that the clinic had given me “just in case” making me sick, and being afraid to approach my GP for medical care because I felt ashamed for making the best possible decision as a mother in my head for my daughter and I.

That woman is one of us too. We need to repeal the eighth amendment.

Deputy Richard Boyd Barrett: Solidarity-People Before Profit is a pro-choice party and therefore we are for removing the eighth amendment from the Constitution and support this legislation to allow the people make a decision on whether they wish to remove the eighth amendment.

Whatever about our views on this issue, it is important, certainly from my experience already canvassing, to remind people of the question they will be asked as a result of this legislation passing and a referendum taking place because many people who do not follow all the detail of what goes on in this House are not quite sure. I do not want in any sense to duck the issue of the 12 weeks and the important discussions that were had at the all-party Oireachtas committee but it is important to remind people that, in the first instance, what we are voting for is repealing the eighth amendment. I want to argue that it is absolutely critical that we do that because at every single level the eighth amendment has failed. Obviously, it has failed Irish women who, in situations of crisis or unwanted pregnancies where they have been raped or had wanted pregnancies but those pregnancies were doomed to failure because of fatal foetal abnormalities, had to make a decision to go to Britain for an abortion and had to do so under the pressure of stigma, the financial burden and hardship and all the additional stress that resulted from that. It has failed women who take abortion pills but may not get properly medically supervised

or, because it is not just an abortion issue, women who were pregnant and were not given the medical treatment they needed because the doctors felt compromised by the existing legislative and constitutional position. For those tens of thousands of women, the eighth amendment has failed them. Indeed, it has failed them for many more reasons. It has failed even in terms of the claims of the supporters of the amendment because those who supported it peddled the fantasy that inserting that amendment into the Constitution would make Ireland a place free from abortion. Even on its own terms, that has simply not been the case.

Instead, 170,000 women have travelled abroad, with all the additional hardship, stress and suffering involved, to have abortions and three to five women a day are now taking abortion pills. Holding on to the eighth amendment, therefore, as those who oppose this legislation or who plan to campaign against its removal want to do, is inexplicable to me because it does not achieve what they are trying to tell people it would achieve. If it has not done so in the past, it most certainly will not in the future.

There is an onus on those making the argument against the removal of the eighth amendment to be honest with people. I heard Deputy Tóibín making reasonable points about poverty, homelessness and so on and that we need to address those issues. Of course we do, and week in, week out many of us who are campaigning for the removal of the eighth amendment campaign for precisely those things, as the Deputy does also. However, what he did not admit in his contribution is that retaining the eighth amendment means women who, for example, decide they cannot go through with a pregnancy because of fatal foetal abnormality or because they have been raped will continue to be forced out of the country for an abortion. Is that what the Deputy wants? Does he want them to continue to suffer the shame and the stigma because he is not outlining the alternative? Will he admit that what he is saying is that women should be forced to continue a pregnancy they do not want? People have to be honest here and say if that is what they are proposing because if the eighth amendment is retained, that is what they have got. Will they continue to propose that women who because of the housing and homelessness crisis could not face bringing another child into this world and choose to have an abortion should be subjected to a 14 year prison sentence if they try to procure an abortion? That is the reality of what retaining the eighth amendment means. It means we continue to have a 14 year prison sentence for somebody who takes an abortion pill or helps women procure it and continue to force tens of thousands of women out of the country under the shadow of stigma, shame, criminality and so on or that we continue to force women who have been raped to do the same. It is appalling, and those who wish to retain the eighth amendment essentially are saying that they will maintain that *status quo*. I do not believe that is what the majority of people want. They recognise that change has to happen.

I have some sympathy for people who say they do not trust politicians to sort out this issue but, and it is a big “but”, putting the issue of women’s bodies into the Constitution is an even worse prospect, as we have seen for the past 30 years. When it is decided in this House, at least ordinary people, so to speak, may be able to exercise some influence and pressure on the politicians, but controlling women’s bodies and lives and futures through a constitutional amendment such as the eighth amendment has been an utter disaster for women and, I repeat, has failed to achieve even its own stated aim.

On the issue of the 12 weeks, it is very important to spell out what that means. The reason the 12 weeks is being proposed is because that is what is the case in many other jurisdictions where abortion rights of some description have been established but, critically, it simply acknowledges the reality that three to five women a day are already accessing the abortion pill in

this country. If we say we should not allow women to make that choice up to 12 weeks, what we are saying is that we should continue to criminalise women who take the abortion pill. The anti-abortion movement needs to be honest about that. They believe that women who take abortion pills should be treated as criminals and if they do not believe that, they should explain to us what they are proposing, but that is what the eighth amendment continues.

Furthermore, they are suggesting that women who have gone through the terrifying trauma of being raped should have to prove they have been raped before they can get access to the pill. Is that what we are proposing? Putting any conditionality before 12 weeks would amount to women who have already been through the unspeakable trauma of rape having to convince doctors or whoever it might be that they should have the right to gain access to the pill. Surely that is utterly unacceptable.

It seems to me that what is being proposed in removing the eighth amendment is the absolute minimum requirement to come to a humane and compassionate position that stops us treating women in the appalling manner we have done and that the legislation being proposed by the Government is the absolute minimum necessary to recognise the reality of abortion in this country.

An Leas-Cheann Comhairle: I call Deputy Pringle who is sharing his time.

8 o'clock

Deputy Thomas Pringle: I am sharing time with Deputy Joan Collins.

Voting “Yes” is the necessary first step to ensure safe, legal and compassionate medical care is afforded to all women on an equal basis in Ireland. People are ready to repeal the eighth amendment because they are free to be more compassionate now and, unlike at any other time in our past, we are beginning to understand the principles of equality and equal rights. People have moved on more than most politicians in this House, many of whom will play catch-up on this issue, which may be the reason some will decide not to campaign or canvas in the lead-up to the referendum. I will canvass in my own constituency of Donegal where I have met many people who believe the eighth amendment needs to go.

I have seen a change in attitudes over time. Never before would someone have felt comfortable approaching me to express hope for a successful repeal vote. This is reflective of a change in the discourse on abortion and women’s health care generally. However, abortion is still treated as a dirty word because public discourse on the issue has been suppressed for so long. It is important that a safe space is created for people who want to engage when we are canvassing because it will be the undecided who will determine the outcome of the referendum.

Much work remains to be done, particularly against the backdrop of mistruths and fake news. The controversy unfolding with regard to Facebook and Cambridge Analytica should be a lesson to us all in terms of the lengths to which opponents will go to win a campaign and the power of private sector interests to manipulate campaigns. It also serves to remind us of the real threats to democracy and the need to resource our regulatory and oversight mechanisms to enable fair referendums and campaigns to take place. Unfortunately, it will be too late for reforms arising from the current investigation into Facebook and Cambridge Analytica to be implemented in time for the referendum on the eighth amendment. However, I am glad the Data Protection Commissioner is examining Facebook’s role in the controversy unfolding in the United Kingdom and its effects on data usage here. This is especially important consider-

ing that Facebook's European headquarters are located in Dublin. It demonstrates that tighter regulation of companies' use of citizens' information is needed, as is monitoring of false news. Too often, we are exposed to myths and mistruths and pseudo-science presented as fact, with individuals claiming to be professionals in a particular field speaking with authority on an issue, despite not having any credentials to back up their claims.

Manipulation of the truth by third parties, individuals and campaigns that want to exploit public fears is already occurring ahead of the referendum. How can someone present false statistics, such as those presented in respect of Down's syndrome in the UK and Iceland, and be quoted by the media without any prior fact-checking? How can someone be allowed to stand in front of a school with grotesque imagery that does not adequately portray the truth of abortion and causes distress to vulnerable persons and children?

I echo calls made by other Opposition Deputies for greater transparency in online political campaigns to prevent the dissemination of disinformation ahead of the abortion referendum. Attention has been drawn to fake Facebook pages which, while purporting not to be related to the referendum campaign, include phrases and messages similar to those used by the "No" camp. Not only are these pages not sanctioned by the "No" side, but they are not operated by parties registered with Standards in Public Office Commission, SIPO. I understand that despite SIPO's efforts to have the Government provide clarification on third party involvement in campaigns, the Government has not responded to its call to do so.

The next step will require us, as parliamentarians, to use our privileged access to information and facts to vote for legislation which best protects the rights of our constituents. If Deputies were to truly engage with their constituents, they would recognise that everyone deserves the right to access to proper health care and bodily autonomy. I also believe all of us would support legislation to allow for unrestricted abortion up to 12 weeks of gestation.

While I support the joint committee's recommendation to provide for unrestricted abortion up to 12 weeks, I believe gestational limits have no place in legislation. Such limits are merely moral and political barriers for people who need an abortion and will only create a string of more hard cases in future. If we claim to trust or support women, we must acknowledge that they will make the best decision for themselves and their babies in the later stages of pregnancy. Abortion is required for a range of medical reasons outside the 12 weeks' limit which would fall outside the categories proposed by the joint committee. We must have a system that supports all women, regardless of what decision they make, noting that it is their decision and our role is simply to support them.

I understand the Together4Yes campaign will be officially launched this Thursday. The campaign includes a plethora of organisations and local groups which have come together to support repeal of the eighth amendment. I commend all those involved on the hard work they have done in bringing about a conversation on abortion in which dignity and respect are central. We must also recognise the medical community whose professionalism has been widely scrutinised at political level since the eighth amendment was inserted in the Constitution. It has come out strongly in defence of women's rights to health care at home.

Most striking have been those who have told their varied and compelling stories so strongly and bravely, despite the lingering toxicity created by the eighth amendment. Let us not forget how heavily the Constitution must have weighed on many women in this State and how heavily it continues to weigh on those who have carried the burden of the eighth amendment. Let

us imagine this weight being lifted once the “Yes” vote has been carried. Those who made the decision to terminate, travelled to see their decision through and returned to tell their stories will no longer be seen as criminals under the eighth amendment but as liberators from a long and oppressive regime that has no place in a modern compassionate society.

Deputy Joan Collins: I speak in support of a referendum to repeal the eighth amendment and substitute the wording of the amendment, as proposed in the Bill before the House. It is 35 years since the eighth amendment was inserted in the Constitution. During that period, a new generation of Irish people has grown up who did not have an opportunity to vote on an issue that can have a serious effect on their lives. I was proud to introduce, with Deputies Mick Wallace and Clare Daly, the Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) Bill six years ago. Speaking last Thursday, Deputy Daly noted that it was strange just how far the conversation on this issue had moved on in the past six years. That is also an extremely positive development on which I believe Deputies Daly, Wallace and I played a small part by bringing the conversation on this issue into the Dáil Chamber. I also believe politicians lag behind the mood of citizens on this issue.

The main reason for change has been the role of people on the streets, including the women and men who marched on International Women’s Day last Thursday. They were strong and proud and wanted the eighth amendment repealed. In the past week, I have been canvassing in my constituency and speaking to people who do not necessarily take to the streets to demand change. However, they too are thinking about this issue. I estimate that the level of support for repealing the eighth amendment among those I canvassed was approximately 60%, which is extremely positive.

The eighth amendment has been a complete failure from the point of view of those who advocated it in the early 1980s. From the perspective of those who viewed the amendment as a bulwark against the liberalisation and secularisation of Irish society, it has been a spectacular failure. The majority of those who voted in favour of the eighth amendment in 1983 were concerned that abortion would become widely available and many argued that its rejection would result in the floodgates being opened. From this point of view, it has also been a failure. While the number of legal abortions is low, standing at 27 or 28 per annum, this figure is dwarfed by the 4,000 abortions obtained outside the State every year. This figure refers only to those who give an Irish address. I believe many more Irish women do not give an Irish address when they obtain an abortion abroad. In addition, more than 1,000 women have abortions every year using medication obtained over the Internet.

The eighth amendment has not prevented abortion. Instead, women are forced to travel abroad to access abortions and many are also having abortions here. The rate of abortion among Irish people is similar to the rates recorded in comparable countries. This is accepted and tolerated. The abortion rate will not decline but the health of pregnant mothers is put at risk, as occurred in the tragic case of Savita Halappanavar in Galway. Many other women have also suffered as a result of the eighth amendment.

Modern health care is patient inclusive, meaning that when a problem is diagnosed the patient is often given advice on various options, for example, physiotherapy, medication or surgery. The pros and cons are explained and if there are risks, they are explained and the patient has an input. For a pregnant woman, this would not apply, as decisions are made by medical practitioners under the chill factor of existing law. The woman would have no say or input.

The fact that women facing a crisis pregnancy are forced to travel outside the State or use medication obtained on the Internet poses certain health risks. Having to travel often means a later termination than would be the case in Scotland, for example, where 70% of terminations take place under nine weeks. The later the procedure, the higher the risk of complications. It would be safest practice for these crisis pregnancies to be dealt with here with all the medical backup, counselling and support needed in such stressful circumstances. It is important to note that today the Liverpool Women's National Health Service Foundation Trust, one of the main hospitals in the UK offering abortion services to women from Ireland with diagnoses of fatal foetal abnormality, has restricted access for terminations to women who are between 16 and 20 weeks pregnant due to staffing issues. The crisis in the NHS in England will affect the crisis in Ireland because women will not be able to access an abortion as early as they want to, even in Britain.

It is certainly not best or safest practice to allow people to obtain medicine over the Internet, not knowing how they are sourced and using them without proper medical supervision, as they may do with an abortion pill. Deputy Mattie McGrath commented on a report he saw in the *Irish Independent* that nearly seven in ten of 497 GPs in a closed doctor forum had stated they would not be involved with medical abortions. He goes on to say this was a closed forum and not just anybody phoned up or completed it online, as is the case with other polls. He said the 70% rate was pretty concerning and if the Government did not want to listen to it, to whom would it listen? The Deputy should have read the complete report, which indicated that a survey of almost 500 GPs found that almost two thirds would not provide abortion pills if the eighth amendment is repealed but rather they would favour following the UK example, with women referred by GPs to NHS clinics for medical abortions, and the pills would come from there. The Deputy failed to mention that element in the debate. In the *Irish Independent* report, of the almost 500 GPs surveyed by *gpbuddy.ie* in a closed doctor forum, almost 60% of GPs stated they supported repeal of the eighth amendment, with 25% saying they would vote against it. We should provide facts to the Dáil rather than selectively picking pieces that suit our own arguments.

This debate is not just about a woman's right to control her own body but it is also a question of a woman's health. I will campaign very energetically for repeal and I support the all-party committee's report on further legislation. Having said that, it has become clear in my mind that many people have reservations about the recommendation of abortion up to 12 weeks on demand. Over the weekend I spoke to someone who, while supporting repeal, also had reservations about the 12 week proposal. I am sure other Deputies and Senators campaigning and having discussions with constituents have found similar concerns. This is undoubtedly an area where the advocates of keeping the amendment will concentrate their well-funded campaign. We need to avoid being drawn into an emotional and aggressive debate, with so-called facts and figures thrown around that will confuse people rather than inform them. We need to keep the debate rational, with a focus on the work of the Citizens' Assembly and the all-party committee that based its recommendations on a wide range of medical experience and best international practice.

