



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Máirt, 17 Feabhra 2015

Tuesday, 17 February 2015

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Denis O'Donovan that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for the Environment, Community and Local Government to provide an update on the progress of Bandon's main drainage and sewerage scheme and to confirm, in so far as is practicable, whether Irish Water is changing the consultant's recommendations in favour of the town's existing and obsolete drainage and sewerage scheme.

I have also received notice from Senator John Kelly of the following matter:

The need for the Minister for Health to address the need for more paramedics in the west.

I have also received notice from Senator Rónán Mullen of the following matter:

The need for the Minister for Health to set out the expenditure by the Saolta hospital group on external press relations consultants for the months of January and February to date and to provide details of outstanding invoices received for these months.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for the Environment, Community and Local Government to clarify the current position on housing grants which will be made available for the adaptation of local authority houses to accommodate individuals within a family with a physical or an intellectual disability.

I have also received notice from Senator Mary Ann O'Brien of the following matter:

The need for the Minister for Health to provide an update on the Health Research Board's review of the international evidence on the fluoridation of water and to indicate when its findings are likely to be published, given that they were expected in December 2014.

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I have also received notice from Senator Mary M. White of the following matter:

The need for the Minister for the Environment, Community and Local Government to address as a matter of urgency the case of a homeless family, details supplied, in Sandyford, County Dublin.

I have also received notice from Senator James Heffernan of the following matter:

The need for the Minister for the Environment, Community and Local Government to establish an environment ombudsman office to deal with complaints made against the Environmental Protection Agency.

I have also received notice from Senator Thomas Byrne of the following matter:

The need for the Minister for the Environment, Community and Local Government to urgently reform and implement properly the mortgage-to-rent scheme.

I regard the matters raised by Senators Denis O'Donovan, John Kelly, Rónán Mullen, Colm Burke, Mary Ann O'Brien, James Heffernan and Thomas Byrne as suitable for discussion. I have selected the matters raised by Senators O'Donovan, John Kelly, Rónán Mullen and Colm Burke and they will be taken now. Senators Mary Ann O'Brien, James Heffernan and Thomas Byrne may give notice on another day of the matters they wish to raise. I regret that I have to rule out of order the matter raised by Senator Mary White as the Minister has no official responsibility in the matter. Senator Colm Burke has withdrawn his motion.

Commencement Matters

Commencement Matters

Drainage Schemes Status

An Cathaoirleach: I welcome the Minister for the Environment, Community and Local Government, Deputy Alan Kelly.

Senator Denis O'Donovan: I thank the Minister for coming to the House to discuss this important issue. On 19 November 2009 an appalling event occurred in Bandon town when the River Bandon burst its banks. The resulting flooding was of a type seen approximately once in 100 years, causing extensive damage to homes and premises. Many property owners in the town are still unable to obtain insurance against flooding.

Residents and business owners are dumbfounded that following a costly obligatory consultation process on the development of a new drainage and sewerage scheme for the town, Irish Water has apparently torn up the consultant's recommendation and instead proposes to pursue a solution based on the existing, obsolete infrastructure. It seems the company is trying to get

away with a rather cheap solution in recommending that a one-pipe system will be adequate. In rejecting this proposal, experts, engineers and residents note the irony that while home owners and farmers are obliged to upgrade their septic tanks, Irish Water sees fit to put forward such an anti-environmental solution in the current regulatory climate.

Will the Minister insist on this second-rate solution not being acceptable in Bandon or anywhere else in Ireland? Irish Water should not be allowed to get away with it. If it is a question of funding alone, where is the money that was ring-fenced for this purpose, with cast iron promises from various Ministers in both the current Government and its predecessor? I was in Bandon in the aftermath of that dire flooding and saw premises under 5 ft. and 6 ft. of water. The townspeople have been extremely patient but I am asking the Minister to give a guarantee today that they will get the best scheme possible and construction will begin sooner rather than later. It is past time this issue was addressed. It is almost six years since that appalling flood and nobody can guarantee that a similar event will not take place along the Bandon river basin. If it should do so before the drainage infrastructure is in place, it will be a disaster. The related flood relief scheme, which is being dealt with by the Office of Public Works, must also proceed as quickly as possible. I hope the Minister will give me good news to take back to west Cork.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): I hope to do so. I thank the Senator for providing me with the opportunity to outline the current status of wastewater services in Bandon. State investment in water services infrastructure was previously channelled through my Department's water services investment programme and the rural water programme, a function which is now largely devolved to local authorities. The high-level goal of the water services investment programme was to ensure the timing and scale of such investment facilitated economic and other development, compliance with statutory requirements for drinking water and wastewater treatment, and the achievement of environmental sustainability objectives. Bandon sewerage scheme phase 2 was included in the last investment programme which ran from 2010 to the end of 2013, with work to be carried out under separate contracts for the network and an upgrade of the wastewater treatment plant as well. As the Senator is no doubt aware, since 1 January 2014 Irish Water has had statutory responsibility for all aspects of water planning, delivery and operation at national, regional and local levels. This includes responsibility for the delivery of water services capital infrastructure.

Shortly after the transfer of responsibilities from local authorities to the new utility, Irish Water published its proposed capital investment plan for the period 2014 to 2016, which is available on its website. Under the capital investment plan, investment is prioritised where it can deliver the most urgently needed improvements in drinking water quality, leakage, water availability, wastewater compliance, efficiencies and customer service.

The Bandon sewerage scheme is included in the investment plan and Irish Water has provided me with an update on progress on the scheme. I understand Bandon is served by a combined sewer system which collects storm and foul flows. The network suffers from flooding because it is overloaded and I am aware of the floods to which the Senator referred. The initial design included a two pipe system in the town, with new storm and foul combined sewers. For practical reasons, the storm pipes were only capable of removing about 25% of the storm flows from the foul system and did not resolve the flooding problem.

Irish Water has redesigned a scheme to fully resolve the flooding problem, comply with required environmental standards and to have capacity for future foul flows if they arise. The ini-

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tial design of the scheme would have cost some €8 million. However, the current re-designed proposals will cost approximately €5.2 million. Irish Water has confirmed that consulting engineers are in place and the detailed design is at an advanced stage. Subject to agreement with Cork County Council regarding the inclusion or otherwise of storm water sewers, Irish Water expects to tender the contract before the end of quarter 3, 2015, which I expect to happen.

Senator Denis O'Donovan: I thank the Minister for coming before the House and giving his response. There is a lot of anxiety among the flood group, townspeople, ratepayers, shopkeepers and residents that the scheme which will be delivered is not what was originally proposed and planned. I am putting the Minister on notice in a gentle, rather than adversarial way. If the scheme which will be delivered and is expected to go to tender towards the end of the summer or the start of the autumn is less than adequate for the needs of the people of Bandon and its surrounding areas and if it is in any way second rate, he or I will never hear the end of it. I thank him for his response and hope things can proceed. The people of Bandon have been waiting for generations for this scheme. Not alone will it have to be efficient and up to the best standards, it should also be the best available to ensure the residents, businesspeople and ratepayers in Bandon will get the very best scheme possible, having waited almost six years for it to come to fruition.

Deputy Alan Kelly: I thank the Senator. I am aware of the anxiety of those in Bandon. I am quite conscious of the issues. I know the town quite well, as the Senator knows, and this is a real issue. I assure him that under no circumstances would Irish Water contemplate putting in place a substandard scheme. Many schemes have been re-examined, such as the Ringsend plant in Dublin where greater efficiencies and a better service have been provided as a result of the work Irish Water, as a considered entity with economies, can put into such schemes. I am quite confident that what is proposed in Bandon, even though it involves a smaller, but quite substantial amount of money, will deal with all of the issues the Senator has raised. I will meet Irish Water later today and raise the issue again.

Ambulance Service Provision

Senator John Kelly: I welcome the Minister and thank him for taking this debate.

I am rather concerned about what appears to be a serious lack of paramedics in the west. I remember in 2006 or 2007, when Professor Drumm was in charge of the HSE and there was talk of closing the accident and emergency department in Roscommon County Hospital, he promised that we would almost have an advanced paramedic at every crossroads in the country. That never materialised. I do not blame the staff who operate the ambulance service or the paramedics we have. They provide an excellent service within the limited resources available. I acknowledge that a person can be lucky, and when the system works it works very well. If it happens to be the case that an advanced paramedic is within ten or 15 minutes of a patient, it is a great service. However, I spoke to one paramedic who told me that there was a need for 100 additional paramedics in the west.

Some years ago, west Roscommon was ear-marked for an ambulance base. To date, this has not been delivered. There is a dispute involving staff who do not wish to move from their present location to this new ambulance base. It is not being staffed, outside of what is already in the system. This is different from the other two ambulance bases promised at the same time, on Achill island and in Tuam, which were staffed.

The week before last, in my home town, a 19 year old lad had a heart attack. The ambulance and paramedics were called. Two local firemen worked on him to keep him alive as long as they could. Unfortunately, he was dead by the time the ambulance arrived 40 minutes later. Later that day, in the same estate, an ambulance was called for an elderly man. The ambulance arrived and the man was put into the back of it, but the ambulance would not start. Elderly people had to push the ambulance down the hill to start it. Later that evening, conditions were not great and there was a car accident. Again, the ambulance took 40 minutes to arrive at the scene. It is nearly a crime in Dublin not to have an ambulance within eight minutes, but it is hit and miss down the country. It really is a matter of luck on occasions. I have no doubt the HSE will tell the Minister that we have a great system which is working well. The evidence on the ground is to the contrary.

I have a solution to the problem for rural Ireland. It is one which can be implemented within 12 weeks. I have run it by the Minister for the Environment, Community and Local Government, Deputy Alan Kelly. I have spoken to firemen about it. There will be no resistance to this suggestion. Four firemen out of every brigade in local towns, in counties such as Roscommon, could be trained to emergency medical technician, EMT, level. They could be first responders. The training course takes just 12 weeks. I ask the Minister to consider piloting this in County Roscommon in order that we can prove there is a better system. This suggestion would enhance the paramedic system in place.

Minister for Health (Deputy Leo Varadkar): I thank the Senator for raising this matter and giving me the opportunity to update the House on our plans for ambulance service improvements this year. I am happy to confirm that these plans include providing more paramedic cover in the west, although certainly not one at every crossroads. In 2015, a €5.4 million budget increase has been provided to the National Ambulance Service to help address service gaps. In that regard, provision is being made for 50 additional paramedic posts in the west. Some of these posts will be used to staff ambulance stations at Tuam and Mulranny and others will assist in the move from on-call to on-duty rostering. On-call rostering means paramedics remain at home and wait to be called out. This, on average, results in a 20 minute delay in despatching an ambulance. We are, therefore, moving from this to on-duty rostering where crews will be in their stations or vehicles ready to go immediately on despatch.

It is also intended to expand the number of community first-response teams, particularly in more rural and sparsely populated areas. These are volunteer groups in the community who are registered and trained to a certified standard. The National Ambulance Service calls out a local responder to a cardiac emergency in the area. This responder gets to the scene before the arrival of the ambulance crew, applies his or her cardiac training and increases the person's chance of survival. There are currently over 100 teams operating around the country, but we need more and are working on this.

Of particular benefit to western counties is the emergency aeromedical support service. This service was established under the Government and is particularly targeted at the midlands and west. It provides rapid access to appropriate treatment for very seriously ill patients where this may be difficult to achieve by road. I am looking at proposals to examine the service on a permanent basis and I am in discussions with my colleague, the Minister for Defence on this matter.

Discussions around ambulance response times can become emotive. We only seem to ever hear about the delays. We do not hear about the high quality treatment being provided by para-

medics and how the service has improved so much in recent years. It is important to point out that response time performance is improving year on year in the face of increasing demands. Response time targets only measure one aspect of ambulance performance. Ideally they would be part of a suite of assessments. Internationally, more and more ambulance services are moving towards patient outcomes as a better indicator of performance. The National Ambulance Service introduced a patient-outcome target for out-of-hospital cardiac arrests last year and more are being developed.

There are three major reviews of the ambulance service under consideration, namely, the recently published HIQA review, the national capacity study and the Dublin ambulance service reviews. These three reviews, when taken together, will provide us with very good information to help drive further service improvement. I am working with the HSE to prepare an action plan on completion of all three reviews within the timelines to realise a new strategic vision for ambulance services. The National Ambulance Service is focusing on addressing some of the service gaps in the west in 2015. Specifically, that will involve 50 new paramedics and a move from on-call to on-roster service, which is very important.

The Senator suggested we use fire crews in these circumstances. I certainly think there would be a strong case for training them up as community first responders. That makes a lot of sense. I cannot for the life of me see any reason that is not a good idea. It would be a little trickier to train them to emergency medical technician level. I would need to see a worked-up proposal. If a person who is trained to such a level does not use his or her skills regularly, he or she can become deskilled and that can actually be unsafe. That would have to be worked up and considered carefully in consultation with the pre-hospital emergency care council.

Senator John Kelly: I thank the Minister. I agree with him that the issue of poor call-out times for ambulances is an emotive one, particularly when things go wrong. I praised the ambulance staff and the paramedics in my contribution. I acknowledged that if the patient is lucky enough to have them arrive on time, he or she will receive a far better service from them. I would appreciate it if the Minister would discuss with his colleague, the Minister, Deputy Alan Kelly, my suggestion that firemen should be trained. They are all local to towns. Some of them are already trained as first responders while others need to receive such training. If they had the right training, the life of the 19 year old lad I mentioned, who was a neighbour of one of these firemen, could have been saved. Who knows? We do not know. I appreciate the Minister's answer. I would like it if he spoke to the Minister, Deputy Alan Kelly, about my suggestion.

Deputy Leo Varadkar: I would certainly be happy to discuss it with the Minister, Deputy Alan Kelly. As I said, if they are willing to be trained as community first responders, that would make a lot of sense. I think the possibility of training them to become paramedics would have to be examined carefully to make sure we would have the quality of service we need. The main improvement we want to make in the west this year involves the recruitment of 50 additional paramedics, as provided and budgeted for in the 2015 service plan. The move from an on-call ambulance service to an on-roster service is also crucial. Many of the delays west of the Shannon can be attributed to the fact that ambulance crews in many parts of the country have to be called out from home. This year, we intend to move to a system whereby they are based in the ambulance station or in the vehicle. That will cut up to 20 minutes off calls. I think that is really significant.

Senator John Kelly: I thank the Minister.

Public Relations Contracts Expenditure

Senator Rónán Mullen: Gabhaim buíochas leis an Aire as ucht teacht isteach anseo chun déileáil leis an gceist atá ardaithe agam. The last time I raised a Commencement matter, I asked the Minister to explain the expenditure by the Saolta hospital group on public relations consultants. The Minister kindly responded by sending me a letter dated 12 February. I think he was attending the European Parliament at the time. I thank the Minister for that response in which he outlined the expenditure made in the 2014 financial year only. I was quite concerned to learn that the Saolta group spent €169,444.80, inclusive of VAT, on hiring a PR consultancy firm, Setanta Communications. Many people find it difficult to understand how it is possible for dedicated personnel within the public service, who are on public sector pay, to work in the communications area while at the same time organisations funded by the taxpayer are getting into business with private sector PR companies.

I note from the Minister's earlier response that the HSE has not provided the Saolta health care group with staff to deal with communications matters. The HSE has its own communications people, and possibly in addition even its own PR companies engaged in addition. As Saolta was not given staff to deal with communications matters, it had to go to the private sector and pay out a six-figure sum for one year only.

The Minister has advised me of an interim arrangement whereby a member of the HSE West communications team was provided to Saolta. When that was not in place, Saolta advertised internally for dedicated communications personnel and, while awaiting the outcome of the recruitment process, went out to tender again for PR and communications services and this tender was awarded. That seems like a massive waste of money. I cannot understand why public sector bodies are spending so much taxpayers' money effectively on looking good to the taxpayer. If it is a matter of responding to people's letters and giving an account of one's stewardship, then surely there are people within the organisation whose task it is to do that. However, people rightly suspect that there is considerably more.

I have previously highlighted that there are only four venues in Ireland for baby-cooling treatment, none of them in the west. I have made the point that the sum paid out on PR by Saolta in 2014 would pay for two neonatologists, based on the salary scales in University College Hospital Cork which were published in January. In a 2013 study, Johns Hopkins University estimated the cost of a baby-cooling mat at €10,000. We have a problem with spending money on spin doctors that could and should be spent on real doctors. I would be grateful for the up-to-date figures for 2015, including all outstanding invoices. I would be interested to ascertain whether the Saolta group is continuing to spend taxpayers' money on PR consultants at the same rate as occurred in 2014. I believe - I suspect the Minister also believes - that the spending on PR consultants should be redirected to patient care.

I have spoken in this House decrying the HSE's ongoing failure to provide therapeutic hypothermia, or baby-cooling facilities, for newborn children in the west. I do not know what the Minister's views are on that. However, it is shameful that money spent on PR consultants could have been used to hire staff and obtain equipment to provide such facilities in hospitals in the west.

I take the opportunity to ask the Minister another question. On a previous occasion, he kindly came to the House and responded to my question on the HSE audit of the award of the Northgate contract and whether issues arose that would have implications for the then CEO of

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Saolta, Mr. Maher, who I now understand has moved to a job in the east of the country.

An Cathaoirleach: The Senator should not name people in the House, as he well knows. The person concerned is not here to defend himself.

Senator Rónán Mullen: That is understood. However, the Minister told me the report would be available by the end of last year, but it still has not happened.

An Cathaoirleach: The Senator is way over time.

Senator Rónán Mullen: Can the Minister enlighten me as to what has taken place? Does the Government have a particular view?

Deputy Leo Varadkar: I thank the Senator for raising this issue.

I am advised that the Saolta University Health Care Group has not paid any invoices for external communications support since the start of this year. As outlined to the Senator last week, Saolta University Health Care Group awarded a contract for communications support at the beginning of the year following a competitive tendering process. The first invoice will fall due for payment at the end of the first quarter of 2015, but has not fallen due yet.

The Saolta University Health Care Group has not been provided with staff to deal with communication matters by the HSE. It receives a very large number of press queries and needs to be resourced to answer these. The cost to hospitals in any part of the country of unbalanced, incomplete or inaccurate information in the public domain can be considerable and it can also result in avoidable worry and anxiety for patients and their families and unfair reputational damage to front-line staff.

Irrespective of whether health bodies use money for PR in-house or externally, the spending is not so that public bodies can look good to the taxpayer, but often just to manage and respond to the enormous number of media and public queries that are directed at the health service. If they are not responded to, the consequences of misinformation and incomplete information can be enormous reputational damage to front-line staff and hospitals and can cause enormous anxiety for patients and their families. That is why it is done. It is not done in an effort to look good to taxpayers. It is more of a case of getting information and the truth out there.