There is no test or medical examination to prove rape or incest. We cannot put medical professionals into a position where they must interrogate an already traumatised pregnant woman. The 12 week proposal is the best way to deal with pregnancy as a result of sexual crime and, of course, there is no compunction to have a termination. By repealing the eighth amendment and bringing in legislation, there will not be a compunction on anybody to have an abortion

but it will provide a choice. Whatever decision is made by a woman, there will be support for that decision. The point must be made quite clearly. According to all recent polls, more than 70% of people support abortion as a choice for women subject to incest or rape. The message we must get out is that if we do not repeal the eighth amendment, the aspirations of women to access abortion will not be realised.

The 12 week proposal will not introduce the most liberal abortion laws internationally, as is claimed by some, but it will simply bring our laws into line with most other European Union states, where the norm is ten to 14 weeks. There is no proposal to introduce abortion on the grounds of disability and Down's syndrome, and they will be specifically excluded. It would be extremely rare to get a definite diagnosis of Down's syndrome in advance of being 12 weeks pregnant, according to Professor Peter Boylan. We must explain that the State with the most liberal abortion laws is the Netherlands, which has one of the lowest levels of abortions and where the rate is falling. That is a very important message. This arises because of Dutch investment in sex education and making contraception more freely available. I welcome the recommendations of the assembly and the all-party committee in those areas. Sex education should be taught through the school curriculum as set by the Department of Education and Skills rather than by small groups which come to schools to put their side of the story. It would make a difference if we moved that way. If people are educated well about reproduction and hope for the future, abortion rates will come down and there will be fewer crisis pregnancies.

We need to deal with these matters and the reality. There should be no more hypocrisy or Irish solutions for Irish problems. Nobody advocates abortion as the only choice but the choice should be there in our own country. I support the Bill before the House and the general recommendations of the all-party committee report. Points were made earlier about poverty, housing, health, disability and decent and equal pay for equal work. Essentially, people should not live in a society where they are underemployed and face economic and emotional crises. We should demand that the Government introduces Sláintecare health services and public housing so people can live a decent life with a roof over their heads. We should campaign for full disability rights, personal assistants, independent living and the protection of women's rights in the workplace. All this must be achieved in any society, and I have campaigned for them over a number of years along with others in this Dáil. Any practical and financial barriers, along with the criminal penalties, must be removed. I support this Bill.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Leas-Cheann Comhairle for the opportunity to speak to this very important debate. I am fully aware of the sensitive and complex nature of the matter we are discussing. I am also aware of the wide range of views existing in this House and throughout the country on the subject. I am sure, however, that it is possible for us all to have a respectful debate, as I have seen so far. I welcome that.

There is a need for constitutional reform. I support repealing the eighth amendment and I strongly support a woman's right to bodily autonomy. The Committee on Eighth Amendment of the Constitution and the Citizens' Assembly before it have shown us a good example in this regard. The views of the constituent members may have differed but the debate never became personal. Each of us is approaching the matter from a position of wanting to contribute to the common good and do what is best for the people. I believe in the equality of women in every area of Irish life. I believe every woman should be free to make decisions about her personal and private life.

She should be free to consider the important decisions around having children and when is the right time for her to start a family. In respect of the 12 week issue, we have to deal with it in an open calm way. The 12 week limit would provide a woman with a window of around seven weeks during which she can realise she is pregnant, consider her options and make an informed decision in consultation with her doctor. Introducing legislation in line with this proposal would end the current situation where women access abortion pills through the Internet, alone and without the support of their doctor.

It would ensure access to care for women who have become pregnant as a result of rape. These are two crucial issues that have to be dealt with in this aspect of the debate. The Constitution cannot protect a developing pregnancy. The only person, ultimately, who can do that is the pregnant woman herself in consultation with her doctor. The referendum Bill is critical and an historic opportunity to ensure better care and health treatment for all pregnant women in Ireland. Removing the eighth amendment will mean removing a health care issue from the Constitution and allowing considered changes to abortion law to protect a woman's health and well-being.

Before getting into the business of the recommendations, I wish to take a moment to commend the members of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution on their work. I thank them for their contributions. I thank Senator Noone in particular for her calm and balanced handling of this issue as Chair. I also thank and 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. Article 40.3.3° of Bunreacht na hÉireann states:

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

The Protection of Life During Pregnancy Act 2013 currently regulates access to lawful termination of pregnancy. Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition-----

Deputy Mattie McGrath: On a point of order, there is only one Government Deputy here and I am calling a quorum.

Notice taken that 20 Members were not present; House counted, and 20 Members being present,

Deputy Finian McGrath: Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition in order that she can have certainty as to whether she requires this treatment or not. Last year, the Government put in place a process to examine Article 40.3.3°. A Citizens' Assembly was established with the first order of business being to consider the eighth amendment of the Constitution. In June 2017, the assembly recommended that the eighth amendment be replaced with a provision that explicitly authorises the Oireachtas to legislate to address the termination of pregnancy, any rights of the unborn and any rights of the woman. The assembly also recommended a number of reasons for which a termination of pregnancy should be lawful in Ireland and the gestational limits that should apply.

An all-party committee on the eighth amendment was then established by the Oireachtas to consider the assembly's report and recommendations. I note that the recommendations contained in the committee's report represent the views of the majority of the members. There was not unanimous agreement on this particular issue. That brings me to the point about trusting in politicians. I trust the views of our Oireachtas Joint Committee on the Eighth Amendment of the Constitution in respect of this issue. It was a cross-party issue with many different views. In other words, it was a people's committee.

The main conclusion of the committee's work was that change is needed to extend the grounds for lawful termination of pregnancy in this State. To effect that change, the committee recommended that Article 40.3.3° be removed from the Constitution by repeal. I support that recommendation. The committee then went on to make recommendations on the grounds on which a termination of pregnancy should be permitted in Ireland if Article 40.3.3° were repealed. In the first instance the committee recommended that termination of pregnancy should be lawful where the life or health of the pregnant woman is at risk and without distinction between risk to physical or mental health. Assessments should be made by no fewer than two specialist physicians and gestational limits should be guided by the best available medical evidence.

The committee accepted, secondly, that it should be lawful to terminate a pregnancy that is the result of rape or sexual assault. However, there were concerns about the practicability 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 or sexual assault by permitting the termination of pregnancy with no restriction as to reason up to 12 weeks' gestation, provided that it was availed of through a GP-led service and delivered in a clinical context.

The foetal abnormality issue is close to my heart as the Minister of State with responsibility for people with disabilities. 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 a pregnancy without restriction as to a gestational limit. Where there is a diagnosis of a foetal abnormality that is not likely to result in death, before or shortly after death, the committee recommended that the law should not provide for the termination of pregnancy. This differs from the recommendation put forward by the Citizens' Assembly, which proposed permitting the procedure up to 22 weeks' gestation in such cases.

I hope this divergence will help to reassure people about the careful consideration the committee gave to this issue. On this point, as Minister of State with the responsibility for disabilities, I attach a particular importance to the committee's statement that the State should provide specific resources for social supports for parents and better facilities for children who have special needs. This is of particular interest to me and is an important issue for me as well. That is why over the past 16 or 17 months we have restored the carers' grant of €1,700 to 101,000 families of children with disabilities. We have also brought back the issue of the medical cards for 11,000 children in receipt of the domiciliary care allowance, which cost €10 million. An extra €3 million was provided for the decision support service which will drive the engine room, as it were, of the UN convention. There was also an increase of €10 in the disability allowance in the previous two budgets. Recently, €10 million was announced for the ability programme for young teenagers and adults with a disability. In the previous two budgets, an extra €167 million was put into social care services. After listening to parents and families and also colleagues in the House, we have now recently announced an extra €10 million for respite care. These are issues that are important for disabilities. Of course we have to do more. I want to reform the

services, invest in the services and, above all, put people with disabilities at the centre of the services. It is important that we deal with this issue as well.

Speaking as the parent of a daughter with Down's syndrome who I would not swap for the world - our family is absolutely united on this particular issue and will all rally around my daughter - the real issue is we need to improve services. Diagnosis by CVS, chorionic villus sampling, where a small sample is taken away from the developing placenta and usually analysed in the UK, can take three working days. It should be noted CVS has a risk of causing miscarriage in 1% of procedures. Women may or may not elect to have this test. It is clear, therefore, that the diagnosis of chromosomal abnormality, while technically possible, can rarely or realistically be achieved before 12 weeks. To suggest, therefore, that disability will be eliminated by enacting legislation in line with the recommendations of the Oireachtas committee is misleading. It is important we highlight this particular point.

The majority of Oireachtas committee members accepted the five ancillary recommendations set out by the Citizens' Assembly in its final report. It also made recommendations, which I strongly support, for the decriminalisation of abortion, free access to contraception, comprehensive sex education and obstetric care as well as counselling. I am fully committed to ensuring all women accessing maternity services should receive the same standards of safe and high-quality care. Every woman from every corner of Ireland should expect to be able to access the maternity services she needs. The implementation of the national maternity strategy, *Creating a Better Future Together*, will help this. 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 comprehensive response to the issues raised by the committee in its ancillary recommendations. The group will cover issues, both in the Department and the HSE, such as sexual health, primary care, acute hospitals, disability and mental health services, as well as any other areas subsequently deemed relevant.

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 their clinical judgment and the high standards of medical practice which we all know they uphold.

I come from the tradition of Wolfe Tone and Tony Gregory, which talks about including Catholics, Protestants and Dissenters with a strong emphasis on equality at the heart of our society. I look forward to a constructive debate on this issue and the issues raised by the committee. We must recognise the sensitivities involved and for this discourse to be respectful of differing views.

Deputy Éamon Ó Cuív: The Constitution was introduced in 1937 and voted on by the people then. This is the first time we have been asked to put forward a Bill which will take away the most fundamental of human rights from people, the right to life. I note much of the time in this debate that the child in the womb is not mentioned. It is as if it did not exist. It is as if its health and its well-being do not count. I have a firm belief that human life in all its manifestations should be protected. It is a liberal belief. For many centuries, some lives were considered more important than others. One of the great steps forward in the 20th century was that, irrespective of race, colour or gender, human rights became more and more protected in both national and international laws. What we are proposing to do here is to take 100% of the human rights and human protection in the Constitution away from the unborn, right up to birth.

There are people who believe that unborn children are not human beings. As a parent and a grandparent, as well as looking at science, I cannot go along with the theory that they are only potential human beings. Are we saying that the minute a child is born at 24 weeks it is a human being while another child in the womb at 30 weeks is not? It does not make rational sense. Accordingly, this proposal has much more fundamental ramifications in the long term when we start differentiating between humans than any proposal put before this House since I became a Member. We must, therefore, all think deeply on it.

I also believe it is absolutely important that we protect women. As somebody who has been happily married for many years, the closest person to me is a woman. Her good is paramount to me. Accordingly, I have always agreed with Supreme Court interpretation, which I always believed from the very beginning was the only rational one, that if medical intervention has to take place to save the life of the woman and, if as an unintended consequence that the child's life is not saveable, then of course one intervenes.

Savita Halappanavar has been mentioned many times in this debate. Unfortunately, that event happened in my constituency. When one looks at the reports, however, it is quite clear that mismanagement was at the heart of that issue. If the only way of saving her life had been to intervene, of course the law allowed that intervention. What the Irish people have been asked to do is to give this House *carte blanche* into the distant future into what it might do regarding abortion and, as developments take place that were already referenced to the people, that the House could do what it willed. Talking about Bills which might be proposed is of limited importance because once one opens the door here, there is no closing it again.

The Minister, Deputy Harris, mentioned the lonely place in which people find themselves for one reason or another in a difficult pregnancy. I can fully understand those lonely places and empathise with that situation. However, we also have to remember there are many people who regret abortions, who do not live in a lonely place for a finite amount of time but who live with regret for the rest of their lives. Therefore, it is important, when we talk about this issue, that we think of the long-term consequences in terms of regret that could arise very easily out of this Bill. I know of very few parents but, more importantly, very few women who have had a baby and, when they see the reality of their child, have regretted it. I think most people would say that that has been their experience of life as well.

As I said, the Bill that might or might not be introduced is only what might happen in the next six months. It has, of course, no bearing or influence on what might happen in the future. Nonetheless, I think it is worth analysing what is proposed by the Government in the next six months. First, what is being proposed is basically a walk-in service to a GP in the first 12 weeks of pregnancy. It has been seen through scans that, even after 12 weeks, the child in the womb is quite developed. Obviously, the question arises, if somebody develops a method of abortion that goes up to 15 or 16 weeks by some pill or some other method administered by a GP, does the logic follow that we allow the intervention on that basis up to 16 weeks? What is being proposed, once we go down this route, means there is no stopping where this is going.

Second, a lot of play is being made of the fact that 3,000 people go to England every year for abortions. Of course, we know that many of those people go for social reasons or for reasons of personal choice and not because of fatal foetal abnormalities or because of the very sad cases in terms of disability that people mention. Therefore, it is only rational that if one wants to stop people going to Britain, our law would have to mirror the British, because if there is a significant difference between the two, obviously, people can and will go to Britain. It is fair

to say that this is basically what is being proposed by the Government, and I think it should say it quite clearly.

I was looking at the UK Abortion Act of 1967 which states it is not an offence to have an abortion when a pregnancy is terminated by a registered medical practitioner if two registered medical practitioners are of the opinion, formed in good faith, that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman, or any existing children of her family, greater than if pregnancy were terminated. It then goes on to talk about the risk to the child but let us focus on what it states. In other words, in Britain two doctors certify, and in 95% of the cases of abortion there, it is under this provision that abortions are sought and provided. I think most people would say it is effectively a walk-in service.

What the Government here is proposing to provide for in the document it published is as follows:

Policy 1: That termination of pregnancy on the grounds of a risk to the health (which would include risk to the life) of a pregnant woman would be provided for...

Policy 2: That the General Scheme would make no distinction between a risk to the physical or mental health of a woman.

Therefore, again, there is no distinction between physical and mental health. We know from Britain that the vast majority of abortions are carried out under the mental health provision. The document continues:

Policy 3: That two appropriate (i.e. appropriate to the clinical circumstances) medical practitioners would be required to assess access to termination of pregnancy on the grounds of a risk to the health of a pregnant woman.

The only difference between the two is that one would appear to be going to specify that if it related to mental health, one would have to get a medical practitioner who had a speciality in mental health, in other words, a psychiatrist, whereas, in Britain, it appears that is not specified. Otherwise, what is being proposed here is the exact same regime as in Britain, although I am not sure if this document gives us a limit.

Let us be clear what is being proposed and put that to the people. Let us be absolutely clear that, basically, we are introducing the same regime as pertains in Britain. To be honest, it is rational from the Government point of view to do that since its stated aim is to provide here in Ireland what people seek in Britain.

Mar a dúirt mé i mBéarla, seo í an cheist is tromchúisí a thiocfas os comhair na Dála i rith mo thréimhse mar Theachta Dála mar táimid ag baint buncheart de dhaoine daonna - gasúir sa mbroinn. Is buncheart é atá cosanta sa mBunreacht. Má ghlacfaimid leis an leasú seo dar le seachtar breithiúna den Chúirt Uachtarach ní bheidh cosaint dá laghad fágtha sa mBunreacht. Is cuma cé chomh forbartha a bheas gasúr, ní bheidh cosaint dá laghad fágtha sa mBunreacht don leanbh sa mbroinn. Is an ceart daonna is bunúsaí atá ag aon duine beo é. Cuimnigh go raibh chuile duine a bhí ann riamh sa mbroinn ag am éicint. Tá an buncheart sin le baint amach ón mBunreacht.

Tá go leor daoine in Éirinn bródúil as an mBunreacht mar go gcosnaíonn sé cearta daonna,

ach táimid ag déanamh cinneadh fáil réidh leis an mbuncheart sin. Chomh maith leis sin, tá sé thar a bheith tábhachtach breathnú ar céard atá molta ag an Rialtas. Tá an-chaint go deo ar an 12 sheachtain agus, mar a dúirt mé, níl aon srian air sin dul go 14 seachtaine, 15 seachtaine nó 16 seachtaine amach anseo mar a dhéanfar forbairt ar phiollaí agus ar córacha leighis gur féidir a thabhairt san íoclann áitiúil. Ar an dtaobh eile den scéal, tá gasúir á mbreith beo anois ag 23 seachtaine ach beidh muid ag rá go mbeidh cead gimhilleadh a dhéanamh suas go dtí an aois sin.

Tá sé thar a bheith spéisiúil breathnú ar an leagan amach atá sa mBreatain. Sa mBreatain má fhaightear dearbhú saighneáilte ó bheirt dochtúir go bhfuil contúirt ann do shláinte mheabhrach nó fhisiciúil na mná, is féidir gimhilleadh a fháil. Ní gimhilleadh ar éileamh atá ann i Sasana ó thaobh an dlí de ach tá a fhios ag chuile duine go bhfuil sé ann go praiticiúil agus go saighneáiltear dearbhuithe go rialta. Níor chuala mé riamh faoi éinne a eitíodh gimhilleadh dóibh i Sasana faoin dlí atá ann. Tá a fhios ag an Rialtas é sin.

D'ainneoin sin agus uilig, tá sé i gceist ag an Rialtas seo sa mBille atá i gceist aige a thabhairt isteach má éiríonn leis an reifreann seo an soláthar ceannann céanna a chur ar fáil. Beidh beirt dochtúir fós i gceist, is é an t-aon difríocht ná go gcaithfidh siad a bheith cáilithe sa speisialtacht. Glacaim leis go gcaithfidh cáilíocht síciatrach a bheith ag na dochtúirí a bheith i gceist más meabharshláinte na mná atá i gceist. Seachas an difríocht an-bheag agus an-teoranta sin is an soláthar céanna é. Cén chaoi is féidir le dochtúir a rá nach mbeidh cur isteach á dhéanamh ar shláinte na mná? Seachas an difríocht an-bheag sin, tá i gceist ag an Rialtas an soláthar ceannann céanna a thabhairt isteach sa tír seo agus atá ann i Sasana. Tá sé an-spéisiúil smaoineamh ar an bhfocal Gaeilge “gimhilleadh”. Milleadh an ghin sa mbroinn. Tá sé i gceist ag an Rialtas é a thabairt isteach ar an mbunús sin.

Tá iarrtha ar an Teach seo vótáil ar son moladh a chur faoi bhráid an phobail a bhainfeadh buncheart d'aicme leathan daoine daonna. Ní fhéadfainnse tacú leis an gceist sin a chur os comhair an phobail, ar an gcaoi chéanna go ndiúltaíonn an Dáil seo go minic do mholtaí faoi reifrinn agus go ndiúltódh an Teach seo d'aon mholadh eile a bheadh ag baint buncheart den phobal.

What is being proposed is the taking away of the most fundamental human right from all unborn people, namely, the right to life. It is the first time since 1937 that, instead of adding to protection, we are taking away protection from every person who will be conceived. I cannot support the putting of such a referendum to the people, just as I could not support putting any other referendum to take away from the fundamental human rights of a wide swathe of people.

An Leas-Cheann Comhairle: Níl éinne ar taobh an Rialtais ar fáil le labhairt. Mar sin, rachaimid ar ais go dtí an Fhreasúra, an Rural Independent Group and Deputy Michael Collins.

Deputy Michael Collins: Ninety-nine years ago Dáil Éireann met for the first time in the Mansion House, a building only a few minutes' walk from here. The First Dáil set out a series of principles to show the people what an Irish republic would look like free from Great Britain, principles that were put in place to ensure the republic would provide and care for its people. The eighth amendment is one of the many great things about Ireland that ensures the legacy of those who fought for our freedom will not be forgotten about.

In recent months there has been a great deal of spin about the eighth amendment. The press has been quick to argue against nearly all of the pro-life views expressed. There has been a

deliberate attempt by it to silence pro-life views and ensure only one voice will be heard. That has been disappointing, to say the least. We are lucky that the majority of views expressed by Deputies in recent weeks have been respectful and I hope that will continue into the future. However, there has still been a great deal of disappointment. Everyone in the House knows that the pro-life side has been silenced. There are too many in the House who attack those who are pro-life. One person doing this would be one too many, but it is disappointing that a significant minority of Deputies are participating in the debate using such methods. Such methods should not be used in a modern democracy, but they have, unfortunately, become commonplace, not just in this debate but also across the political benches in the debates on a wide range of issues.

Members of the Citizens' Assembly sat through several presentations on the weekends they met, in some of which fleeting references were made to the issues on which they ended up voting, but not a single in-depth presentation was made on any of the 13 grounds for abortion that they ultimately approved and recommended to the Oireachtas. That is a devastating fact that completely undermines the entire process. For example, members of the assembly voted overwhelmingly in favour of abortion on the grounds of a mental health risk to the mother. They did so without hearing a single presentation on the issue or from any expert witness. It seems likely that most members of the assembly were unaware that the result of the vote in question went against the peer-reviewed advice in this area of medicine.

Families who owe the lives of their children to the eighth amendment were excluded from the Citizens' Assembly. They say that having to travel to England meant a few extra days' planning and gave them time to think things through a little more and decide against having an abortion. They are horrified at the fact that they even once considered having an abortion a viable option.

When the Oireachtas joint committee first met last year, we were promised a fresh start and that the work of the Citizens' Assembly would not be repeated, but that is not what happened. The committee spoke to 12 witnesses who had previously spoken to the Citizens' Assembly. Like what had happened at the assembly, pro-life experts were given no voice at meetings of the committee which at the outset invited 24 pro-repeal witnesses and just three pro-life witnesses to present to it. On top of this, only three weeks into the proceedings, it was decided by the committee that repeal was, apparently, needed. On such a complex issue, it was a shame that this decision was taken.

We were also promised that "experts" and no advocacy groups on either side of the argument would be invited to the hearings. At the same time, pro-abortion advocacy groups such as the Irish Family Planning Association, the New York-based Center for Reproductive Rights and the largest abortion advocacy group in the United Kingdom, the British Pregnancy Advisory Service, BPAS, were invited. The BPAS which was, like the others, introduced as an impartial expert is one of the leading campaigners for abortion globally and has already registered in Ireland the domain name *abortion.ie*.

It has been estimated that since the eighth amendment was inserted into the Constitution in 1983, 100,000 lives have been saved. Even if the figure were only 10,000 lives, that would be enough. However, we are facing a dangerous debate in which these facts are forgotten by claiming that the 100,000 lives that have been saved would not matter if they had not been given that right. Such estimates have been written off as impossible to calculate, but they are easily calculable. In England one in five pregnancies ends in abortion. In Ireland that number lies at one in 19. If we move Ireland's abortion laws into line with what is in place in England and

Wales, that is the type of figure about which we are talking. Bringing Ireland's abortion laws into line with those in other jurisdictions would also mean that unborn children with disabilities would be discriminated against, as pressure would be put on parents to abort their unborn children in such situations. In England 90% of children diagnosed in the womb with Down's syndrome are aborted. In some Scandinavian countries such as Denmark, the figure stands close to 100%. Every single one of us in this Chamber knows families who have children with Down's syndrome. Raising a child with the condition can be difficult, but every good parent makes sacrifices for his or her child and every family with a child with Down's syndrome will say what a blessing the child has been.

9 o'clock

It should sicken us when we hear the statistics on abortion. In America, abortion is treated as a public good. The pro-choice think tank, the Guttmacher Institute has come out with the following statistics. Two thirds, which is 68%, of the 1.5 million unplanned births that occurred in 2010 were paid for by public insurance programmes, primarily Medicaid. By comparison, 51% of births overall and 38% of planned births were funded by these programmes. Of the 2 million publicly funded births in 2010, about half were unplanned. By comparison, 38%, or 1.5 million, of 4 million total births nationwide were unplanned. This representation of abortion as a cost-saving measure is not something any of us should want to see in Ireland. Statistics like this are designed to paint abortion as a public good because it saves the state money. Are we really going to start putting a value on human life? That is what abortion does.

Groups like the Guttmacher Institute are linked with Planned Parenthood which is the only winner in the US abortion industry. Staff at Planned Parenthood are paid based on the number of abortion procedures they provide. There is therefore no incentive to talk to women and encourage them not to go through with their abortions. In the Marie Stopes clinics in the UK, staff are given bonuses for ensuring that women who arrive in their clinics carry through with the abortion they sought when they arrived.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Collins: It has been said by several figures on the pro-abortion side that we need abortion in Ireland due to the number of women travelling to other jurisdictions for abortions. As I have already stated, Ireland's abortion rates are much lower than Britain's. It is true that much more needs to be done to help the women who return home after going through an abortion. It has been argued by the Minister, Deputy Harris, that we must have abortion to protect the nameless and faceless women who travel to England for an abortion. These women should be cared for in Ireland after going through such a traumatic experience but there are several other nameless and faceless women who did not go through an abortion because they had the chance to think about what they were going to do. These women openly discuss how they considered going through an abortion only to give birth to their child. The answer to the complicated issues that surround pregnancy should not be abortion. Abortion is an old-fashioned cure and it simply allows future Governments to ignore some of the most vulnerable in society. It allows for women to be made feel even more vulnerable. Abortion does not give a woman choice but it takes it away. This is because vulnerable women are made to feel abortion is the only answer by groups who are in the business of providing abortions. Ultimately, abortion ends a life prematurely before that life can have any chance to speak up or stand up for itself.

Two years ago we celebrated the centenary of the 1916 Rising. When we think of the Ris-

ing, every one of us thinks of the Proclamation. An essential sentence in the Proclamation is the promise to cherish the children of the nation equally. Let us not sully the memory of those who fought for our nation's freedom by taking away the right to life from society's most vulnerable. Let us cherish the children of the nation equally at every stage of life from beginning to end. Let us not allow abortion to become legal in our country. Let us instead make sure that no mother feels she has to end the life of her child because she sees no other way out. Let us provide families in difficult situations with what they need to raise their child. Let us work together to make sure no child in this country is thought of as a choice but rather as a valued human being. Let us ensure that every child in Ireland is given the right to life. Let us stand up for mothers and their unborn babies. Let us protect the eighth amendment. In doing so, we would be doing something truly radical and positive by speaking up for life at a time when other countries have lost respect for the dignity and value of each new and unique individual. There is nothing radical about bringing in laws like other countries that have been shown over the past 40 years to discriminate against unborn babies up to birth. Let us be truly radical. Let us speak up for life and defend the eighth amendment with every ounce of energy we have.

Like a good man in my own parish of Goleen said to me one time about abortion, while there is breath in my body, I will never take the breath from somebody else's body. I certainly will not be doing that while I am here in Dáil Éireann.

Acting Chairman (Deputy Alan Farrell): I call Deputy Catherine Martin.

Deputy Martin Kenny: We will share our time. I apologise, it is Deputy Catherine Martin. I was not sure.

Acting Chairman (Deputy Alan Farrell): Sinn Féin is next.

Deputy Catherine Martin: Tá an Comhaontas Glas sásta tacaíocht a thabhairt don Bhille seo. The introduction of the Bill is important for our society and our country. It marks an opportunity for change. It presents an opportunity to repeal an uncompromising article of the Constitution which has caused untold and unnecessary suffering for thousands of women since its inception in 1983. Ultimately, the Legislature must bear responsibility for the ongoing endangerment of the health and safety of women. The courts have on a number of occasions reminded us it is our function to legislate and they have, quite correctly, signalled their unwillingness to fill the gap and do our job as the Legislature.

The Green Party will support this Bill and will be campaigning for a "Yes" vote in the referendum that will follow. The eighth amendment has not worked. It has resulted in a system that has treated and continues to treat women appallingly. This referendum is an opportunity to make a change because change is needed. Not only have we abandoned women by forcing them to leave their own country to access a safe medical procedure, but also we have compounded it by threatening and sanctioning women and doctors with severe punishment and threatening them with jail sentences. The threat and stigma surrounding abortion puts women in a dangerous position and continues to tie the hands of doctors when it comes to emergency scenarios. When not responded to properly, as the country has learned to its eternal shame, it can result in the tragic and unavoidable death of mothers. Women should not have to steal away from their country to access a safe medical procedure and not one woman's life should be put in unnecessary danger. It is time to trust women. We need to trust women.

The Minister said in his opening speech that moving towards the recommendations of the

Oireachtas committee would represent a quantum leap from our current position. I welcome that leap, as our country is now ready to take it. I also acknowledge the Minister has committed to the principle that abortion in this country should be safe, legal and rare.

The Green Party supported the Citizens' Assembly and as part of our support of that process we also support free, safe and legal access to treatments for pregnant people, up to and including legal terminations of pregnancy without restriction, up to 12 weeks' gestation. The Green Party is in favour of deferring decisions on terminations after this point to such conditions and time limits as recommended by qualified medical practitioners who are subject to the Medical Council.

As a country, we are an outlier. The implementation of the recommendations of the committee will bring us in line with Greece, Belgium, the Czech Republic, Switzerland, Finland and France, among others, in allowing access to abortion up to 12 weeks. One of the many lessons to be learned from 1983 is the need for the Legislature to be trusted as the Constitution is unsuitable for detailed provisions that tie the hands of future generations. It is time to move forward with compassion.

I recognise the work of the Oireachtas Committee on the Eighth Amendment, particularly that of the Chairman, Senator Noone, for coming to a considered, shared and compassionate set of recommendations. I hope the upcoming referendum campaign will be a respectful one. I hope we can have a frank, positive and constructive discussion on the issue. I hope we become a country that provides full support for all women who decide to continue with their pregnancies as well as providing support to those who do not. I welcome the debate today because for too long the voices of our elected representatives were not sufficiently loud nor adequately effective, just, coherent or steadfast. That is why we are where we are today where some women's lives continue to be endangered. Ireland can no longer pretend, indefinitely postpone or prevaricate, and that is why the Green Party will support this Bill and campaign for a "Yes" vote in the referendum.

Deputy Sean Fleming: This legislation will lead the way to a referendum after approximately two weeks. People will have different views on the matter to be decided by the people but I believe the function of the national Parliament is to let the people have their say. I urge people who are not happy with that approach to reconsider their position and accept the decision of the people when they make their decision. We should not do anything to frustrate the decision.