I am advised that Setanta Communications provides media services to Saolta. Its fees in 2014 came to €137,760 plus VAT. There was an interim arrangement whereby a member of the HSE West communications team was provided on a part-time basis to support the group. However, this has not been in place since August 2014. The Saolta University Healthcare Group has advertised internally for dedicated communications personnel and is awaiting the outcome of the recruitment process.

I am advised that Saolta University Healthcare Group has made a public commitment to use the most cost-effective way of making its new identity known to the public and health sector. For example, stationary stocks, signage and existing branding will be used until stocks run out and replacement opportunities occur and will then be replaced with the new logo at that time. Saolta University Healthcare Group is also availing of cost free opportunities such as photo opportunities.

Given the current financial constraints to which the health service is subject, I emphasise again the importance the Government places on ensuring the health service provides value for

money in all spending.

In respect of the other matter raised by the Senator, I understand the investigation is still ongoing and I do not have a further update on it.

Senator Rónán Mullen: I thank the Minister for his response. While I understand his explanation and justification for spending six figure sums on PR companies, I do not think spending this amount of money simply to deal with press queries is essential to public welfare. It could be inferred from his statement that none of this money was used for training people on how to conduct interviews and so on. For that reason it would be very interesting to see the invoices for the precise services that have been provided by PR companies such as Setanta to organisations such as Saolta University Healthcare Group. I think it should not cost so much money simply to keep patients informed of what is going on in hospitals. Misinformation or reputational damage will not necessarily arise from reduced spending as it does not require six figure sums to be spent on PR to get the message across. It is simply a matter of being organised and explaining what Saolta University Healthcare Group does in a truthful and timely fashion.

Deputy Leo Varadkar: There are two issues, first, whether the PR communications function should be done in-house or outsourced. My view is that the choice is based on whatever gives the best value for money. If one can do the communications in-house more cost effectively than by outsourcing, that is what one should do. Sometimes public bodies outsource this function because it is more cost effective, cheaper and better to have external experts do it. In my Department if we do not have the in-house expertise, not necessarily in public relations but in other areas, we would outsource it. For example, if we were looking for scientific advice on something, rather than hiring scientists and professors to do a one-off job, we often go to the Institute of Public Health.

The second issue is whether the health service needs to spend money on public relations.

Senator Rónán Mullen: So much money.

Deputy Leo Varadkar: I believe it does, unfortunately. One can argue about the amount, but we would all love to live in a world where the health services did not have to worry about media queries or stories that are put out that can very severely damage the reputation of hospitals, small hospitals in particular, and front-line staff, nurses, midwives, doctors or EMTs. Stories that are put into the public domain by interest groups are often not the full truth but are part truth or may have another agenda behind them. It is important that the health service is equipped to fight back against this.

When stories about hospitals all over the country are put into the public domain, it is important that the clinical directors, the clinical leads and the CEOs, as needs be, are prepared and trained and are able to go out in public and answer people's questions and explain to them what is happening and answer media concerns. If they do that badly, it can be very damaging. One has only to think about the one bad interview by the chief executive of Irish Water a year ago to understand the level of reputational damage that can be done to an organisation by a CEO or clinical person doing a bad interview. We would love to live in a world where these things did not matter.

Senator Rónán Mullen: I am not sure that justifies all the expenditure on the dark black arts of PR.

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Sitting suspended at 3.10 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Gender Recognition Bill 2014 - Report and Final Stages, to be taken at 4.45 p.m.

Senator Marc MacSharry: I ask for a debate on equality in the education system. As the Leader may be aware, there have been a number of court cases relating to University College Galway, UCG, - this is not to involve ourselves in court cases but it concerns equality in terms of promotional prospects. It is a very serious issue in St Angela's College in Sligo, which is the only constituent college of what we would have called the National University of Ireland north of the Dublin-Galway line. As part of the merger of that institution and UCG, it is proposed that the college lecturers, who have in the main the same qualifications, excellent educational outcomes and equality in all other ways, should transfer as less than equals and be known simply as university teachers. We cannot have a scenario where elitism and what is effectively the unfounded superiority complex of UCG are seen to displace the rightful career paths of people of PhD standard in terms of qualifications and to downgrade them to university teachers. I have written to the Minister for Education and Skills about this issue but as a House, we need to debate this issue because we cannot allow this kind of elitism to prevent people from having their rightful status in line with their qualifications and experience.

Following on from my call last week relating to the debts of smaller local authorities, will the Leader arrange a debate on local government funding, particularly those local government areas that do not have a robust funding mechanism compared to the large authorities in Dublin such as Fingal which has Dublin Airport as part of its rates base giving it the extraordinary position of having €100 million on deposit. Sligo has been told by the Department to close libraries. This is fundamentally wrong. Members of the other House, particularly Deputy Tony McLoughlin, have pointed out that this is an issue for the council and that the council need not close libraries. I remind this House and Deputy Tony McLoughlin that it is the Government that needs to step in to help fund a local authority which does not have means to fund itself. That is essential.

The main thing I want to do today is to propose an amendment to the Order of Business to have the Minister for Health come to the House. We have seen again today crocodile tears being shed by a Minister who says he will redouble his efforts to deal with a crisis where 551 patients are on trolleys throughout the country rather than where they should be. One remembers very clearly the tears of the emotional Deputy James Reilly when he was judging the Government of the day on how it was dealing with it. One can only wonder what he might think of the blunder of this particular Government as we have 551 patients on trolleys in all hospitals in the country, particularly Limerick which stands out with some 55 patients on trolleys. When is the Government going to get to grips with this crisis? Last week, I outlined the fact that in correspondence to the Department of Health last September, the HSE looked for €1.4 billion. What did the Government do? It gave it an extra €100 million. I listened to some experts in the field on radio as I came here. They pointed out that this was down to resources. This is down to funding and was completely predictable. It was predicted. The Minister saying the Government is going to redouble its efforts simply does not cut the mustard. It is amazing in the extreme that for all the dynamism the Minister appears to have as a politician, he has managed to surpass the level of

mediocrity and failure his predecessor, Deputy James Reilly, showed in this area.

Senator Ivana Bacik: I think all colleagues will want to join me in condemning the shootings in Denmark at the weekend coming so soon after the terrible killings in France in the wake of the *Charlie Hebdo* affair. I note there is now a most unfortunate atmosphere of fear and intimidation around the issue of free speech. We had a meeting in Trinity College Dublin last night on that topic, which had obviously been arranged for some time. There was a heavy security presence because the issue is now seen as one attracting violence. It is something we should all condemn in the interests of democracy and free speech.

I welcomed the publication and approval by the Cabinet today of detailed provisions of the Children and Family Relationships Bill. Those proposed measures have already been through pre-legislative scrutiny at the Joint Committee on Justice, Defence and Equality. As I look forward to the debate we will have on that Bill, perhaps the Leader might say when it is likely to be brought before the House. I understand it will be brought to the Dáil first, probably next week. The legislation deserves a general welcome. At the committee hearings it received a general welcome from almost all stakeholders and NGOs. It is a child-centred reform of family law designed to meet the needs of children living in diverse families. It will give children greater rights in those diverse families. It will provide for parentage, guardianship, custody and access in a reformed manner across a range of family situations. I welcome that positive step forward.

I also welcome the policy on small schools announced today by the Minister for Education and Skills, Deputy Jan O'Sullivan. It is a new policy to support sustainable school communities. The Minister spoke of having attended a small rural school, as I did in Cork. She referred to two new elements in the policy, both of which are hugely important. They involve improved changes to the staffing schedule in small schools and a voluntary protocol for future sustainability for one-teacher schools, with reduced enrolments. That is a key issue and I look forward to a debate on the new policy.

I welcome the launch of the Labour Party's marriage equality referendum campaign last Thursday, as well as today's launch of Labour Youth's campaign in support of the marriage equality referendum. I know that other parties and groups will be launching their campaigns in the coming days and weeks.

Senator Sean D. Barrett: Those advocating the takeover of Aer Lingus by British Airways have appeared at the Joint Committee on Transport and Communications. I must inform the House that not one route resulted from that PR performance. All they want to do is take over an existing airline. What is the performance of British Airways from Manchester, Birmingham, Belfast, Glasgow and Edinburgh on the north Atlantic? The answer is five zeros because they operate no services on the north Atlantic. What is their performance in Irish regional airports? It is yet another five zeros. There are no services at Derry, Shannon, Cork, Kerry and Knock airport. People in the regions are quite right to be concerned about what is going on in this PR campaign, without any substance being conducted at all. I gather there is another session today.

There are even questions that Parliament has no right to tell aviation executives what they can do because they run the industry better. There is a strong body of literature against anti-competitive mergers in any business, however, including that one. Parliament can hold its head high on this. I looked up the Official Report of the Dáil on 27 June 1984. When legislation was then proposed by airlines to put people in jail for two years and impose a fine of £100,000 for selling airline tickets too cheaply, the rebels were Des O'Malley, Hugh Coveney, John Wilson,

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Liam Skelly, Pádraig Flynn and Monica Barnes. All the parties got together and said: “We don’t take legislation dictated to us by airlines.” When the then Fianna Fáil Party Whip was asked to put the legislation through on the nod, the formula he used in order not to be pushed in that direction read as follows: “I know the terminology here is governed by technical reasons, but the answer is ‘no’ for the record. However, to overcome the regulations with which we have to comply, the answer is ‘yes’.” That stopped the Bill no doubt because of the confusion, but we may need to do that again.

The PR campaign to end Aer Lingus as an independent airline should be resisted by all parliamentarians. We did it in 1984 and we will do it again. We will not be dictated to by the PR departments of either Aer Lingus or British Airways.

Senator Catherine Noone: I call for a debate on the introduction of plain cigarette packaging, especially now that the tobacco lobby is threatening legal action on the matter. It shows an astonishing nerve and I can only hope the Government sticks to its guns and brings in this legislation. I listened to the discussion about this matter on radio this morning. If the tobacco industry does not believe plain packaging works, why is it opposing it so vigorously and investing so many resources in doing so? The argument of counterfeit tobacco products has been raised fairly extensively by the lobby. If the illicit tobacco trade is so rife and growing, surely packaging associated entirely with anti-counterfeiting measures, as opposed to distracting brands, fonts and colours, will be harder to counterfeit than the current packets, given that the security features are just one single component thereof. Statistics highlight what many of us know to be true: plain packaging works. As we know, plain packaging was introduced in Australia in December 2012, and the latest Australian Government statistics show that the proportion of Australians smoking is at its lowest since records began. Smoking rates are falling there at their fastest in 20 years. The daily smoking rate has declined from 15.1% in 2010 to 12.8% in 2013. The statistics, which I will not go into in detail, show that younger people are delaying the taking up of smoking. Everybody knows that the younger one starts, the more likely one is to be addicted in the longer term. Further research from Australia shows that when smoking cigarettes from a plain packet, smokers are 81% more likely to think about quitting at least once a day, and they rate quitting as a higher priority in their lives. Dozens of peer-reviewed studies have shown that plain packaging will ultimately reduce the attractiveness of cigarettes and reduce the ability of packaging to mislead consumers into believing some products are less harmful. It will increase the noticeability, recollection and impact of health warnings and messages. I find the legal threats of the tobacco industry to be disappointing, to say the least. I call for a debate in the near future on plain packaging and its introduction in the context of these legal threats.

Senator Terry Leyden: I second the proposal to amend the Order of Business made by Senator Marc MacSharry, who outlined very well the inadequate work of the Minister for Health, Deputy Leo Varadkar. He is very disappointing. When he was eight years of age, he set out to be Minister. He had an ambition or dream to be Minister; perhaps it has become a nightmare since he went into Hawkins House. He is terribly ineffective. I just cannot understand why he does not do a tour of all the accident and emergency departments to see what is happening on the ground and find out how ineffective the management of those departments is throughout the country. There is total mismanagement on the ground. The Minister, if he were doing his job, would tour every accident and emergency department and use his position as Minister to try to bring about improvements. He is a complete failure in his Department and should be removed. There should be a vote of no confidence in him in the Dáil. If my col-

leagues there would listen to me, they would have one. It is what I would do about the Minister. It is all spin and no action; it is all PR. The Minister is on television day and night coming out with the same old stuff - claptrap.

I support the campaign by Ms Roseanne Brennan who is on a vigil outside Leinster House until tomorrow calling for a change in the law on speed limits in housing estates in memory of her son, Jake, who died in June 2014 at the age of six years. I commend her, her supporters and friends for holding a vigil in the cold outside Leinster House to try to persuade the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, to change the law to reduce the speed limit in housing estates to 20 km/h. I suggest 30 km/h would be a very good compromise. One hundred and ninety-seven people died on the roads in 2014, including 16 children under the age of 15 years. These are horrific statistics. The campaign Ms Brennan has launched will bring about results. One party has brought forward a proposal in the Dáil, which is being debated. I hope that, in this House, we will support a change in this regard. The bylaws being proposed by the Minister are really matters for each authority to consider but, to be effective, he should not send another circular or make a statement such as that issued on 15 October 2014. Ministers in the Government are losing their way. They are ineffective and not dynamic enough.

Senator Catherine Noone: The Senator should know about it.

Senator Terry Leyden: They just send plenty of surplus.

An Cathaoirleach: Is the Senator seeking a debate on the issue?

Senator Terry Leyden: It is all PR and no action. The quicker we have a general election, the better. Government members are a tired bunch. I hope they will go to the country and get the results they genuinely deserve - out, out, out.

Senator John Kelly: I read an article in the *Irish Examiner* yesterday which stated the executive of Cork County Council has warned local authority members not to engage in any discussion about wind farm developments that are proposed for the country of Cork because the wind farm developers have threatened to sue Cork County Council if there is debate on them once they apply for planning permission. We are moving from a situation where there is no engagement with local communities and there is no proper consultation to one where we are stifling debate on the future of wind farms. These wind farm developers are using bully-boy tactics because they have the money to do so. It is a disgrace. They are not recognising the considerable resistance by people to wind farm developments. The local authority members are elected by the people to express their views on behalf of the people. I only want to put it on the record of the House that it is bully-boy tactics to stop resistance to wind farms.

Senator David Norris: On my way in to the Chamber I was confronted by a protestor, which is perfectly legitimate, who held a placard stating, "Children have rights". It was about the marriage equality referendum. I agree that children have rights. They have the right not to be treated as shuttlecocks in a political dispute, and this is what is happening. They talk about children having a right to a father and a mother. Every child has a father and a mother. Some 33% of births in the State are outside marriage. These are to single women. I doubt these people propose going back to the old days in which their views reigned and the children of single parents were wrenched from them and put into institutions where they were brutalised or exported to Australia or America. That leaves one possibility only, that they are attacking people because they are gay. That is the only reason. We must confront this kind of prejudice

and the presentation of an absolute and perfect ideal of heterosexual marriage.

Marriage is a wonderful institution, but it is a human institution. It has changed since its inception. It only became a sacrament in the Roman Catholic Church in the middle of the 16th century, that is, three quarters of the way through the history of Christianity. It was incorporated into British law in the middle of the 18th century, which is not that long ago either. People were forbidden to marry black people. Jewish people who marry outside their religion are expelled from it. There have been many preclusions. Marriage is vital. It is a social institution and it is changing. I would quote one of the people I admire most of all in the history of this country, the great advocate of Catholic emancipation, Daniel O'Connell, who, confronted by this kind of narrow-minded dog-in-the-manger selfishness about extending liberties to Roman Catholics, made the point that human dignity is not a cake like the national product where the more one divides it up, the less there is. Rather it increases, such that the more one gives dignity and respect to citizens, the more everybody in society is enriched. For that reason, I say register and vote "Yes" triumphantly.

Senator Terry Brennan: I, too, spoke to the protestors outside. Mrs. Brennan - of course, the name was good and I had to make it my business to talk to her - had concerns about speeding in housing estates. I have been campaigning for the past 15 years, both at local authority level and in the Seanad. Speed limit signs anywhere are a complete and utter waste of money and time. There is only one way to reduce the speed limit outside schools, in housing estates and dangerous locations and that is through the use of what are called speed bumps. I called them ramps for years. The proper designation is speed bumps. The protestors agree with me. They talk about 20 km/h and 30 km/h speed limits. Nobody patrols them and it is unreasonable to expect gardaí to do so. I have photographs of various schools and estates throughout the country which need speed bumps.

The achievement of the Irish cricket team in New Zealand in beating one of the top teams in the world was wonderful. This must not be let go.

Loop Head peninsula in County Clare has been listed in the top 100 green locations in the world. This was planned by the local community in conjunction with Clare County Council, Fáilte Ireland and various bodies. What the community has and what this will mean should not go unheeded.

An Cathaoirleach: The Senator is way over time.

Senator Terry Brennan: The community there works together as we did where I come from in Carlingford. We should encourage other communities to follow in the footsteps of the Loop Head community.

Senator Feargal Quinn: Last year we introduced a Bill on food provenance, whereby every product should state its source, which the Minister turned down on the grounds that legislation would be introduced at a European level, and therefore we withdrew the Bill. However, to the best of my knowledge nothing has happened since and look at what happened this week. The Irish Farmers Association detected that pigmeat being sold in a number of outlets as Irish pigmeat was not. This is a real reminder of why we need more than goodwill to ensure people who buy a product know what they are buying and know the product they are getting comes from the source from which they understand it to come. It is time we recognise changes are taking place in the marketplace. Let us ensure we protect citizens from eating something other

than what they thought they bought.

It was very interesting to hear Senator Sean D. Barrett speak about the 1980s and an attempt by Aer Lingus, or the Government of the day, to accuse us of selling air tickets too cheaply and making it illegal to do so. It is a reminder that the marketplace works because of competition. Let us ensure we continue this competition, no matter where it comes from. I can remember the outrageous prices we paid for airline tickets to get from here to London until we had competition, which was not welcomed and had much criticism. It is a reminder that the marketplace, no matter where it is, does change and it is changing in many ways.

I introduced the topic of competition with regard to post offices a while ago, but Senator Ivana Bacik stated it was probably better handled in a different way. There is little doubt there is competition and the postmasters are quite concerned about it. They will have to adjust to whatever happens. It is interesting to see that in two shops, one of which is in the midlands, An Post has introduced two outlets for selling postal services. It is a reminder that the marketplace is changing. Let us ensure we as a nation adjust to the marketplace for the benefit of consumers.

Senator John Whelan: I support my colleagues, Senators John Kelly, Catherine Noone and Sean D. Barrett. The Seanad robustly rejects and resents any interference or attempt to silence democratic representation. It is our job to interfere, to engage and to represent the community and public interest. We will not be told by officials in Cork County Council that we cannot make robust representations on planning issues, particularly the planning of wind farms and giant and industrial turbines. We would be negligent if we did not do so.

It is outrageous in the extreme that the tobacco industry has threatened the Government that if it does not back off on plain packaging, it will take the country to the High Court. How dare it do so? Let us see it in court. We will see how that pans out. We will not back down.