Others have done it but I wish to set out precisely what we are talking about as regards this referendum. The phrase "repeal the eighth" is very strongly embedded in the public mind but this referendum is not about repealing the eighth - it is about repealing the eighth amendment and substituting new wording for it. There is no proposal to delete the eighth *simpliciter* and I ask all commentators to bear this in mind. People are now talking about "repeal and replace" as the approach as it is not a question of delete versus retain. That may have been the view of the Oireachtas committee but it is not the view of the Government in terms of what it has brought forward here.

Article 40.3.3° reads, "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." It is proposed to substitute the words, "provision may be made by law for the regulation of termination of pregnancy."

This all arises from the referendum we had in 1983 which put the eighth amendment into the Constitution. There have been various other referendums on the right to information and to travel and there has been legislation in the form of the Protection of Life During Pregnancy Act 2013, which flowed directly from the eighth amendment. People were concerned when the eighth amendment was passed that the situation would not be clear and the Supreme Court would end up making decisions, which it did and which resulted in the Oireachtas passing the legislation to which I referred. The Minister may correct me on this but I believe that, over the two years since the legislation was enacted, approximately 50 pregnancies have been terminated where the life of the mother was in danger. In seven of those cases, suicidal tendencies were one of the reasons given. The Protection of Life During Pregnancy Act 2013 deals with the provision in regard to the eighth amendment where the life of the mother is deemed to be at risk, either for physical or mental reasons. If the referendum is defeated I assume that the *status quo* remains in the Constitution and the Protection of Life During Pregnancy Act 2013 remains on the Statute Book.

Somebody felt it was a good idea to have a consultation on the matter so we had a Citizens' Assembly of 100 people, randomly selected from the voters' register. The assembly sat for a considerable period of time but I was very confused at the end of it and did not know what it had decided. Some 48% of members wanted provision for termination at 12 weeks, 44% wanted termination at up to 22 weeks and 8% of those attending wanted no time limit at all, but to delete the eighth amendment and replace it with a wording devised by the Government.

It was then agreed to bring the matter back to the Joint Committee on the Eighth Amendment of the Constitution. I will not go into how the committee did its work and some people have different views on it but it did its work and I take the report it published as the report of the committee. After detailed consideration and lots of meetings, the committee decided to use the phrase "delete *simpliciter*", which meant a straight deletion of Article 40.3.3°, and it agreed with a provision to have a termination at up to 12 weeks without justification. I accept that the phrase "on demand" is probably not correct because women carrying a child in a difficult situation do not go around demanding abortions. They do not have to justify their decision up to 12 weeks and it is not right to say that they "demand" abortion as it is often the last option they have, based on their own circumstances.

The Joint Committee on the Eighth Amendment of the Constitution did not accept the view of the Citizens' Assembly, which wanted to delete and replace, and it had different views on the number of weeks, with 12 or 13 different votes taking place on the options. Some appear a bit contradictory and the outcome was that the committee came up with a different proposal, namely, to delete *simpliciter*. Then the Government looked at it and came up with the words "delete and substitute", before producing its policy paper on the termination of pregnancy. The Government has not accepted the views of the Joint Committee on the Eighth Amendment of the Constitution but came up with a different wording and a policy paper rather than proposed legislation at that time. The Government may agree with the committee on the 12-week limit but the principal recommendation of the committee was to delete *simpliciter*, while the Government came up with a different option, probably following the advice of the Attorney General. The assembly came to one view and the Oireachtas committee did not accept its views. The committee produced a report but the Government did not accept its views. No group agreed with the group that worked on this previously. That is not helpful and it shows that the issue is more confused than people might appreciate.

The legislation has been drafted now and I have waited for it before speaking on the subject.

I have a problem with the words “provision may be made by law for the regulation of termination of pregnancy.” There are different stages of a person’s life and some people have a long life while others have a short life. We have to respect the rights of all children at all stages of their life and that includes the unborn child.

People have spoken about the road they have travelled on the issue in recent times. I have been in the House for a number of years and I had been here for about a year when we had a referendum on the Twenty-first amendment to the Constitution on 7 June 2001. That removed the provision from the Constitution for capital punishment, that is, the execution of a person for the killing of a garda, one of the most serious crimes in our Constitution. It was a very difficult time but, out of compassion and respect for human life and regardless of whether they thought a person was the worst convicted criminal in the State, the people of Ireland believed such a person’s life was sacred and that he or she should not be executed. The legislation provided for life imprisonment. This Parliament put forward a referendum a number of years ago relating to people proven guilty of a capital offence in Ireland and we said that life was sacred no matter how dastardly the act of the person convicted of murder was and that we should not take life. The people of Ireland decided in that referendum that life should not be taken in the name of the people and that provision was removed from the Constitution. Now it is said that we have travelled a road and people are saying that perhaps we should insert what they call a positive provision in the Constitution to provide for the termination of pregnancy - the termination of the life of an unborn child. I think we have gone full circle and I would ask people to think about the full circle we have travelled in this Parliament. I know that one of the last times people were asked about the sanctity of human life, even that of a person found guilty of a capital offence, they respected the sanctity of human life, difficult as that is. Some people would say that not respecting the sanctity of human life is moving forward but I do not think everyone would agree with that point of view.

I know the Oireachtas Joint Committee on the Eighth Amendment of the Constitution said that dealing with cases of rape, incest and fatal foetal abnormalities was too complex. It said it was very complex and that one cannot prove a rape took place. I think the debate in the committee took the wrong emphasis. In respect of cases involving rape, nobody should have suggested or even talked about having to report something to the Garda. We know how long a court case can take. People must name the person who they believed raped them. For people to even have that discussion was all wrong. If the woman felt that intercourse was non-consensual, that should be enough. She should not have to go to the Garda and commence criminal proceedings. There was and is a way of dealing with those issues through legislation, notwithstanding the fact that the committee felt that it was too complex. I think it would have been possible and is still within the ability of this Oireachtas to legislate for those issues if it chose to do so but that is not the option before us. The option before us is deleting the eighth amendment and substituting a provision for the termination of pregnancy.

This leads on to what has been proposed if the referendum is passed. The Minister has issued a policy paper on that issue that is available for people to read but it is no more than a policy paper. There is no guarantee the Minister will provide for this when it comes to drafting the legislation. Many important issues are dealt with in that policy paper but there are issues about which some people will take a different view. The Minister does deal with policy but this referendum might have a better chance of passing if the Government had been more specific, taken more time and let the people know what sort of legislation they would get if they passed the constitutional amendment. Instead it has said what it is thinking about, that it needs to have

a discussion about it and that it needs to get further legal and medical advice and the agreement of the Oireachtas. It is a long way from what we know will be the outcome of the legislation and this lack of certainty opens the door to an enormous extent and people should be concerned about that.

Essentially, one of my disagreements with putting in that particular provision is that it allows Deputies to decide the matter. I want the people to think about this. As I said, very important issues are dealt with in the Constitution and I would consider the issue of life and death to be a matter for the people to decide rather than Deputies. I am concerned that Deputies want to take too much power for themselves. Any time during recent years where the people have been asked in referenda to give Deputies more power, they have said “No” and they have said “No” for good reason. One of the reasons is that there are 158 of us here. Most of us come in with a particular point of view. We have a particular bias on most issues either for or against, although some are probably neutral and their views change over a period of time. We are not a neutral assembly. We would not be much of an assembly if we did not have views so I do not think the Oireachtas is a neutral forum in which to pass legislation on this matter. I believe it would be better if the people had the final say.

People say that we should not insert a provision on a complex issue into the Constitution. Nobody is suggesting we do that. Nobody believes that would be a sensible idea. However, when it comes to a big European treaty, we have a referendum to allow the people to give the Oireachtas the authority to adopt the treaty. Similarly, those European treaties are not written into our Constitution but a section is put in allowing the Oireachtas to ratify the particular treaty. Similarly, legislation could be drafted where the specifics are in the legislation and we could then have a referendum to give the Oireachtas the power to ratify that legislation. This is one of the ways we should have gone about this.

The Houses of the Oireachtas Library and Research Service has produced a very impartial analysis of recent referenda setting out why some were carried while others were not. The people said “No” to the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill, which was a proposal by the last Government to give Deputies more power to carry out investigations. They did not want to give Deputies more power. I am quoting the reason given by the Houses of the Oireachtas Library and Research Service. It said there was a feeling that the people were not sufficiently well informed. More critically, it went on to say that many people rejected the proposal as it would give politicians too much power. If the people of Ireland felt that they did not trust the Oireachtas to carry out investigations into matters of public interest, I think the public may well come to the same conclusion and not trust the Oireachtas to pass legislation on a matter of life and death. The Oireachtas Library and Research Service gave another example when it said that Government supporters were generally in favour of a Government proposal while those not in support of a Government were not in favour of a Government proposal so it became a bit politically partisan.

The last Government, which included most members of this Government, brought forward another referendum in 2013 to abolish the Seanad. Here was a proposal to give Deputies more power. It was a case of, “Let’s abolish the Seanad and let’s concentrate power in here and if there’s a few of us running the Government and we run the Dáil, sure the few of us will decide what’s good for people and sure we’ll get rid of the Seanad and we’ll have less public scrutiny and accountability.” The principal reason given why the people rejected that referendum proposal was that they did not trust the Government and not a lot has changed since then.

The document produced by the Oireachtas Library and Research Service says that the second reason people gave for not accepting that proposal was because of the perception that the proposal was a power grab by politicians. Here we are again. We have a referendum on a life or death matter but we want to grab the power to decide it instead of letting the people decide the issue. If there is to be legislation dealing with termination of pregnancy, I would have no problem with publishing that legislation and ask the people whether or not the Oireachtas should have the power to ratify it. I am not saying I would support it but the people would know precisely what they were voting on. What we are being asked to deal with here is too vague. It gives the power to Deputies and I do not believe matters of life and death should be solely in the hands of Deputies. It would be far better if it were left to the people. People say we cannot have a divisive debate but I think it has been a very civilised debate and I think it will continue to be a civilised debate. If somebody comes forward with legislation on a particular issue in years to come, I see nothing wrong with putting the question of whether the Oireachtas should ratify it to the people. That is a better way of going about it. With the divorce referendum, specific proposals relating to the divorce legislation were included so people knew precisely what they were dealing with on that occasion.

To summarise my position, I believe in the right of the people to have a vote on this issue. What the people decide should be the final word on the matter. I would not agree with preventing the people from having a say on this matter. There has been a lot of criticism of the eighth amendment but the new provision that is proposed to be substituted for it is causing bigger problems. It is a power grab by Deputies to allow them to pass legislation in the Oireachtas. It is a case of “Give us the power to pass the legislation”. We are asking the people to give politicians a blank cheque on life-or-death matters. Those serious matters of human life should be decided by the electorate, not by a small group of Deputies in this House.

Acting Chairman (Deputy Alan Farrell): I call Deputy Martin Kenny, who is sharing time with Deputies Buckley and Nolan.

Deputy Martin Kenny: As Members are aware, we are debating whether it is appropriate to retain the eighth amendment in the Constitution or, as outlined by the previous speaker, to replace it with a phrase suggesting that this matter be legislated for by the Oireachtas. There has been considerable debate about family, children, mothers, etc. The natural instinct of all of us is to protect life and care for pregnant women. It is the role of all medical professionals who work so hard and whom we trust to do the right thing at all times. Many of those medical professionals appeared before the Joint Committee on the Eighth Amendment of the Constitution and gave their evidence. I meet many people who work in the medical area. I certainly have not come across any whose instinct is to try to take life away; they want to bring life into the world. That is what they are there to do and that is what they always want to do.

The eighth amendment is preserving what is called the equal right to life of the mother and the developing embryo in the womb. That is what it provides for. I came to a decision on this matter approximately 18 years ago. My daughter is now 17. I have four children. On our second child, Ava, my wife was very ill, but not critically, and she was in hospital for a large portion of the pregnancy. I came to realise that difficult decisions needed to be made in a minority of cases. Fortunately, we were not in the position where we were the minority within that minority where the really hard decisions have to be made. However, it happens.

I came to realise that having this locked into the Constitution was not appropriate. In that minority of the minority of cases, the eighth amendment has another provision, which is that it

creates the equal risk to ill health and possibly even of death of both the unborn and the mother. That is the problem; the equal right to life has a reverse side to it. That is what we are dealing with here; we are dealing with a minority within a minority. We need to be big enough to recognise that sometimes the greater good is to look after that minority. That is really what we are talking about doing here. I understand that people on all sides have very strong views and it is an issue on which there is considerable debate.

Many people, including many speakers this evening, have said we cannot trust the politicians. If something happens to us, however, we have to trust the medical profession. We need to pass this along to the profession in order to allow it to do its job appropriately in that minority of the minority of cases. That is really what this involves. We understand that people sometimes feel they cannot trust politicians. However, they have an option to change them if they cannot trust them. When people think about this issue, they usually talk about things that happened in the past when politicians made all kinds of wrong decisions and shady deals were done. Those decisions were made and deals were done well away from the very intense spotlight there is on this issue.

People heard all the views very clearly during the debates at Joint Committee on the Eighth Amendment of the Constitution and came to understand the position. If the eighth amendment is removed from the Constitution - it may not be - we will have the opportunity to come back here and discuss all the issues relating to 12 weeks and the other matters that are difficult for people. We will do it in the open and everyone will understand the positions that people hold. While I could be wrong, I am of the view that the result of this may be much less liberal than people fear. However, we will see. Time will tell.

We need to recognise that what is in the Constitution does not work. It does not work for a very small minority, but that minority are citizens of the State and are absolutely entitled to have their rights upheld. In order to do that, we have to grapple with this very thorny issue. In some places it will be difficult; it is difficult for all of us. Ultimately, we have to deal with it.

All of us in public life meet all kinds of people with various problems. I am sure most of us will have dealt with people who have been traumatised as a result of sexual abuse, rape or incest. That brings trauma to their lives and some of them are incapable of continuing with a pregnancy which may have resulted from that. We have to understand that and deal with it. Others may be well able to deal with that and want to go on and have the baby. Again, we have to understand and respect that, and ensure that they are able to do that safely. It is not something that should be compulsory under any circumstances.

Another issue has been much discussed. I met a woman recently who, along with her husband, had planned to have a child. She had worked for a long time to get pregnant and then, quite early on, discovered there was a huge problem and that the child would not live. This woman did not want to tell her family and friends of her circumstances. She did not want to go through that trauma and she chose to go to England to have an abortion. It was very difficult for her because she came from a devoutly religious family and it went against everything they believed in. However, she was trapped in this place. She felt it was wrong for her and we have to recognise that.

Some of the issues in this debate are difficult. I have heard people talk about being pro-life. I do not know many who are not pro-life. All of us are pro-life. I also hear people saying - I have been accused of it - that some people are pro-abortion. I do not know any who are pro-

abortion any more than they are pro-chemotherapy if a person has that terrible disease and they have to try to do something about. In that circumstance we need to deal with this and understand it.