Similarly, the House will not back away from speaking loudly and rejecting IAG's proposal to buy Aer Lingus. As Senator Sean D. Barrett stated, the board will appear before the transport committee today and tell us how the proposal is a great idea, but it has skin in the game and its members stand to make a financial killing from their shareholdings. We must look past that vested interest and put community, national and strategic long-term interests first for towns and cities like Waterford and Cork, the midlands, Mayo, Limerick, Shannon and so on. We will not sell out. People would like to silence us, but we will not be silenced. We have an expert in Senator Sean D. Barrett, an independent and credible economist who has nothing to gain from his views. We do not always agree, but he speaks on behalf of the public interest at all times.

Public patience is wearing thin as regards the planning of wind farms. We need new statutory and binding guidelines that are coherent and consistently applied across the country. It would be timely to invite the Minister for the Environment, Community and Local Government to the House in the coming weeks to announce the new guidelines.

Senator Gerard P. Craughwell: I call on the Leader to arrange as quickly as possible a debate on the current state of law and order. I live in the peaceful suburbs of south County Dublin. Recently, I attended a meeting called by Deputy Shane Ross. A senior member of An Garda Síochána was also present. Deputy Shane Ross invited members of the public to speak. A young lady stood up and asked the most dangerous and risky question I have ever heard, in that she asked anyone at the meeting whose home had been broken into in recent times to raise a hand. Every single hand in the hall was raised, my own included. I had a beautiful, restored

Honda 50 motorcycle taken from outside my door at 6.20 p.m. I live on the busiest road in my area. The Luas stop is a five minute walk from my house. To get from there to any house in my estate, one must pass mine. As thousands of people were passing it on their way home from work, blackguards walked away with my motorcycle. On Saturday evening, I was watching television when I heard banging. It was 7 p.m. and people were coming home from shopping. Two guys were at my next door neighbour's house trying to kick the front door down. The boot marks are still there for anyone who wants to see them. The Garda closed its station in Stepaside some years ago and law and order is at the level of anarchy. Opportunists hit three houses in a row. My estate is not the only one suffering. Any Senator could relate similar examples.

An Cathaoirleach: Is the Senator looking for a debate on the issue?

Senator Gerard P. Craughwell: I would appreciate a debate as a matter of urgency.

Senator Michael Comiskey: It is welcome that the Minister of State, Deputy Simon Harris, visited Sligo on Friday to examine coastal erosion around Rosses Point. I raised the matter as early as 2007 after people approached me about the danger, which still exists, to its golf course. The former Minister of State, Mr. Brian Hayes, MEP, granted €800,000 or thereabouts to Sligo County Council to carry out repair work, but more money must be allocated because the erosion is continuing. Something needs to be done.

Also on Friday, we met a group from Kiltyclogher regarding Seán Mac Diarmada's house. I have often mentioned this matter. It is important that resources are put in place ahead of the 2016 celebrations in order that we can put that famous house on the map. It is in the same condition in which Seán Mac Diarmada left it in 1913 or 1914. The Office of Public Works has replaced the roof of that beautiful cottage, but I look forward to more work being done ahead of 2016. As mentioned, the progress being made on small schools is another issue about which we have been approached. There are many small schools in County Leitrim and west Cavan. We are constantly being contacted and asked to ensure that everything possible is being done to ensure retention of small schools in rural communities.

Senator Diarmuid Wilson: More than 2,000 professionals and volunteers involved in the child care sector gathered outside the gates of Leinster House this afternoon. It was a peaceful gathering, the purpose of which was to highlight the gross under-funding of the child care sector. Despite many representations to various Ministers and Departments, this sector has been starved of adequate funding for the past number of years. As I said, the 2,000 professionals and volunteers outside Leinster House today came together to highlight the inadequate funding being provided to the child care sector. A number of people from County Cavan formed part of that gathering, some of whom had left home early this morning so as to be on time for the demonstration this afternoon. When I attempted to bring a small number of them into Leinster House for a cup of tea and a sandwich, I was prevented from gaining access with them. Ordinary, decent members of the public were refused entrance to their Parliament. I do not blame the Head Usher or any of his colleagues for this but I do want to know why I, as a public representative, was prevented from bringing these law-abiding people into their national parliament and not afforded the opportunity of giving them a cup of tea and a sandwich. I was accompanied by a senior Member of the Lower House, my colleague, Deputy Brendan Smith. This has never happened to him before. I understand another colleague of this House was prevented from bringing three or four people into Leinster House.

An Cathaoirleach: That is a matter that could be brought to the attention of the Committee

on Procedure and Privileges.

Senator Diarmuid Wilson: I want to put the Cathaoirleach on notice that I intend writing to him, as Chairman of the Committee on Procedure and Privileges, about this matter. I felt it necessary to raise it on the Order of Business this afternoon because what happened was absolutely disgraceful.

Senator Michael Mullins: I support my colleague, Senator Catherine Noone, and others in the request for a debate on the legal threats to the Government by the cigarette companies. This is one battle we must win given the damage caused by tobacco to people's health and the cost to the Exchequer in that regard. My only concern is the counterfeit issue. I hope that packaging and security will be such that the particular concern which retailers have can be addressed so that this cannot be used as an excuse to back away from what Government intends to do in this area.

I also call for a debate on our most unhealthy relationship with alcohol. I acknowledge that we have already had several debates in this House on the issue and that there legislation in this regard in the pipeline. However, I am prompted to raise this issue again following reports across all of the media today of 500 students queueing outside a pub in Galway at 10 a.m. waiting to get in to celebrate Donegal day. I understand the students concerned had travelled from all over the country. I have no problem with students or anybody else having a few drinks. I am told that up to lunch time no problems or issues had arisen. However, I am very concerned about the condition many of those students will be in by closing time tonight the potential damage to their health and to other citizens of Galway city and the potential disruption and anti-social behaviour that may arise. Much has been written recently, and there has been much debate in all media, on the impact of alcohol abuse in our society, including the impact on health and the cost to the health service. A Senator on the other side of the House referred to problems in accident and emergency departments, but 25% of the people who present at accident and emergency departments every weekend do so as a result of excessive use of alcohol. We must keep this issue at the top of the agenda and have plenty of discussion about it. This House has a crucial role to play in trying to get the message across that drinking in this country is out of control. Even Diageo, which has a vested interest, is prepared to spend €1 million to highlight the fact that drinking is out of control in this country. We must utilise this House to get the message across to people that we have a problem and it must be addressed.

Senator Paschal Mooney: I understand this matter was raised earlier, but I wish to outline my views on it. Senator Catherine Noone spoke about the plain cigarette packaging legislation which was quite rightly passed by this House last year, with all party and non-party support. What has angered me considerably is reports in the media that one of the largest tobacco manufacturers in the world is now sending letters threatening legal action against the sovereign Irish Government. If ever there was a case of an outrageous action by a corporate body, that is a perfect example. Those of us who have followed the tobacco lobby in recent years should not be surprised because its members are among the most unscrupulous group of people one could encounter. Films have been made about the American tobacco lobby. One of them - I cannot remember its title now - received a great deal of acclaim some years ago. It depicted the lengths to which the tobacco lobby will go to get people to use the product. That is not the point; it is fully entitled to do that. It has a product and it wants to sell it. However, when it starts dictating by sending a legal threat to the sovereign Government of this country, telling it that unless it withdraws the legislation it will be subject to litigation, that goes over the line. I hope the Government will issue a public statement condemning the arrogance of this company,

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in the first instance, and stating that it will hold firm. The Minister for Children and Youth Affairs, Deputy James Reilly, has been quoted today as saying he will hold firm on this legislation. I hope there will be some response from the Government.

I am not aware of any other occasion on which a corporate entity has threatened a sovereign government over legislation it proposes to pass. The people in the tobacco industry should be made aware that one half of the democratic structure of this Parliament has already passed this Bill, having debated it openly and in a democratic fashion. It fully supported it. I suggest the company and the other company that has sent briefing notes to Senators might get their act together and realise that the Bill is a Seanad Bill, having been introduced first in this House, debated fully and passed unanimously. I hope the same will happen in the Dáil and that two fingers, or something similar in political terms, will be given to this company and to the tobacco lobby in general. It talks about paying more than €600 million in tax, but there is no talk about the billions this State spends on the health of people who have been smoking through the years. Everybody is aware of the amount of money that could be saved by the health service in this country if fewer people were smoking.

Senator Marie Moloney: I second what Senator Paschal Mooney said about the tobacco industry and the pressure it was putting on the Government. It is a disgrace to be honest. I heard them on radio today saying they were not selling any less cigarettes so I do not see what their problem is.

I welcome the announcement made today by the Minister for Education and Skills about the new policy for retaining small schools, particularly in isolated areas. I know about the matter because where I come from, in south Kerry, a number of small schools are in danger of losing a teacher and some of them are in danger of closing. I am delighted to welcome the Minister's news today. I have circulated her announcement to the schools in question and await their comments. I hope their comments will be favourable. A small school is the heart of any community. Many of us attended small schools and they were places of learning. We are very proud of rural schools and we would like to keep open as many of them as possible.

Senator Fidelma Healy Eames: I heard all about Donegal Tuesday for about two hours when I listened to "Liveline" this afternoon. This morning at 8.45 a.m., 500 young people queued outside a particular public house in Galway. Apparently this is a new tradition that started about four or five years ago, and since Donegal won the all-Ireland, where people don Donegal shirts and queue. Really it was queuing to commence binge drinking when the pub opened at 10.30 a.m. I fear what state those young people will be in by now. I fear for their health, their well-being and for other people's property. As a parent of young people, it is difficult to fight this culture of binge drinking. I am being straight when I say it is impossible to fight such a culture alone and families are finding this really tough. We have to start breaking down this culture. It is hard to change culture but we have begun to be successful in terms of drink driving, for example. I call on the Leader to say to the Minister in charge of this matter that we need a systematic plan to combat binge drinking. It is an awful shame that we did not break the link between sports advertising and drink. We have gone some way towards doing so but it is not good enough. I ask the Leader to invite the Minister here and start a serious debate on the matter.

I ask the Leader to arrange an urgent debate on the Children and Family Relationships Bill which received approval from the Cabinet today to proceed. The Minister for Health's article in the *Irish Independent* today was factually incorrect. He put it on paper and published that

there would be no legal change as a result of the same sex marriage referendum. How incorrect is that?

Senator David Norris: He was quite right.

Senator Fidelma Healy Eames: He was incorrect.

Senator David Norris: I ask the Senator to explain the matter.

Senator Fidelma Healy Eames: We need a debate.

An Cathaoirleach: We can have that debate when the Bill is brought before the House.

Senator David Norris: Then urge the Senator not to make a statement without explaining it.

Senator Fidelma Healy Eames: I said I would.

Senator David Norris: What was it on? Explain it.

Senator Martin Conway: I, too, join colleagues in terms of the threats from cigarette companies concerning the Government's positive initiative for plain packaging. I have spoken in this House, by proposing Adjournment debates and on the Order of Business on numerous occasions, about the sneaky tactics that these cigarette companies use to peddle their products, particularly the cash and benefit-in-kind incentives they make available to young people working in supermarkets and shops around this country in order to encourage them to peddle their disgusting and dangerous wares. The Minister for Health has covered himself in glory in the way he has taken these people on. If he is remembered for nothing else in his political career, but for taking on these bully boys, then he will have done a great job.

There is another big abuse that takes place in this country, namely, the abuse of alcohol. The number of alcohol addiction places provided by the public health system is shameful. They do not number over 100, even though alcohol abuse is a major problem in this country. We must get real. We must put structures in place to facilitate people who find themselves in the dreadful position of being addicted to alcohol and help them beat their addiction.

On a more positive note, I would like to finish by agreeing with my good colleague, Senator Terry Brennan, in his description of Loop Head. Many people may not realise it, but the Taoiseach's grandfather was the lighthouse keeper for many years in Loop Head. The Taoiseach had an enjoyable experience when he visited his grandfather's old home in Loop Head about two years ago. The community in Loop Head has done a magnificent job, in collaboration with the local authority and other tourism bodies. Councillor Gabriel Keating spearheaded this project and as a county and a country we owe him a huge debt of gratitude for having the vision and foresight to drive it. It is now considered to be one of the top 100 green destinations in the world which can only augur well for County Clare. It is a fitting complement to the Cliffs of Moher visitor experience.

Senator Maurice Cummins: Senator Marc MacSharry called for a debate on equality in education, particularly teacher promotional prospects. We will try to arrange such a debate.

The funding of local government was also raised. This matter has been the subject of Commencement debates in the past few weeks, with specific reference to Sligo County Council. We

will try to get the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, to come to the House in early course to address the issue of local government funding.

There was an amendment proposed to the Order of Business, which I do not propose to accept. It requests that we call the Minister for Health, Deputy Leo Varadkar, to the House. He has been here recently to discuss the health service plan and budgets. He is trying to reform the system.

Senator Terry Leyden: He is not succeeding.

Senator Maurice Cummins: If it was only down to resources, the problem would have been solved many years ago when resources were thrown at it. However, the system got worse. I totally reject Senator Terry Leyden's assertion that accident and emergency departments throughout the country are mismanaged. I compliment doctors, nurses and all those involved in accident and emergency departments for their efforts and work in very difficult and, sometimes, overcrowded circumstances. They should certainly not be castigated in any way, as was done by the Senator.

Senator Terry Leyden: The Minister is not doing his job.

Senator Maurice Cummins: The Minister is doing everything possible. The 50 managers of the hospitals were invited to meet him yesterday. Of course, there has been quite an increase in flu-related admissions to hospitals. The Government has allocated €25 million in the national service plan and it is being used as planned in providing additional funding for 50 transitional care beds in the greater Dublin area, while 65 bedrooms are to come on stream in Mount Carmel Hospital on a phased basis. There are quite a number of other areas where the Minister is working as best as he can to address the problem. The Government regards the whole system of trolley waits as unacceptable and is doing everything possible to address the matter.

Senators Ivana Bacik and Fidelma Healy Eames referred to the Children and Family Relationships Bill. Senator David Norris also referred to quite a number of issues that will come within the remit of that Bill in dealing with children, families, marriage and the issues of dignity and respect, as the Senator mentioned. We will have ample time to discuss the Bill when it is brought before us. As it has to go through the other House first, I am not in a position to say when we will have the Bill in this House, but I assure the House that, with the co-operation of all Members, we will have ample and sufficient time to debate it. The same will be the case with the referendum Bills. We will provide sufficient time to discuss them. There will be no use of the guillotine.

Senators Ivana Bacik and Marie Moloney welcomed the new policy on small schools announced by the Minister for Education and Skills. I hope it will end the scare tactics and the scaremongering that has continued for quite some time in relation to the Government's supposed intention to close small schools.

Senator Ivana Bacik: Hear, hear.

Senator Maurice Cummins: I am sure the new policy will be welcomed throughout rural Ireland, in particular, where the Government has been criticised for the possible closure of schools. I hope the new policy will nail that lie on the head.

Senator Sean D. Barrett has raised the question of Aer Lingus on a number of occasions in recent weeks. He has said public representatives will not be swayed by the power of public relations companies and will make informed decisions on Aer Lingus. I note the very salient points he has made on the issue, as he did previously at the Joint Committee on Transport and Communications.

Senators Catherine Noone, Michael Mullins, John Whelan, Paschal Mooney, Marie Moloney and Martin Conway spoke about the threat by a tobacco company to take legal action against the State with regard to the plain packaging of tobacco. When the Minister, Deputy James Reilly, declared his intentions in this regard and said there would be no going back, I welcomed his proposals. Senator Paschal Mooney has mentioned that this House unanimously supported the Bill that provided for the plain packaging of tobacco. The Seanad has been very firm on the issue. I am sure the other House and the Government will also stand firm and stand up to these threats from the tobacco company.

Senators Terry Leyden and Terry Brennan referred to reducing the speed limit in housing estates. Everybody agrees that something will have to be done. Perhaps the best course of action might involve putting up signs stating the speed limit is 20 km/h, installing speed ramps or including such ramps in the planning conditions for all estates. Such issues will have to be considered. We all agree that it is a question of what we can do and how it could be enforced. Something will certainly have to be done in that regard.

Senator Terry Brennan also complimented the Irish cricket team. He was joined by Senator Martin Conway in complimenting the community on the Loop Head Peninsula on its efforts in promoting Loop Head, which is now in the top 100 green destinations in the world. Senator Martin Conway particularly complimented Councillor Keating on his stewardship in that regard.

Senator Feargal Quinn has pointed out that a Bill on food provenance was introduced last year. My understanding is that this issue was discussed in the European Parliament a couple of weeks ago, but I am not quite sure what has transpired on foot of this. I do not know whether legislation or directives have been introduced. I read that the issue of labelling was discussed in the European Parliament. We will try to get an update on the matter. It has been highlighted that 30% of pig produce which is labelled as “Irish” is not Irish at all. I note Senator Feargal Quinn’s points about how the marketplace works and think competition is the key to it. The Senator mentioned a number of issues, including An Post, when he spoke about the need to adapt to the marketplace. We all agree. The Senator is one of the experts when it comes to the marketplace and adapting to it.

Senator John Whelan spoke about the need for public representatives to speak out on issues. He mentioned the threats from the tobacco industry and to Cork County Council from wind energy interests. He said we needed to have a debate on the statutory guidelines for wind farms. We have had a number of debates on the issue. I will ask the Minister for the Environment, Community and Local Government whether he is in a position to outline the statutory guidelines. If he is ready to announce them, I will ask him to do so in this House, as requested by the Senator.

Senator Gerard P. Craughwell called for a debate on law and order. He outlined the number of burglaries in his area and linked them with the possibility of the closure of Stepside Garda station. We will invite the Minister for Justice and Equality to come to the House for a debate

on the issue.

Senator Michael Comiskey spoke about coastal erosion in County Sligo, noting that €800,000 in funding had been allocated and spent. He noted the need for increased finance to combat coastal erosion in the area. This is not only a Sligo issue but a national one.

The Senator also mentioned Seán Mac Diarmada's house, which he has mentioned in the House previously, and welcomed the OPW's replacement of the roof. He noted, however, the need for further refurbishment of this very important piece of history.

Senator Diarmuid Wilson spoke about the child care sector and the need for more funding for it. It has been recognised that more funding is necessary. The Government has taken some steps towards reversing the cuts made in this and all other sectors in the past seven or eight years. I take on board the Senator's statements on salaries and wages in the child care sector which, for qualified staff and professionals, are very low. I hope this will be taken into consideration when the Low Pay Commission is up and running. I also note the Senator's point about the refusal of access for some of his constituents. As the Cathaoirleach mentioned, the Senator might raise this issue with the Committee on Procedure and Privileges.