Ireland has changed since 1983. The vast majority of people who become pregnant choose to be pregnant; they want to have babies and want to bring life into the world. In the vast majority of cases, they are successful in doing that. However, we have to have the courage and ability to deal with that minority of the minority. As a result, the people need to be given the choice as to whether they want to remove the eighth amendment from the Constitution and allow, as we are asking them to do, the Oireachtas to decide the circumstances in which we can do that. That will be decided in the full spotlight of the public's view. It will not be done behind closed doors or in a shady corner somewhere. It will be done here - out in the open. People will see and understand why the result will be what it will be. In those circumstances, I firmly believe that people will understand that the right thing is done.

The right thing for us to do now is to put that to the people and let the people decide on the eighth amendment. Then we can come back here, have our debate respectfully, put the issues on the table and move forward.

Deputy Pat Buckley: I am very proud to be a Deputy for the constituency of Cork East, particularly in this Dáil, which will finally bring to a close a shameful period in Irish history whereby women's health was turned into a political battle by the religious right. The eighth amendment was a grievous mistake, cooked up by a cabal of activists intent on holding back the social progress of this island. The same people opposed divorce, decriminalisation of homosexuality and, most recently, marriage equality. The people will no longer tolerate a backward, closed-minded Ireland. This referendum gives them another chance to push our nation forward. I am confident that they will enthusiastically accept this opportunity.

I commend the work of the Citizens' Assembly and the Joint Committee on the Eighth Amendment of the Constitution, both of which worked diligently and fairly to develop a response to the obvious issues that arose from the enshrinement of the eighth amendment in the Constitution 35 years ago. It is a great pity that some of those who refused to engage properly sought to use their work to grandstand and protest rather than to advance understanding or to encourage discussion. They did this clearly as they felt they could not adequately address the weight of medical, psychiatric and legal evidence against the maintaining of the amendment. This was an insult to the public, and also to the democratic institutions of the State. It was very disappointing that some would try to dismiss the hard work of the committee and its members. I am proud of the three members of the committee from my own party who took part, and I stand by their conclusions. I also want to commend the Minister and the Government for its work in this regard. Many previous Governments have at best ignored the issues, while others have actively sought to limit further the rights of women to health care and to tie the hands of their doctors. The Minister for Health, Deputy Harris, and I do not agree all the time, but his recent thoughtful and clear comments were very much appreciated, and I give credit where it is due.

We deserve no great applause for finally acting on this matter, but I am very glad that we have, and am also glad for those who have put their heads above the parapet in the last few years. However, I want to pay tribute to the real heroes. They are the women up and down this island who have struggled tirelessly before and since 1983 to realise a society where women are trusted and respected. The eighth amendment has cost lives and impacted on the health and

comfort of countless women. We will never truly know the scale of the damage it has done over the 35 years, but much of the medical evidence we have heard, from experts in their respective fields, lays bare the many pitfalls it set for doctors and the women they cared for. For many years politicians and the media chose to ignore these realities and the toll it had on the women of Ireland. Those days are over, thankfully. We know the stories of the women who, for 35 years, were victimised by this law.

The question that we as a nation are now being asked is not what we think of abortion or what our personal or philosophical opinions about the beginning of life are. It is simply, do we trust women? Do we trust women and their doctors? In a perfect world there would be no rape, no unwanted pregnancies, no physical or psychological threat from pregnancies and no fatal foetal abnormalities, and so there would be no abortion. We do not live in that world, however. We make things so much worse by pretending we do and digging our heads into the sand. We must decide whether the lives of the living, breathing women deserve the full medical protection afforded to everyone else in our society, or if the pregnancy somehow limits their right to health care. There is no perfect conclusion to this question, but we have seen the damage that occurs when we decide that a pregnant woman is not deserving of this right to health care and that her doctor's hands are tied. I never want to see another case like those of Sheila Hodgers, Ann Lovett, Savita Halappanavar, or those of many nameless women, such as Ms X, a child pregnant due to rape, or Ms Y, who refused food in protest and was operated on against her will. There is only one way to deal with this very difficult and tragic situation, and that is to repeal the eighth amendment and to finally give women and doctors the ability to make the medical decisions appropriate to the care they desire. I urge people to trust women and to repeal the eighth.

Deputy Carol Nolan: My party is in favour of repealing the eighth amendment in specific cases. However, my personal opinion is that the eighth amendment should be retained, as I am proud to say that I have strong pro-life views. We are all aware of the fact that unborn babies are the most vulnerable in our society. Surely then, as a society, we must protect them and embrace each and every child, and their differences, as an inclusive society. The eighth amendment has saved 100,000 lives since 1983, and I am sure we have all heard the personal accounts of young women who have stated that they were glad the eighth amendment was in place when they experienced crisis pregnancies. Many of these women admitted that if abortion had been freely and readily available in this State they would have availed of it and lived to regret the decision later, decisions born from panic and isolation.

I firmly believe that abortion is not a solution. Research has shown that it can often have detrimental and lasting effects on women's health. For example, the latest study on abortion in the *British Journal of Psychiatry* found that abortion itself increases the risk of mental health problems for women by 81%. I acknowledge the fact, and the harsh reality, that women in this State do experience crisis pregnancies. Those women need adequate supports, and those supports must be put in place so that they are not left isolated, vulnerable and fearful. Those women are being let down. However, abortion should never be presented as a panacea. How can it be an acceptable solution when it takes away the right to life of the unborn, which is a fundamental human right?

The recent ruling of the Supreme Court was a wake-up call to us all in this State. We are faced with a clear decision in the forthcoming referendum. We can chose to retain the eighth amendment, which is the only legal protection for unborn babies under which doctors in Irish hospitals protect the lives of both patients - the mother and the baby - or we can repeal the eighth amendment and face the prospect of abortion being normalised in this State.

I believe that the deletion of 40.3.3° from the Constitution, which would remove the right to life of the unborn, would be a very regressive step, and one which we as a society will live to regret. Every child has the basic, fundamental right to life, and that right to life is non-negotiable. We should cherish and uphold this fundamental right, and we should not repeat or replicate the mistakes of England or other countries where abortion has been normalised and liberalised.

Deputy Charlie McConologue: I welcome the opportunity to speak on the debate. It is appropriate that sufficient time has been given to Deputies to express their views. At the outset I want to indicate my own position, which is that I am not in favour of repealing the eighth amendment. I believe it is important that the right to life of the unborn is recognised in the Constitution, which is our primary guiding document. It is a very important principle and is something which should be contained in the Constitution. I acknowledge that it is a very difficult issue and that there are very many difficult cases involved. I also want to acknowledge the work of the committee, which took the time to look into this and to tease out in great detail the various considerations and to hold hearings in the Dáil over many, many weeks. I thank those members who took part in that committee on behalf of the various parties in the Oireachtas and those who spoke at the hearings, as well as the staff who participated. I acknowledge the work those people carried out. One does not have to agree with the outcomes to respect the fact that much work was done and time spent on behalf of the Oireachtas. It is now appropriate that the matter comes back to the floor of the Dáil so that everyone can consider those issues. It is appropriate that the public will ultimately get the opportunity to have their say on what is to happen and what our laws should be. I welcome the fact that so far the debate has been very respectful. I am hopeful that will continue. People can hold differing views, and those views are genuinely held, so it is important that that is respected.

It is important that we allow people to live their lives as they so choose, whether that be according to their own religion or to no religion. People should have the freedom and the right to go about their daily lives and live them to the full, so long as that does not impinge on the rights of others. As regards abortion, I believe there are two lives to be considered in a pregnancy: those of the mother and the unborn. All countries, even those with liberal termination regimes, recognise in legislation that there are two lives in a pregnancy. All countries have laws which restrict terminations of pregnancy because there is a recognition that two lives are involved. Some countries have more liberal regimes than others but in all cases there is recognition that there are two lives in a pregnancy and that the life of the unborn must be considered. In my view, that should be given the utmost consideration. As all members know, the health and welfare of the mother is paramount but we should also take every appropriate and possible step to ensure the life of the unborn is protected and considered.

The Supreme Court last week clarified that the rights of the unborn are only crystallised in our Constitution in the eighth amendment and are not otherwise explicitly present. It would not be appropriate to do away with that recognition of those rights. There is no doubt that there are difficult cases but the accommodation of such cases should not lead to the withdrawal of the protection of the rights of the unborn from the Constitution and that protection should remain in place.

A decision in respect of the upcoming referendum will be difficult for many people. The approach taken by my party in terms of allowing each Member to vote according to his or her conscience is appropriate and right because this issue is very personal to people. People will question themselves in respect of the referendum and each person can take a very different but genuine view on how he or she will vote on the issue. However, the outcome is likely to be

far closer than the polls suggest. For many, it will come down to a choice between keeping the situation as it is or voting for what is likely to be abortion on request up to 12 weeks because the proportion of Members who have indicated in favour of 12 weeks is just short of 50% and if Sinn Féin changes its approach, as has been indicated by its leadership, it is clear that a majority of Members will be in favour of up to 12 weeks. In terms of the campaign and how the public will consider the matter, it is increasingly likely that if the eighth amendment is repealed, a regime will be put in place whereby abortion on request will be allowed up to 12 weeks' gestation.

It is very important that the protection of the unborn continue to be recognised in the Constitution, which is the appropriate place for it, and for that reason I am very much in favour of retaining the eighth amendment and will be voting against repeal.

Deputy Catherine Connolly: I welcome the opportunity to participate in this debate. I thank the Minister for Health, Deputy Harris, for his approach to date and his well thought-out speeches. I also thank the Citizens' Assembly and the Joint Committee on the Eighth Amendment of the Constitution. However, we are not here because of the Minister's speech or the work of the Citizens' Assembly or joint committee, notwithstanding the excellent work they did. We are here because the Government and previous Governments have been excoriated in the courts as far back as 1992, when Mr. Justice Niall McCarthy in a Supreme Court judgment from which I will quote in due course, criticised the Government on its failure to bring in appropriate legislation almost ten years after the 1983 amendment. We have been excoriated in the European Court of Human Rights and two United Nations committees on human rights. We are here because we have brought shame on ourselves and the eighth amendment has caused appalling suffering to women and loss of life.

I often find myself in agreement with Deputy Ó Cuív and, on occasion, with Deputy Mattie McGrath but the interpretation of the case law by my colleagues on my left who are really on the right beggars belief and leads me to believe that they have not read it. I have read every relevant case that has come before practically every court of the land, the European courts and the UN committees. I think the only court that was left out was the Circuit Court. Women have appeared before the District Court, the High Court, the Supreme Court, the European Court of Justice, the European Court of Human Rights and the United Nations committees. They have either gone there themselves after a very traumatic abortion in England or have been brought there by the agencies of the State. I will go through that case law.

I wish to correct a number of inaccuracies. It has been stated that we are rushing legislation through but the opposite is the case. The eighth amendment was made in 1983. The X case was heard in 1992 and it is important to point out that it involved a 14 year old girl who had been subjected to repeated sexual abuse over 18 months, culminating in a rape. That poor girl, who is now an adult, is living with that legacy, as is her family, and must cope with Members continuously talking about the X case. As I stated, during the course of that judgment the Supreme Court excoriated the Government of the time for not bringing in legislation following a gap of almost ten years. One would imagine that a government would learn from that and listen to the well thought-out rationale of the Supreme Court. However, rather than that being so, a series of cases were brought by the Society for the Protection of the Unborn Child, SPUC, to control information and travel. Indeed, an injunction that restricted my basic right and that of other women in terms of what information we could receive remained in place for four years. There were two more referendums after the 1983 eighth amendment referendum, one of which regarded travel and information and also the exclusion of risk of suicide as grounds for abortion. When the people of Ireland rejected that, those who insisted that life was black and white

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brought forward another referendum to exclude the risk of suicide as grounds for abortion less than ten years later, which the people refused. In parallel with those developments, appalling cases were coming before the courts I mentioned, with some of which I will deal.

Another piece of misinformation being disseminated is that the death of Savita Halappanavar had nothing to do with abortion and was simply due to a lack of basic care. As a proud Galwegian and one who believes in public medicine, I believe that a fundamental part of the problem was a lack of basic care and, unfortunately, that remains the position as a result of the systematic running down of our public health system and the failure to employ sufficient staff or have enough beds. However, it is absolutely disingenuous to say that was the only cause of the death of Savita Halappanavar. I have read the entire report and recommend that those quoting from it would also do so. It is 108 pages long, including appendices. It states that a key causal factor was the failure to offer all management options to a patient experiencing “in-avoidable miscarriage of an early second trimester pregnancy including where there is prolonged rupture of membranes and where the risk to the mother increases with time from the time that membranes were ruptured”. In case that is insufficiently clear, the investigation team states it is satisfied that concerns about the law, whether clear or not, impacted on the exercise of clinical professional judgment. If we are to quote, let us do so comprehensively.

10 o'clock

The notion that we will have the most liberal abortion laws if we go down this road is also totally inaccurate. I ask Members to read the turascáil from the comhchoiste. I also ask them to read the Bill digest where they will see all of the figures. In terms of opening the floodgates, that has never happened. I like to be precise. A very small number of abortions were carried out following the 2013 Act. In 2014 the total figure was 26, of which the total due to the risk from suicide was three. In 2015 it was 26 with the total due to the risk from suicide also being three. In 2016 the total was 25, with the total due to the risk from suicide being one. In addition, we have the number of women going abroad. No floodgates were opened in Ireland as a result of the 2013 legislation.

It was mentioned already by Deputy Paul Murphy that Sheila Hodggers died yesterday, 19 March, 35 years ago. It is significant that she died in March, which was six months before the eighth amendment became law. She died at Our Lady of Lourdes Hospital in Drogheda after giving birth to a premature baby who died almost immediately. The hospital had refused to allow her to stay on treatment because it would harm her unborn child. That was prior to the eighth amendment. She was denied an X-ray and pain relief. That was Ireland in March 1983. Her husband asked at various stages for an abortion, early delivery of the baby or a caesarean section and all were refused. That inhuman medical treatment occurred just six months before the people of Ireland voted in the eighth amendment. It was quite clear when they voted for it that the pain, anguish and death of Sheila Hodggers had not led to any period of meaningful reflection or learning on the part of society, rather, the cold ambition of preventing abortion was to be at any cost to the life and health of women and it was also in complete denial of the reality of the thousands of pregnant women who travel out of the country each year, including in 1983. We have the figures in that regard.

Year after year following that, women came before every court in the land, in Europe and before the United Nations committees. The movement was to give certainty in an area where certainty cannot apply. We know that from all of the cases I will outline in detail. However, we knew that at the time as well. Peter Sutherland, the then Attorney General appealed for it not

to be done. Unusually, the then Taoiseach, Garrett FitzGerald, took the step of publishing the advice. In 1983 he said:

Far from providing the protection and certainty which is sought by many of those who have advocated its adoption, it will have a contrary effect. In particular it is not clear as to what life is being protected; [We know of course now that the life of the mother certainly was not being protected] as to whether ‘the unborn’ is protected from the moment of fertilisation or alternatively is left unprotected until [...] Further, having regard to the equal rights of the unborn and the mother, a doctor faced with the dilemma of saving the life of the mother, knowing that to do so will terminate the life of ‘the unborn’ will be compelled by the wording to conclude that he can do nothing.

We know that is exactly what happened as case after case came before the courts. I respect the opinions of those to my left who have spoken but I ask them to inform themselves about the facts. If they believe that this is not what happened I refer them to a number of very recent judgments. I refer to a case dating 3 December 2014. The family in question did not have a very good Christmas that year. On that date a 26 year old mother of two children who was pregnant with her third child, who had previously been admitted to hospital, was diagnosed as being brain-stem dead but because she was pregnant she was kept alive. The father of the woman, in agreement with her partner, was forced to take a High Court action, which finally led to a judgment on 26 December, St. Stephen’s Day 2014. What is noteworthy in regard to the eighth amendment are the notes of the doctor in 2014 which said that they were not to do anything that would get them into trouble from a legal point of view, and that they were awaiting legal advice. That was the High Court in 2014 which finally agreed with the father that the woman should be allowed to die with some measure of dignity.

The lead-up to the case can only be described as grotesque. A woman who was dead was kept alive. Make-up was applied to her to make her look okay when her children visited her, all because of the eighth amendment. There is no doubt about that in my mind, but what is in my mind is not important, what is important is the evidence that came out in the case before the High Court that the eighth amendment led to the doctor not doing anything and so that woman was kept alive in 2014, in the second decade of the 21 century. It is quite clear that the tentacles of the eighth amendment have stretched into areas never foreseen, such as keeping a dead woman alive.

Another case in 2016, a little over a year ago, concerned a woman who had three caesarean sections and wanted to go as far as she could in her fourth pregnancy. She knew in the end she would probably have to have a caesarean section but the doctor took a view that she was endangering the foetus and that he had a duty to act under the eighth amendment. A High Court action was taken to force her to have a caesarean section. Fortunately, the judge decided it was a step too far to order the forced caesarean section to be carried out on a woman against her will, even though not making the order increased the risk of injury and death to both Mrs. B and her unborn child. The High Court judge went on to give the woman a lecture on the decision she was making. He said she was making a bad decision, one he would not make, but he considered it a step too far to interfere. Since then, Justine McCarthy did us all a favour by publishing the story on the front of *The Sunday Times*. We saw a lovely young woman who gave the human side to the High Court case where she was taken to task by the judge. She said she simply wanted to go as far as she could with the natural process and that was her only reason. She said she would make her mind up in the end.

We are asked not to be emotional but as a woman it is difficult not to be emotional when I read all of those cases and I listen to a debate where some of the speakers talk about protecting women's lives and say that of course treatment is given. No, treatment is not given. It was not given in the case of Savita. I have mentioned the High Court action concerning the dead woman and the case concerning the caesarean section. That leads me to the area of fatal foetal abnormality and the untold distress and upset that has been caused. In one case a woman had twins, one of whom was dead and the other was going to die, yet she was forced to go the whole way to the European court. On that occasion, unfortunately, the court agreed with the Government's argument that she should have exhausted every remedy at home. It was said there was an arguable case that perhaps the courts would have given her permission to have an abortion. Can one imagine that woman, pregnant with twins, one of them dead and the other with a fatal foetal abnormality that was going to die yet the Government argued, very recently, that she should exhaust every remedy right up to the Supreme Court and that she should only then go to the European Court of Justice? That is the nature of the law we have here.

I refer to the special cases, the cases that should have led to reflection and forced politicians to do something about it. They are the cases that should have led every man and woman in this Dáil to say, "Oh, good Lord". We are hearing one thing from the church about human life being sacred, but this is the reality on the ground. We had the X case involving a girl who was 14, followed in 2006 by another case with a letter from the alphabet, only this time the girl was a year younger, again the subject of a rape in the care of the health board who wanted to go abroad to have a termination. The health board was helping her to go but the parents took an injunction in the District Court to stop her.

The A, B and C v. Ireland case was before the European Court of Human Rights. The C case involved a woman with cancer. We then had the Mellet and Whelan cases in 2016 and 2017 in regard to fatal foetal abnormality. How many more cases do such courageous women or their families need to bring before we reflect and use a different type of language here?

In terms of the figures for those who are leaving on a daily basis, and we should be precise and use the figures from the Bills digest, between 2010 and 2015, some 5,650 women used abortion pills. Every year in each county, 3,265 women leave to go abroad for an abortion. Will we ignore all of those women or will we look at their profile? Their profile is not what we imagine. It is largely women between the ages of 20 and 40, and 69% of the abortions took place before nine weeks gestation. Some 49% of the women were married or in a civil partnership. That is the profile of the 3,265 people who leave our shores every year but we want to ignore that and pretend it does not exist. As a woman, I certainly cannot pretend that it does not exist.

I will reluctantly talk about my personal circumstances. I come from a family of 14, equally balanced, seven and seven. I am someone who suffered the loss of a mother at a young age. I bring that into the debate not on an emotional level, but to say that we are not pro-life is insulting. It is worse than insulting. It is dangerous because it seeks to polarise a debate that should not be polarised. It is preventing a debate based on evidence and facts, and it is allowing a myth to continue that the eighth amendment saves lives when it has actively caused the death of women and others to suffer seriously. It has also seriously disabled and disempowered them. I ask that we read the cases, read the Bills digest and come back in here to make a conscientious decision, which I respect, but based on evidence and what is happening on the ground.

In terms of criminalising abortion and having a 14 year penalty in the 21st century, words fail me. The fact that it has never been implemented is very worrying in a sense because the

purpose clearly is to terrorise, isolate and demonise.

I welcome the Minister's approach to date. I am sure I will disagree with him on many other issues, and certainly on the state of the health service nationally and also in Galway city, but I thank him for his approach to this matter.

Deputy Michael Harty: I welcome the opportunity to contribute to this debate. I am in favour of holding this referendum to give the people their opportunity to vote on this issue. It is one of the most important social issues that will come before this Dáil. It is an issue which involves morals, ethics, society, religion, biology and deeply personal issues. No one answer will satisfy all those issues or satisfy everyone.

This issue of termination of pregnancy has the capacity to be deeply divisive. Termination of pregnancy has been a feature of cultures and society throughout the millennia. The nature of termination of pregnancy has moved away from back street abortions experienced through the early parts of this century and many other centuries and it has become a medicalised and controlled issue for the safety of the mother. No longer will women die from a mismanaged, unsupervised termination.

However, there is no escaping the biology of embryology. It is a linear development of a baby from conception to delivery. The interference of that developmental process by termination of pregnancy is the ending of the life of a human being, and there is no way we can get away from that reality.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Harty: However, it is up to each individual to make an ethical and moral judgment as to the rights and wrongs of termination of pregnancy in the circumstances in which they find themselves. Thus, should the eighth amendment be repealed, the nature of the legislation to provide for termination of pregnancy will be centre stage.

The recent Supreme Court judgment has clearly decided that the only right of an unborn child is the right to be born. Should the eighth amendment be repealed, that right will no longer exist. The stark reality is that the unborn will have no rights whatsoever in the Constitution. Any rights will have to be defined by legislation. I believe that will be a major issue in the debate.

Currently in Ireland, termination of pregnancy is legally allowed only if the life of the mother is at risk, not the health of the mother, in cases of fatal foetal abnormality and not for rape. I believe repeal of the eighth amendment is necessary to allow for those eventualities. At present, there is a serious contradiction in that it is legal to have information about termination and to travel abroad to have a termination, but it is not legal to have a termination here in Ireland. That is seen as acceptable to some as it gives the impression that termination of pregnancy is not happening to Irish women, but of course it is - it is just not happening on the island of Ireland.

We have to realise that we are no longer isolated from the outside world and we cannot pretend that we can place barriers to insulate ourselves from the outside world. How do we balance these moral, ethical, social, religious and deeply personal issues? How do we balance the right of the unborn baby with that of the mother and still recognise the reality of what is happening today with regard to termination either by post with unsupervised medication or by travelling abroad for surgical termination? I do not believe we can balance those rights in our

evolving society with changing medical advances.

The decision of a woman to terminate her pregnancy without reference to reason or without specific reason prior to 12 weeks is a deeply personal decision which has inevitable consequences for the developing human being. There is no biological uncertainty that there is a developing human being involved whose life will be lawfully terminated as the baby will not have any right to life. The 12 weeks issue will be the lightning rod on which this debate will revolve. The 12 weeks limit is being introduced to accommodate the reality of the several thousand women who choose to terminate their pregnancies for myriad reasons, and I do not believe any, or certainly not many, undertake such a termination lightly.

Regarding rape, in reality, no woman who has been raped should ever progress to a developed pregnancy as they should all be able to access the morning after pill within 48 hours of being assaulted to prevent implantation.

I have a number of issues with the policy paper the Minister has produced. The first is the definition of appropriate medical practitioners. The legislation would include all registered medical practitioners on the medical register. I believe that is too loose because it does not require the medical practitioner to have any particular expertise. That needs to be defined and teased out.

Second, regarding certification and notification of terminations made to the Department of Health, we should ensure that this information will be anonymous and that identity will not be public knowledge. That is extremely important. The issue of conscientious objection for medical or nursing personnel also needs to be clearly defined. In the event that the eighth amendment is appealed, it is proposed that a general practice-led service for the termination of pregnancy up to 12 weeks will be provided by means of the prescription of medical termination medication. This is a hot issue among general practitioners, with 58% of respondents to a recent survey of general practitioners indicating they did not wish to participate in a GP-led termination service. The Minister must carefully consider this issue. Is a general practitioner-led service in place in any other jurisdiction? My understanding is that in most countries where termination of pregnancy is permitted, it is provided in clinics, rather than in the community. What training, supports, diagnostics and medical indemnity will be provided to general practitioners who participate in a GP-led termination service?

Access to diagnostic ultrasound is highly restricted in this country. Will confirmatory ultrasound examination be required to assess gestational age? If so, will this be readily available in a timely manner to women who present wishing to terminate a pregnancy?

General practice has been seriously underfunded and was disproportionately subjected to funding cuts under the financial emergency measures in the public interest legislation during the austerity years. Underfunding commenced under the former Minister for Health, Ms Mary Harney, and was accelerated under the subsequent Minister and current Senator James Reilly. It continued under the current Taoiseach when he was Minister for Health and persists under the current Minister. How will a community-based termination service be delivered by a crumbling general practice service, even if general practitioners wished to provide a service?

Deputy Mattie McGrath: It has been destroyed.

Deputy Michael Harty: Considering that under the maternity strategy, we are struggling to provide anomaly scanning for each pregnancy, will maternity services be given sufficient

resources to provide proper assessment and enable informed decisions to be made by mothers and their doctors to provide for lawful terminations? The Government's proposals in this area will require substantial investment. All the issues I have raised will need to be addressed if the eighth amendment is repealed.

In summary, I am in favour of holding a referendum and I will support the repeal of the eighth amendment. Termination of pregnancy should be provided for in cases of substantive dangers to the health and life of the mother and fatal foetal abnormality. As I stated, in cases of rape, the victims should never get to the stage of a developing pregnancy. The critical and most contentious issue is the 12 week termination limit. It is also the issue about which I am most unhappy, although I acknowledge that it is necessary to recognise the position of those who wish to terminate a pregnancy for whatever reason. They should be accommodated in this country, rather than being forced to travel abroad. We must take ownership of this issue and stop exporting it. As unhappy as we may be about abortion, this is the 21st century and we must recognise how medicine and society have developed by introducing legislation that is restrictive but not excessively restrictive.

Deputy Martin Ferris: It is essential that the debate on this issue inside and outside the Oireachtas is carried out in a respectful and cordial manner and that all points of view are heard. We must not go down the road of the 1983 referendum campaign when people were viciously attacked and called murderers and so forth. Much of the conduct during that debate was disgraceful. Thankfully, the debate on the forthcoming referendum has been respectful thus far and I hope that will continue.

All of us must make a difficult decision on the eighth amendment and we will all agonise to some degree before taking a position on the matter. I did not give the issue of abortion much thought after the referendum in 1983 until a personal experience in my family much later. In 2001, my son and his wife were expecting their first child, who would have been our first grandchild. Four and a half or five months into the pregnancy, they were told their child would not live independently because the brain of the baby in the womb had not developed and would not develop. As a result, the baby might not survive birth and if it did survive, it would not be for long. The medical reports provided by the gynaecologist indicated there was a danger of the baby dying in the womb and outlined the potential consequences in the event of such a scenario. It was suggested that my son and daughter-in-law could opt for early inducement or seek a termination outside the country. They were devastated, as were my wife, Marie, and I, when they told us this news and asked for guidance on whether to seek a termination to protect the life of the mother or take a chance and see the pregnancy out. There was no doubt that the child would not survive. They took a decision to persevere with the pregnancy in the hope that nothing would happen to my daughter-in-law. The baby was induced in early 2002 after seven and a half months in the womb and lived for 58 minutes before dying in her parents' arms. We were all present and I will never forget it. If matters had gone the other way, the four children my son and daughter-in-law subsequently had would not be in this world. They have since had two lovely little girls and two little boys, although they are no longer little as they are 14, 11, nine and six years old. The family has a grave for the baby who was born and survived for 58 minutes. Her name was Seoidín and they visit the grave frequently. Her mother and father visit every week and her brothers and sisters also visit regularly. I consider them very fortunate in that things could have gone terribly wrong. Perhaps if a facility for abortion had been available in this country at the time, circumstances would have been different. In any case, things worked out well.

I have given much thought to this issue in recent months, as have my comrades in Sinn Féin. One tries to put oneself in a position where a daughter is the victim of rape or a fatal foetal abnormality is diagnosed and the only way out is for one's daughter to get on a boat to England to have a termination. I do not know if Deputies heard a heartbreaking interview on radio this morning in which a lady gave an account of her circumstances, which were similar to those of my daughter-in-law. However, as there was a danger of cancer, she took the decision to seek a termination and went to England. She broke down many times as she described her experience. She said her one regret was that her mother was not with her after she had her pregnancy terminated. The cruellest part of all was that she and her husband had to bring that baby home. They got a little coffin but there was a delay. The weather was very warm because of the time of year and they had to buy ice packs to put in the coffin to bring their baby home. They did that on a bus, with the coffin in the compartment underneath. They described the difficulties they had on the bus. When they arrived at the port in this jurisdiction, they came to a checkpoint but the garda on duty, to his credit, waved them through.

When I listened to that this morning, any doubts I had were wiped away. As legislators, we have failed that woman and the 3,500 people who make similar journeys each year. We have failed the 8,000 or 9,000 people who obtain abortion pills annually. We have failed many of the people mentioned by Deputy Connolly just a few minutes ago. We must do the right thing and support repeal before debating what will follow. We must empower legislators to do the job they are elected to do. Let the testimony of people who have been through what that woman described this morning on the radio be a help to all of us who have a tough decision to make. I have no doubt that her story touched many people. Before I was ever elected, people came to me and told me about having terminations. These were young people in particular who had to go on the boat to England for terminations and they had no support on their return. They were hidden and received no counselling or other necessary support. They were afraid to go for it in case somebody found out about it. There was a stigma attached to it because of a lack of legislation that would help people.

We can do this right. There is scaremongering by some people that we could open the floodgates but I read recently that there are states in America with proper procedures in place and the abortion rates have been reduced to an absolute minimum. There are counselling facilities prior to procedures and a delay to allow time for decision-making in order that people can ensure there is no other option. If there is a termination, counselling facilities are provided afterwards to help the people involved. It should be an example to all of us.