Senators Michael Mullins and Fidelma Healy Eames spoke about students queuing to gain access to pubs in Galway at 10.30 a.m. today. I agree with the Senators that our relationship with alcohol needs to be addressed. The public health implications which have been mentioned by a number of Senators must also be taken into consideration. We will be addressing legislation on alcohol. The Minister has outlined that it is hoped to bring it before this House during this session.

We heard from Senator Martin Conway on what was happening in Loop Head and from Senator Marie Moloney on small schools. That covers most of the items raised.

An Cathaoirleach: Senator Marc MacSharry has proposed an amendment to the Order of Business, "That a debate with the Minister for Health on the large number of patients on trolleys in hospitals throughout the State be taken today."

Amendment put:

The Seanad divided: Tá, 14; Níl, 24.	
Tá	Níl
Crown, John.	Bacik, Ivana.
Healy Eames, Fidelma.	Brennan, Terry.
Leyden, Terry.	Coghlan, Eamonn.
MacSharry, Marc.	Coghlan, Paul.
Mooney, Paschal.	Comiskey, Michael.
Norris, David.	Conway, Martin.
Ó Murchú, Labhrás.	Craughwell, Gerard P.
O'Donovan, Denis.	Cummins, Maurice.
O'Sullivan, Ned.	D'Arcy, Jim.
Power, Averil.	D'Arcy, Michael.
Quinn, Feargal.	Hayden, Aideen.
Reilly, Kathryn.	Henry, Imelda.

Walsh, Jim.	Kelly, John.
Wilson, Diarmuid.	Landy, Denis.
	Mac Conghail, Fiach.
	Moloney, Marie.
	Moran, Mary.
	Mullins, Michael.
	Noone, Catherine.
	O'Brien, Mary Ann.
	O'Neill, Pat.
	van Turnhout, Jillian.
	Whelan, John.
	Zappone, Katherine.

Tellers: Tá, Senators Ned O'Sullivan and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Question, "That the Order of Business be agreed to," put and declared carried.

Gender Recognition Bill 2014: Report and Final Stages

An Cathaoirleach: I welcome the Minister of State, Deputy Kevin Humphreys, back to the House. Before we commence, I remind Senators that they may speak only once on Report Stage, with the exception of the proposer of an amendment who may reply to the discussion on the amendment. I further remind Members that each Report Stage amendment must be seconded.

Amendment No. 1 is in the name of Senators Katherine Zappone, Averil Power and others. Amendment No. 7 is related and the two proposals may be discussed together. Is that agreed?

Senator Katherine Zappone: On a point of order, the procedure is that I will move the amendment, speak to it and that it will then need to be seconded. Is that correct?

Acting Chairman (Senator Diarmuid Wilson): Yes. As the proposer of the amendment, the Senator may speak again. Every other Senator may only speak once.

Senator Katherine Zappone: I understand that, but what is the position on amendments being grouped?

Acting Chairman (Senator Diarmuid Wilson): The Senator should speak to the amendments included in the group.

Senator Katherine Zappone: I move amendment No. 1:

In page 5, between lines 16 and 17, to insert the following:

“(3) The Minister shall, not later than 2 years after the date on which the Act is enacted, and again not later than 5 years after that date, carry out a review of the operation of this Act assessing, in particular, its consistency with international best practice in the field of gender recognition and its compliance with national, regional and international equality and human rights standards, and shall make a report to each House of the Oireachtas of his or her findings and conclusions resulting from the review.”.

I welcome the Minister of State, Deputy Kevin Humphreys, and his officials, all of whom are great advocates. The Bill is approaching the end of its time in the Seanad. As the Minister of State has said, both informally and in this House, the Seanad has been a good place to debate the Bill and it has received a good hearing in this Chamber. I am so pleased with the comments made by my colleagues in support of things that he has advocated. We have all been changed because of what he and his colleagues have said. Their articulate voices certainly converted me from the very beginning.

Amendment No. 1 relates to a review of the legislation. I intend to discuss it in the context of amendment No. 7, which is a Government proposal. There are a couple of major differences between these two amendments. There is a difference in respect of the length of the proposed review periods but I do not believe this to be the most substantial difference. Amendment No. 1 states, “The Minister shall, not later than 2 years after the date on which the Act is enacted, and again not later than 5 years after that date, carry out a review of the operation of this Act”, whereas amendment No. 7 states:

The Minister shall—

(a) not later than 2 years after this section comes into operation, commence a review of the operation of this Act, and

(b) not later than 12 months after its commencement, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.

There is a difference in timing, but my difficulties do not relate to it. There are two other substantive differences between amendments Nos. 1 and 7. Amendment No. 1 recommends that when the review is carried out, the legislation should be assessed, in particular, with regard to “its consistency with international best practice” - the Government amendment makes no mention of the latter - and in the context of “its compliance with national, regional and international equality and human rights standards”. I would appreciate it if the Minister of State indicated why what is contained in our amendment is not included in the Government’s amendment.

The first matter we must consider in the context of these two amendments is why it is so important to include in the Bill a provision relating to consistency and compliance with international best practice. We know that when the legislation leaves the House, there will probably be a couple of things about which we care deeply that will not have been changed but that should have been changed. The Government has stated that, please God, when the legislation is reviewed two years from now, those things can be changed. The Bill is not perfect and it does not even reflect best practice in many people’s eyes. In light of that fact, why is it so important

that the review should be compliant or consistent with international best practice? The answer is that in 2009, Thomas Hammarberg, the then Council of Europe Commissioner for Human Rights, stressed that formal gender recognition should not depend on the assessment of mental health or medical professionals. Instead, transgender people should be treated as “subjects who are responsible for their own health needs.” Effectively, that was a declaration of international best practice by the Council of Europe. It is that kind of international best practice which ought to be reflected in the review of the legislation. This is critical, particularly in view of the fact that we may not get everything we want in the context of the right of transgender people to determine who they are.

The second major difference relates to compliance with national, regional and international human rights standards. In this regard, it is important to indicate that a view was expressed very recently by a great expert on international human rights standards, Professor O’Flaherty, who wrote in *The Irish Times* referring to the Yogyakarta Principles, as many of us have done here, and indicating in his view, as somebody who was there, who wrote the report and consulted with many other eminent human rights lawyers, the importance of self-determination regarding gender recognition and, therefore, not needing any kind of medical assessment or opinion in that regard. That was written just a couple of weeks ago and it is in reference to international standards that are there for us that we would like to see be part of the review, and ought to be part of the review, as distinct from what the Government has put forward, namely, that after two years there will be a review, without necessarily any kind of benchmarks or standards.

I ask the Minister of State to tell us why these two substantive issues that are in our amendment are not included in his amendment, although I am not necessarily quibbling with the time issue, given that he knows we still have concerns about medical personnel being involved. We have concerns about the fact that if medical personnel are to be involved, the general practitioners are not engaged. We have concerns about the forced divorce requirement and about the age requirement. What will the Government’s benchmarks or guiding principles be when they review this Act in that regard?

It could be a great day if the Minister of State and the Government expressed their solidarity with other European countries such as Malta, Germany and Denmark and international colleagues such as Argentina and could promise, in law, to review Irish law in regard to these. That is the purpose of part of our amendment. It could be a great day if the Minister of State were willing to say, in law, that he would see if Irish law complies with international human rights standards. Would it not be great to see that in our law? That would be progressive.

I wonder what the Government - I do not mean the Minister of State personally - fears. I do not think the Minister, Deputy Charles Flanagan, and his colleagues can say in public that human rights is one of our top priorities for foreign affairs if he and other Cabinet colleagues resist or press the pause button on a domestic law, declaring they will review this legislation according to human rights standards. That is not coherent Government policy. Our amendment gives the Minister of State an opportunity to go some way towards correcting this lack of coherence.

Acting Chairman (Senator Diarmuid Wilson): Is Senator Averil Power seconding the amendment? Does Senator Jillian van Turnhout want to second it?

Senator Jillian van Turnhout: I have great pleasure in seconding the amendment Senator Katherine Zappone has put forward and agree with everything she has said. The difficulty I had when I read amendment No. 7 proposed by the Government was with regard to what is the basis

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for the review. Will the review be to the effect that it has granted X number of certificates and this is how it happened? The difficulty is that this is what is in legislation and some of us will not be here in two years time to oversee that review. The language does not tell me the basis for the review whereas the amendment proposed by Senator Zappone clearly refers to consistency with international best practice and human rights standards.

Senator Katherine Zappone mentioned the article by Professor Michael O'Flaherty. He was succinct when he stated:

The fundamental test of the quality of this Bill should be ... how well it honours the right of every one to be recognised as their gender of choice. We all have the entitlement to live as who we are, to be welcomed in society as the person we choose to be. That principle is enshrined in international human rights law.

He certainly speaks very much as a leading expert, given that he was the group rapporteur of the 2006 Yogyakarta Principles.

The difficulty I have with the Government amendment - it is welcome that the Minister of State has tabled the amendment - is with regard to what is the basis of and the standards for the review. Amendment No. 1 clearly sets this out.

I was hoping for that type of amendment, although perhaps with slightly different language - one whereby we would know what the review would be on, rather than a commitment that a review would take place in two years time and then a report would be sent to the Houses and it would be all done. This does not give me the assurance we had on Committee Stage, when the Minister of State assured the House he would come back with an amendment. I am pleased that Senator Katherine Zappone has resubmitted this amendment.

Senator Averil Power: I, too, support Senator Katherine Zappone's amendment. It is welcome that this is one of the areas where the Government has at least brought forward an amendment. I would have preferred to see more Government amendments to address the issues raised on Second and Committee Stages, but I acknowledge that the Government has moved somewhat on the matter.