If we do not face this, we will fail the hundreds of thousands of women who have left this country stigmatised as criminals. We will fail the people - like the lady I heard this morning - who take the boat and who, in some cases, bring back a child in a coffin for burial. I will support the repeal of the eighth amendment and I would be delighted to take part in the subsequent debate on legislation. The leaders' debate that occurred after the Minister announced what would happen was one of the best examples I heard from all those leaders. It demonstrated a maturity in dealing with and presenting the issues. It was respectful, and long may that continue in this debate.

Deputy Robert Troy: I welcome the opportunity to contribute to this debate, which has been ongoing since the country voted to insert the eighth amendment into our Constitution over 30 years ago. The beauty of our Constitution is that it belongs to the Irish people and it is only they who can amend it. To date, the debate has been very respectful and I hope that will continue to be the case. I compliment those who served in the Citizens' Assembly and my col-

leagues who served on the Oireachtas committee that brought forward these proposals. I do not wish to undermine their views or diminish the work they have done, but it will be the people of Ireland who will have the ultimate say. It was far from helpful of Ministers to say that if the repeal side loses, the result will not be accepted. Everybody in the House is entitled to a view and to campaign or articulate a view. They can try to influence people and apprise them of the rationale of that view. I encourage both sides to continue to do so.

I am very conflicted in my personal views. I voted against the protection of life during pregnancy legislation in the last Dáil because I felt a person's mental state is transient. What a person feels today might be totally different from what he or she will feel next week, in a fortnight or in a month. I gave an example at the time of that legislation being debated in the Oireachtas of a school friend who took an overdose. I was the person who came to him. At that stage in his life, he was very lonely and unhappy. Today, however, he is very content and happy and living a very fulfilled life. He felt an awful lot better in a matter of days and weeks after getting particular help.

There was a Private Members' proposal to facilitate terminations in the case of life-limiting conditions, where a parent with medical advice and guidance chooses to go through with a termination. I voted in support of that. My colleague, Deputy Ferris, outlined, quite clearly and compassionately, the rationale behind such an instance. The name the lady used this morning is not her true name. The name used was Ciara. She outlined the antagonising journey that she faced when she had to go across the water to have a medical termination. Nobody should be forced to do this but some people, for whatever reason, make that choice. We should facilitate that. If somebody chooses to go full-term in a pregnancy where there are life-limiting conditions, we do not offer the required level of support in perinatal hospice care. We are failing in that regard.

What strikes and disappoints me is that during previous discussions we spoke about the need for greater medical care when someone goes through a pregnancy and for greater standards of care. We argue there should be greater consistency and the same level of care across the island but it still has not happened. Some of the findings and recommendations in the report of the Oireachtas committee indicate that there must be a greater standard of equal care across the country. That is still not happening. The ability of women to access anomaly scans at 20 weeks depends on their geographical location. We talk about improvements to counselling and support facilities for women. Again, they are not where they should be and have not been. We have been speaking about this for years now. We talk about enhanced and improved perinatal hospice services. Again, we had the same conversation during the protection of life legislation and, unfortunately, they have not advanced and improved to any great level in recent years.

We are still talking about what we need to do and are still promising what we should be doing but at the same time, we are failing to deliver. We have spoken about the need for free contraceptives to help prevent unwanted and unplanned pregnancies. I note an article published last week in the *Irish Independent* in which the Minister stated that if this legislation goes through, if the referendum is passed, then he would consider introducing free contraceptives. I do not think it should be a matter of whether the referendum passes or fails. That is something we should have done a long time ago.

Perhaps there is greater emphasis on introducing repeal of the eighth amendment than on considering some of the other measures that can help in respect of unplanned and unwanted pregnancies, such as how we teach sex education to children and teenagers and the areas of free

contraceptives and perinatal care. We did not need the Citizens' Assembly or the Oireachtas committee to tell us that this is what we should be doing. We should not be doing it now; we should have done it years ago. Personally, I have no issue where medical intervention is needed to save the life of the mother or the child. Medical professionals have said that as it currently stands, it is problematic and needs to be changed. I believe that most people accept terminations in the instance of medical reasons.

I do, however, have an issue with 12 weeks in the case of a healthy woman and a healthy child. I also acknowledge that in this country, we have voted to give a right to travel and a right to information. Thousands of women every year, for whatever their reasons, opt to travel across the water to seek medical attention. We know from the evidence given to the Oireachtas committee that, unfortunately, many women here opt to take tablets to bring on a termination where there is no supervision or medical care in place. That is worrying and something we need to address.

I honestly believe this is a choice for the citizens of Ireland to make. I am lucky, in this instance, that I can choose according to my conscience when I go to vote at the referendum. I am happy to vote to facilitate a referendum and I will be supporting the legislation to ensure we have a referendum. When I go to vote at the referendum, as it currently stands, I still have grave reservations in relation to the 12 weeks. However, I pledge that I will abide by the choice and the decision of the Irish people. I will not participate in the debate but I will abide by their decision. We all need to acknowledge that the wisdom of the Irish people will prevail with regard to this referendum and I look forward to it taking place. I encourage everybody on all sides of the debate to continue to debate in a respectful manner and to acknowledge the alternative view. Then it is our job as legislators to give effect to what the people of Ireland decide.

Deputy Anne Rabbitte: I welcome the opportunity to speak here tonight. It is not my first time to speak on this particular issue in the Chamber. I served on the Oireachtas Joint Committee on the Eighth Amendment of the Constitution. Like many other people, I am torn by the whole issue and have been from the very beginning. I am clear about that. At present, the debate is on the referendum and on the issue going to the people. One reason I am speaking tonight is to state I will be supporting the fact that there will be a referendum. The people put it into the Constitution and it is the people's choice to do with it what they so wish, that is, to leave it in the Constitution or to remove it from the Constitution. I have only one vote, no different from anybody else who is over 18 years of age and that is how I will be exercising it.

However, on the substantive issue as to how does Anne Rabbitte feel on it, I always have been very clear. I always said I was open minded but when we are drilling down into it, I will not be supporting the repeal of the Eighth Amendment. I will not be supporting the 12 weeks. That is not something I am comfortable with in my conscience for all the reasons my colleague, Deputy Troy, has outlined here. I do not believe we have the systems in place to support women who wish to carry babies to full term. I do not believe we have the right perinatal hospice care. I do not believe we have the same standards of care throughout the entire country. That is regrettable and when the various people from the various medical professions appeared before the Oireachtas committee, they told us it is not equal throughout the entire country. That is wrong. Why should a person on the west coast or the east coast not gain the same care? We are not providing that for them.

There is another issue. We talked about contraception. The morning-after pill to me is one huge issue outstanding that we should be addressing at this very moment. I refer to the fact

that there is a charge of €30 for it. There should be no charge for it because we could have an immediate support for people who find themselves in a crisis situation. That can be addressed. To some people, €30 is a large amount of money. I refer to the 17 year old, the 16 year old or to whosoever of whatever age. They should be given that right and that access opportunity. I listened to “Morning Ireland” this morning and that story undoubtedly was hard-hitting. We heard that story at the committee when the man sat in front of us and told us his story. It was different when we heard the husband who had supported his wife through that entire journey. I think it took him a number of years to recover from it.

While I do not support what is before us at present, I do not have the right to impose the story we listened to this morning on anybody. Unfortunately, however, given the way it is worded at the moment, there are no other forms of discussion. That is where I have a difficulty, namely, with the 12 weeks and the way it is being presented. I wish for a respectful debate and I would like to think that all times when it was being discussed by the committee and since it has come in here to the House, the debate has been totally respectful. It should continue in that manner. We do, however, need to inform the people and not scare them. They should be given true facts and not false facts. That goes for anybody on whatever side they are supporting. Scaring people into thinking that they have to vote a particular way is not right either. Let them hear the full stories and let them hear more of Ciara’s story. I also welcome the opportunity to listen to the story of the lady who will appear on tomorrow morning’s programme. They are the people who will inform us. They are the people who have worn the shoes. We also have to listen to the women who choose to bring a child to full term. We have to listen to what supports they found they did not receive, as well as the time they spent with that baby, whether for five seconds or five minutes, and the benefits they got from that. We also need to know exactly the role the GP is going to perform in all of this and if we have them all on board. There is no point in bringing everybody to the top of the hill if we do not have the supports when this is passed or rejected. There are lessons to be learned from what we need to do, particularly with perinatal hospice care.

I have made it clear that I want to support a referendum. I did not vote in the last one. I will be telling everybody to come out. The only way it will be delivered is in the ballot box and everyone putting in their vote.

Deputy Eugene Murphy: My time is limited but I have spoken before on this issue. I am conscious of the fact that, between Members and staff, there are seven women present in the Chamber. Some of them may say, “Here is a male talking to us.” I hope, however, they understand where I come from because I am a parent of two beautiful and healthy teenagers. I also have a nephew and a grandniece who suffer from autism. As I have said before in the Chamber, those two little people have brought so much joy to our family. I often talk about the challenge parents of children with disabilities have and the struggles they have every day with the system. While in many respects, issues have improved, there are many other issues regarding children and people with disabilities which are still lacking.

I also heard the lady referred to on the radio this morning. Deputies Rabbitte and Ferris said it was heartrending. I also heard Tanya last Friday on the same radio station on the other side of the argument. We can look at the story from every side. They are sad, tragic and happy. It is a funny thing to say but that is the reality. Deputy Ferris spoke sincerely about doing the right thing. What is the right thing? I know the Minister himself, deep down in his own mind, is not happy with all of this. However, he has responsibility as Minister. Many people are not happy with this. I have a good working relationship with Deputy O’Connell and others, but I do not

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agree with them on this issue. I feel, as a father who has seen scans of our two children at eight and ten weeks, that life does begin at an early stage. The formation of the body is quite clear then as is the heartbeat. People ask why I mention the heartbeat. I witnessed it as a father. It is a strong thing in my mind in this debate and I speak about it constantly.

If we go for what is suggested on the 12 weeks option, abortion would become normalised in our society. Abortion is legally available in 195 countries. While I have not been able to check each of these countries in my research, there is a huge amount of opposition in most of them to abortion.

Not one church person of any persuasion, Catholic, Church of Ireland or Presbyterian, has pushed their opinions on me. I got no letters or emails from most of the churches. I did get a nice letter from the Presbyterian Church, asking me to support keeping the eighth amendment. I also got hundreds of letters and emails from my constituents, the bulk of which asked me to support the eighth amendment. That is what I have to do.

Several doctors in my constituency have approached me and asked me not to vote for repeal. They are reluctant, however, to talk in the media. Tonight, I ask them to speak out. While there are others who say we should support repealing the eighth amendment, I ask the medical people who have difficulties with repealing it to come out to state this is where they stand and let people know of their concerns. I cannot support what is proposed by the Government and I will be voting to retain the eighth amendment.

Deputy Seán Canney: I thank the Ceann Comhairle for the opportunity to speak on this subject. Whether one is pro or anti, it is a sensitive issue. I have my own views on the eighth amendment which are based on my own life's experiences. I do not favour the repeal of the eighth amendment.

I listened to many Members speaking tonight and previously about this matter. From my life's experience, I know life is very precious. For me, the life of the unborn is precious and needs to be protected. Last week in Tuam, I got a phone call when I was walking down the street from a dear friend of mine from another part of the country. He asked if he could run something by me. It was a simple story. When he was a young man, he and his wife, unfortunately, could not have children. Accordingly, they adopted several children. One of the children they adopted, grew up, fell in love, got married and had children of their own. My friend now has grandchildren of whom he is very proud. They are the making of his life at this stage when he is approaching 80 years of age. The mother of these grandchildren was born out of wedlock. Her mother would have gone for an abortion to England but she did not have the money. For me, that is what life is all about, namely, the fact that the baby was not aborted, grew up in a loving family to have her own children and provide such accommodating and lovely grandchildren for my friend who is now in his 80s. He took the time and the trouble to ring me to tell me if I got an opportunity to speak in the Dáil Chamber that I should relay that story. That is why I am relaying it here tonight.

It is important that we reflect on our beliefs. They are all very personal to us. We all go through life and have different encounters. Deputies demonstrated tonight different stories, personally and otherwise. We must respect all of that. We have a decision to make whether we support repealing the eighth amendment. We must make the decision as Deputies. I believe we should have the debate. When the vote comes, I will be voting to retain the eighth amendment. I believe it is important to state that so the people who asked me what I would be doing in this

regard hear me state it publicly. I have told them privately what I would do. The reason for that is very personal.

11 o'clock

Deputy Aindrias Moynihan: I am pleased to have the opportunity to speak in this very difficult debate. For a long time, I have held back because I wanted to study the evidence from the joint committee and the various contributions that people made, as well as the Minister's Bill, in order that I could try to make the most informed decision possible. I also took the opportunity to meet various groups which have very different views on this issue. Clearly, there are no easy answers and very difficult decisions must be made, whichever way people have gone when they are faced with the question of having an abortion or not. I do not think anybody arrives at the answer easily.

Where I get stuck is that there is a life and, afterwards, there is not. It is what I cannot agree on. I am trying to make the most informed decision I possibly can and, based on everything that has been made available to us, I do not see that I will be able to support the Minister's Bill.

Braithim go bhfuil sé fíordheacair ar aon duine cinneadh a dhéanamh maidir le ceist an ghinmhílte. Tá sé an-tábhachtach go mbaileoimis pé eolais is féidir linn chun teacht ar an gcinneadh sin, ionas go mbeimid in ann cinneadh réasúnta maith a dhéanamh agus ionas go gcinnteoidimid go bhfuil an rud ceart á dhéanamh againn. Tá sé fíordheacair ar mhná agus ar teaghlaigh timpeall na tíre atá ag déanamh a leithéid de chinneadh. Ós rud é nach n-aontaím gur cheart deireadh a chur le beatha duine, nílím i bhfabhar an Bhille atá os ár gcomhair anocht, a mholann deireadh a chur leis an ochtú leasú.

The courts have looked at the rights an unborn child would have, if any, and decided that there is only one, namely, the right to be born. I think it would be ironic if we were now to take that one away and leave a gap or a vacuum. While I understand that there is proposed legislation to be put in its place, there is no certainty that would come through. Again, the fundamental aspect for me, having spoken with many people at home on this, is the question of life. For that reason, I am not in a position to support the Bill. I will certainly support the retention of the eighth amendment.

Deputy Danny Healy-Rae: I wish to reiterate my firm belief that life begins when a baby begins to grow inside a woman. It is a crime to take a life. Let us go back to what abortion is. People should educate themselves that abortion is stopping the right of a little baby to live or continue its journey into this life from the mother's womb. I was absolutely disgusted and so upset when I heard the way it is done, with two injections, first one to paralyse the little baby and then another to stop his heartbeat and stop his life, and not give him the chance to live. That is terrible because life is a gift and a treasure. The babies that are born around the world tonight are our future; they are the world ahead of us. Once a baby is conceived, it has a right to live.

Everyone around the country, in this Chamber, at the Oireachtas committee and at the Citizens' Assembly, which was not elected by anyone and the membership of which was, I believe, selectively chosen, has had his or her say. The little unborn babies will not be able to say a word. That is where I have a serious difficulty, and nothing will ever change my mind. It is my duty, as an elected Member, to speak for them and to cite their right to continue their journey into this world. No one in this world has the right to take the life of another. There has been a lot of talk about babies throughout the country. Whether it is a growing child, a mother, a father

or anyone else - even an elderly man living in the countryside who is killed by some blackguards - that is wrong, and it is wrong to take the life of an unborn baby. Only God decides when a life should end, and it is a good job it is that way.

Girls and women should have access to support. If they become pregnant and are despairing or in bother, they should receive help. They should receive plenty of counselling, financial support and whatever else. If they cannot manage, there are plenty of couples who would gladly adopt and cherish a little baby boy or girl if they were given the chance to do so. There is a great deal more available to women today than there was 50 years ago, when girls were frowned upon when they became pregnant out of wedlock. That is not the position today. There is contraception and so much education available, and rightly so. There is fierce respect for women and girls who become pregnant in today's world, which is wonderful. Life is a gift. I appreciate life and I will do so while there is a breath left in my body. Little unborn babies have the right to continue their journey into life.

The eighth amendment has served mothers and babies very well for the past 35 years. The referendum proposes to allow abortion on demand up to 12 weeks and, in other cases, may allow it up to 19 or 20 weeks. The referendum proposes to get rid of the eighth amendment but no other wording is being put in place to either protect the mother or the unborn baby. That we would leave it up to the Members of this Dáil or future Dáileanna is my major worry as I see so many Deputies in this Chamber supporting abortion. The small unborn baby making its way into this world will not stand a chance. I am asking all the good people throughout the country to remember the unborn baby, as we all once were, and to vote against the proposal to get rid of the eighth amendment, which has protected mothers and unborn babies for the past 35 years.

The Supreme Court ruled that the unborn baby has a constitutional right to life but does not have the right to life before it is born. What it is saying is that the unborn baby does not have the right to remain within the protection of the womb. To me, that is very contradictory and hard to understand. As I have said before, I am against allowing abortion of a little baby who has reached 12 weeks in a mother's womb. A baby at that stage is very well formed and has a heartbeat, a brain, a head, arms and legs. We all know that and no one should try to deny it. This baby cannot ask to be let live while everyone else can express a view. We have to remember the small unborn baby has done nothing wrong.

In all the debates that have taken place in recent years, there has been very little mention of the negative effective an abortion has had on many mothers. Once that little baby is gone, while the mother may have other babies, she will never forget the one she does not have. I reject the idea proposed by some Deputies that parents should be allowed to have an abortion because they are not able to support and rear another baby. God help us, is that where we have got to now? What about all of the contraceptive methods and morning after pills? The last thing we should be talking about is getting rid of the little unborn baby.

Deputy Mattie McGrath: Hear, hear.

Deputy Danny Healy-Rae: So many people would love to have a baby but cannot. If a mother is in trouble, why can she not get help and seek to have her baby adopted by such people? Many couples would love to adopt a baby.

What about the lovely, big families that were reared around my neck of the woods? There were 22 Cahills, 17 Lovetts and 15 O'Connors who are still around. They were fine boys and

girls. There were also 16 O'Sullivans. I know of a girl who has arrived in our neck of the woods from another county. She is very welcome. There were 22 in her family. She told me of how their father took them to school in a cattle box tied onto a Ford 3000 tractor. At one point, 14 of them were going to the local primary school at the same time.

Such families did not have the dole or social welfare and the children helped their parents to rear one another. None of them starved or perished from the cold. While we rightly criticise the Government for many failings, it is not legitimate to propagate abortion because the Government is failing in terms of housing, health and other services. However, some Members have the ridiculous idea of suggesting that the Government not providing services is the reason babies should be aborted. I named a number of families, but there are none like them anymore. Families with four, five or six children are considered large these days.

To everyone who will vote in the referendum, what is being proposed here is to get rid of the eighth amendment and allow for the abortion of babies up to 12 weeks gestation. There are many good people out there and a lot of them have been contacting me in recent months. They are appalled by the suggestion that unborn babies of up to 12 weeks gestation should be aborted. Maybe the Government is not in the real world or does not understand this, but they are rightly appalled. I ask people to reject this referendum out of hand. There will never be a second chance. As sure as day follows night, the 12 weeks will be increased to 19 weeks or maybe 25 weeks. What if someone like Hillary Clinton came along and got power in these Chambers? She said that it would be fine to abort babies up to eight and a half months.

Deputy Martin Ferris: Did she say that?

Deputy Danny Healy-Rae: There is a God in this world, because she did not become President of America. Whatever about President Trump - there is much criticism of him outside his country and many people are in favour of him in his country - it is a good job that someone like her did not get power, given how she propagated something like that. It was horrible and outrageous.

I was listening to the radio one evening recently when the Minister, Deputy Harris, stated that it was terrible to think of a mother coming home from abroad with her loved one in the boot of the car. I do not know what he meant by it, but the little dead baby did not feel very loved. It would not have made a difference if the baby was in the boot of the car in London, the North or the South - the unborn baby was dead at that stage. I was very hurt when I heard the Minister saying something like that.

If abortion is introduced, it will increase the number of abortions in our country. It will mean that most children with Down's syndrome or disabilities will be aborted.

Deputy Simon Harris: Come on now.

Deputy Danny Healy-Rae: Just consider the country next door to us and what has happened there.

Deputy Mattie McGrath: Hear, hear.

Deputy Danny Healy-Rae: Look at what is happening in America.

Deputy Mattie McGrath: The Netherlands.

Deputy Danny Healy-Rae: The Government has its view and I have mine. If this referendum goes through, which I hope it does not, we will see in a short time who is right and who is wrong.

The Citizens' Assembly and the Oireachtas committee seemed to have one aim and one aim only on this issue, that being, to recommend a referendum to repeal the eighth amendment as soon as possible. Throughout the process, they ignored anything and anyone who would get in the way of that. One must wonder why they ignored anyone who was in favour of the eighth amendment. Of what were they afraid? Perhaps they were afraid to put it on the record that, after 22 days, the little baby's heart is beating, the baby's brain is forming at six weeks, and the baby can be seen on ultrasound sucking its thumb at 12 weeks. Perhaps they were afraid to put it on the record that one in five pregnancies in England ended in abortion. Perhaps they were afraid to put it on the record that 90% of babies diagnosed in the womb with Down's syndrome were aborted.

If we are going to be afraid of anything in this debate, we should be afraid that the elected representatives in the House and the media are hiding these facts from the people in order to push through the repeal of the eighth amendment. This is what repeal will lead to.

There is no mystery about the lives that have been saved by the eighth amendment. We all know who they are. We all know people who got pregnant but took some time to get used to the idea of being parents. Maybe they thought about travelling for an abortion but, because it was not easily available in Ireland, they had enough time to think about it some more, change their minds and have their baby instead of an abortion.

I will not be voting to repeal the eighth amendment - I will vote to retain it. I have held this view for a long time. If I as someone who has been elected by the people of Kerry to represent them in the Thirty-second Dáil did not seek to protect the life of a small, unborn baby, I would not be worth much.

I forgot to mention a point. We were invited across the road to Buswell's Hotel approximately 12 months ago. A 39 year old lady from the USA told us her story. Her mother was forced to have an abortion by her grandmother. One way or another, the abortion took place but she lived. She attended a meeting across the road and told her story. She was 39 years of age at that stage; she must be 40 now. Life is precious. When we see something like that happening, we realise the situation. There was nothing wrong with that woman. At that stage when she was an unborn baby, she had done nothing wrong. I am glad she lived and came over here to tell us her story. I worry about all the others who did not make it. I hope our country will reject the repeal of the eighth amendment and that it will be retained to protect the unborn baby and the mother.

Minister for Health (Deputy Simon Harris): I thank all Deputies for their contributions to this Second Stage debate. I have had an opportunity to speak on this issue on a number of occasions in recent months, as have all Deputies. I hope in the not-too-distant future we will have an opportunity to stop speaking on this issue, or certainly to stop speaking to each other on it, and to start engaging with our constituents, communities and civil society as the people make a solemn, serious and complex choice.

Tonight has been quite an emotional debate in a way I did not expect it to be. The reason is that we are all professional politicians and we come in here and grapple with complex issues.

We debate them and trade barbs every now and again. What has struck me tonight is that even people with whom I absolutely fundamentally disagree on this issue, and they with me, are grappling. We are all grappling to do the right thing. I genuinely believe that. It is important that as we grapple we do not try to create bogey men, call each other names or suggest that anybody places a greater value on life or that anybody cares more or less for one group of people. That is not a true or fair reflection of this debate.

I thank Deputy Ferris, in particular. I perhaps did not think I would say that in the House, and perhaps he did not think I would say it about him in the House, but that shows how the debate transcends party lines. Deputy Ferris has shared his family experience and insight which I greatly appreciate. We all do. The humanity the Deputy has brought to the debate, regardless of people's views on the issue, is important. It is important that we hear all those real stories because it is not an abstract concept. They are not faceless women, whatever decision they make. They are not numbers; they are people and they are women. They are people we know. They are our families and they live in our communities and they work alongside us. They are faced with complex situations and difficult decisions. Some people will make a decision and others will wish to make another decision. The problem I have at the moment is that in this country certain decisions are protected and viewed as okay and other decisions are not allowed.

I am sorry if I offended or upset Deputy Healy-Rae but he did not hear what I said in the Dáil. I told the story of the couple I met. I sat with them. They had desperately wanted a child, had been told they were pregnant and were overjoyed. They were then told the baby would not live. They did not want to kill their baby or take their baby's life or any of those crude or vulgar terms. They wanted the baby badly but the baby was not going to live. The baby could not live. People were coming up to the pregnant mother asking if it was a boy or girl and asking when the baby would be born and whether she had picked a name. The couple knew that baby was not going to live. They knew the baby was either going to die in the woman's womb or straight after the baby was born from that womb. They had to go to the UK. That was the decision they made. They went to the UK and they had to bring their baby back in the boot of a car in a coffin. The House has heard similar stories from Deputy Ferris and on radio today. Deputies will hear different stories in the coming days from people who chose to do different things. It was not about being offensive or anything like that. It was about me telling the Dáil the story they shared. They cried when they told me that story and I cried with them. Very few people would not be moved by that story.

People have made a number of very important points tonight. I will refer to the points made by Deputy Rabbitte and Deputy Troy and many others on how we support people in crisis pregnancy. The cross-party committee did excellent work. If I was to pick a flaw, it is that they are called ancillary recommendations because they are important. The committee made recommendations on how we help people who find themselves in crisis pregnancies, how we reduce the number of crisis pregnancies, how we educate our younger generation on sexual health, how we provide greater access to contraception, and how we support the woman and her partner who decides to go ahead with a pregnancy to full term knowing the baby may only live for a few brief moments. We have a lot to do in that regard.

I said the last day I spoke in the Dáil that I will bring proposals to Government. They will not be proposals that I will say we will introduce if people vote "Yes" but proposals I want to introduce anyway in line with the committee's recommendations. They will look at things like the different types of contraception and how we can make it more available, how we can address the committee's finding that in some cases cost is a barrier to access, how we look at

things like perinatal hospice care and put concrete proposals in place to help in that regard, and how we look at greater access to counselling and sexual health education so that all our children learn about sexual health in an age appropriate fashion as they go through our education system.

I have been taking notes of some of the suggestions Deputies have made here tonight on some of the things I should consider in the context of bringing forward that package of proposals. It is a very important part. Regardless of what one's view is or what label we put on one's view, we can all agree - it has disappointed me that we have not all agreed - we have not heard every campaign, regardless of its perspective, say it is a sensible thing to do to provide people with greater access to contraception and that it is a good idea to provide more perinatal hospice care and to provide better sex education in our schools. Unfortunately, I have not heard unanimity break out on that, which worries me because it is a common sense thing that we should all do.

I will make another point but I will not get into the substantive issues of the legislation that will follow. I will get into it at length again as I have already in the House, but today we are concerned with the referendum Bill. It is about putting the proposal to the people and giving them a chance to have their say. That is what the referendum Bill is about. I have a duty to put forward what I propose to introduce should the people vote "Yes". I have done that. I have produced a policy paper which has been ratified by Government and is published on my Department's website. All Deputies have seen it. We discussed it here the week before last - all the weeks are running into one on this but I think it was the week before last. I will very shortly publish the heads of that Bill so, as Deputy Fleming referenced, it will be more than a policy paper and people will get to see the legalistic language as it develops into a Bill.

People keep talking about my proposals and the Government's proposals. They were not picked by me or plucked from the air and they did not fall from the sky. They were the cross-party committee's proposals. I appreciate there were Deputies - Deputy McGrath was on that committee - who did not share those views. I appreciate there was not unanimity on the committee. I absolutely appreciate it but in my view it was the best thinking of a cross-party committee and the best effort at trying to reach consensus on an extraordinarily complex issue. There was not a consensus but it was the best effort. When one reads through the testimony and the transcripts, as I have many times, one sees that the committee did not just wake up in the morning and decide it was the way to go. It put huge effort into arriving at those proposals. There is an onus on me as Minister. The sensible thing to do as Minister for Health is to proceed on the basis of those recommendations and to allow them to form the basis of what we do.

I hope we can pass Second Stage. I hope that after the passage of Second Stage of the Thirty-sixth Amendment of the Constitution Bill 2018 we can scrutinise the legislation further this week in the House on Committee and Report Stages and discharge our duties as Members of the Oireachtas. We have talked a lot about rights and conflicting rights. We have rights as Members of the Oireachtas to scrutinise legislation. We have an obligation. That has to be balanced with the right the people should have to have their say on this issue. I hope we can get the balance right in the Dáil this week and hopefully in Seanad Éireann next week so that we can allow the people of Ireland to have their say in a referendum by the end of May. I am conscious that every party leader in the House, to the best of my knowledge, has given a public commitment that they would like to see the referendum by the end of May so there can be maximum participation by civil society. There is an onus on all of us to work together to facilitate that. The debate has continued to be respectful and it is important that we set the tone in this House so that, when the debate leaves the House, that tone can be continued.

There will be plenty of time to tease out and discuss the issues and like others, I hope we hear from doctors, regardless of their perspective. When we talk about this, everybody becomes a gynaecologist or an obstetrician, though of course we are not. I hear people who are not doctors making definitive statements as to what happens in a clinician's room or an operating theatre and I hear people purporting to be nurses giving their views on what a nurse would do, only to have to retract and concede that they were never nurses. It is important that we hear from medical professionals, from women, regardless of their perspective, and from civil society. I will go back to Cabinet next week on a general scheme of the legislation I would propose if the people vote "Yes". I will also introduce a package of measures to reduce crisis pregnancies, to improve access to contraception and to improve the availability of a comprehensive sex education programme to protect the sexual health and well-being of our young people.

It is my pleasure to propose the Second Stage of the Thirty-sixth Amendment of the Constitution Bill.

Cuireadh an cheist.

Question put.

An Ceann Comhairle: In accordance with the order of the Dáil today, 20 March 2018, the division is postponed until immediately following questions on promised legislation tomorrow.

The Dáil adjourned at 11.30 p.m. until 10.30 a.m. on Wednesday, 21 March 2018.