I share the same concerns about setting a benchmark. It is important at this stage to set a benchmark for the review and that it should not be simply a box-ticking or quantitative exercise - Senator Jilian van Turnhout remarked on this also - whereby the Government would simply list the number of certificates issued. Rather, it should be monitored against best practice developments in this area, human rights standards and so on, as set out in Senator Katherine Zappone's amendment. For this reason, the amendment she has put forward is superior and I hope it will get the support of the House.

Senator Ivana Bacik: I welcome the Minister of State, Deputy Kevin Humphreys. I also welcome all the people in the Visitors Gallery. I know that they have played a major part in getting us to this stage. It is welcome that we are almost at the conclusion of this progressive legislation, which is long overdue, as we have all acknowledged.

It is welcome that, in accordance with the debate on Committee Stage, we have Government amendment No. 7 which relates to the review of the legislation, as well as a series of Government amendments on the medical evaluation issue. There has been some debate on the differ-

ence between Senator Katherine Zappone's amendment and the Government amendment. We are all in agreement on the principle and the principle is of considerable importance. It holds that there should be a review of the legislation within a specific period. I offer one observation on the difference between the two texts. We are all in agreement in principle and we all agree with Senator Katherine Zappone's criteria relating to how the review should be conducted. The Government amendment is preferable for two reasons. First, it specifies not only the commencement date of the review but also the completion date. The amendment specifies that not later than 12 months after the commencement of the review a report would be made to the Houses of the Oireachtas. This precision is of considerable importance because all of us are mindful of how long reviews can go on for if the timeframe is left open-ended. I welcome this measure. It is rather unusual to see such a measure in primary legislation.

The second point relates to the scope of the review. I prefer an open-ended scope. I agree with Senator Katherine Zappone's requirement that the review should assess the issues in terms of compliance with standards. However, I note her use of the words "in particular". In legislation these words are critical. Why should there be a particular scope rather than an examination of the practical impact of the legislation on the lived experiences of the people for whom it is designed as well? That is a critical part of the review also. Why are we not providing for that in particular as well as the provision for compliance issues? The danger of listing specifics that the review should cover is that we leave out things that are equally as important. It would be better to make provision to commence the review, carry out the review and hold a debate in the Houses on what the review should encompass when it is being commenced, but we should examine all aspects of the legislation and its impact on people in particular.

Senator David Norris: It is welcome that the Government has tabled a series of amendments. It has met some of the arguments we put on Second and Committee Stages and this is good. It is not a perfect Bill; it is a work in progress which I certainly understand. We did a good deal of work on it the previous day. I believe we have come as far as the Government is prepared to go. Perhaps I am wrong, but I doubt it. For that reason, I did not resubmit my amendments. The principle of one of my amendments was accepted, for which I am grateful. I am particularly grateful that the Government took on board the question of medical evaluation. That was important and I am pleased the Government has seen fit to do this.

Of the two amendments in question, Senator Katherine Zappone's seems to be preferable because it specifies the indices by which the report is to be marked and evaluated and so on. However, that does not prevent such criteria being brought into play during the review of the situation.

I have other commitments this afternoon which I did not see fit to cancel because of my feeling regarding the position of the Bill at this stage. By and large, we have come as far as we can with the Government and I reckon extensive argument is redundant. It is welcome that we have made a degree of progress. That is very good. I realise some of my friends in the Visitors Gallery will be disappointed, but this is a work in progress and I look forward to the completion of this work in a speedy period.

Senator Paschal Mooney: I was tempted to get up and say that in my long experience as a Member, Governments generally have not tended to take account of specifics, but I am not going to say that. However, I do have a certain sympathy for the remarks of Senator David Norris. I acknowledge that the Government has moved on this issue. It is an important acknowledgement by the Government of the breadth of the argument on all sides of the House on a Bill with

which those of us on this side of the House are not altogether satisfied. We believe inherent flaws are contained in the Bill. It would be positive if the arguments put forward by Senator Katherine Zappone were to be included. However, Senator Ivana Bacik made a valid point about straitjacketing these measures and specifying that particular issues need to be looked at. I agree with her. I have been discussing with my colleague, Senator Averil Power, how the use of the words “in particular” in the amendment carries some considerable weight in that it indicates an acceptance that a review of the operation of the legislation should be carried out. Senator Katherine Zappone made an argument about what is required under this amendment.

Like Senator Jillian van Turnhout, my main motive in speaking is to get some clarity from the Government and the Minister of State on how he sees this review unfolding. The chances are that although the Minister of State will be in the House, he may not be the Minister of the day when this is coming up for review in two years time. I imagine his talents will have been widely recognised and he will have moved on upwards and whatever.

Senator Martin Conway: He will be in the Cabinet.

Senator Paschal Mooney: That is why the argument being made now is relevant. We do not know what the circumstances or the environment will be, or who will carry out this review in two years time. It may be helpful for the Minister of State at least to outline his thinking on what type of review he envisages. Having put forward an amendment, he must have some arguments to sustain it. It might be helpful to the House to hear them in the context of Senator Katherine Zappone’s amendment.

Senator Katherine Zappone may not like me for saying this, but, generally speaking, governments tend not to go into specifics when it comes to proposals of this nature. They like to leave things open-ended and to take the view that a review means a review. Senator Katherine Zappone has put forward important arguments with a specific focus on international benchmarking. Senator Averil Power raised the question, and I agree with her, of who is to know what best practice will be in two years time in the other countries that have existing legislation which might be deemed helpful to the review. That is why I believe it is important for us to seek reassurance and for the Minister of State to assuage those of us who have put forward the amendment by setting out the thinking of the Government in respect of the criteria that will be laid down for the review and whether the Government accepts in principle the argument Senator Katherine Zappone has put forward.

Senator Fidelma Healy Eames: I welcome the amendment tabled by Senator Katherine Zappone and others. I attended a human rights day in Galway last Friday week with Professor O’Flaherty who has since written an interesting piece on the Bill in *The Irish Times*. I was struck by the fact that he called this a bad law. Those are strong words. He took the view that it fell far short of where we could be. I have heard that point made in the House. I participated in the debate on Second Stage but, unfortunately, I could not be here on Committee Stage. I cannot ignore his words. He said the Bill is out of line with international good practice, at odds with the country’s international human rights commitments and falls far short of what it should be honouring, namely, the right of everyone to be recognised in his or her gender of choice and for members of the transgender community to live as who they are and to be welcomed as the people they choose to be. That principle is enshrined in international human rights law.

I welcome Senator Katherine Zappone’s amendment because the Bill needs to be improved. A review, within the timeframe she suggests, would be welcome. Such a review must be as-

sessed in the context of international best practice and with regard to the legislation's compliance with national, regional and international equality and human rights standards. I would like the Minister of State to respond to the views of Professor Michael O'Flaherty that this is a bad Bill. I put it to the Minister of State that, at the very least, we must remain cognisant of the need to review the legislation in as short a timeframe as possible.

Senator Gerard P. Craughwell: I must first record my support for the Minister of State regarding the way in which he has accepted those amendments he has been in a position to accept. I must also indicate my support for Government amendment No. 7. When we begin to refer to international best practice, etc., we become involved in debates regarding what is best and what is not, who thinks what is best and so forth.

I am going to support the Bill as the Minister of State sees fit to amend it. In doing so, however, I wish to place on record the fact that we are at the end of a month-long process of debate and genuine engagement with the Minister of State and his Department. That debate has been characterised by significant and heartening cross-party support for a Bill that was long overdue. It has been a debate through which members of the transgender community and their supporters have sat week after week watching and listening while we make some critical and life-changing decisions on their behalf. Those people are present again today. However, what should be an occasion for great celebration feels like an opportunity lost. As Professor Michael O'Flaherty, to whom Senator Healy Eames just referred, said last week, it is an "avoidable shame that the Bill is being adopted without significant amendment". With the exception of one or two amendments, the Bill will leave the Seanad in much the same format as it arrived, despite the best efforts of Senators and brave and hardworking transgender citizens and their supporters who have outlined their case with clarity and pride.

In introducing any new legislation, the role of the Government is to shape public policy, provide leadership, anticipate and be ahead of public demands, particularly in the area of citizenship and human rights. The role of the Government is to provide a progressive legislative framework that will shape public policy decisions for decades to come. All of these aspects are conspicuous by their absence from this Bill, which neither leads nor is progressive. In fact, it emulates what is at best conservative and at worst regressive in the legislation of other jurisdictions. The Bill shows scant regard for the Yogyakarta Principles, which are widely considered by governments, legal experts, international human rights bodies and many national courts as an authoritative legal statement. In drafting legislation such as this, politicians and civil servants are duty bound to expand rather than limit the possibilities of law. There is an onus on them to broaden rather than contract a full examination of a Bill's objectives and consequences. While the objectives of this Bill have been considered by those drafting it, the full consequences of it have not.

If the Bill is passed by both Houses - it is my hope it will be - and enacted in its current form, it will build in further inequalities for trans persons because some of them will be legally entitled to apply for gender recognition certificates while others will not. Children will be obliged to wait until they are 16 and married persons will have to divorce before they can obtain certificates. It is a deception of the highest order and never have the words "the letter of the law versus the spirit of the law" been more apt. As one LGBT Noise activist put it, the Bill is "surface deep". Despite the fact that I am placing these criticisms on the record, I remain 100% behind the Minister of State in wanting the Bill to be passed today. I know how hard he has worked on it and I do not want him to take the criticisms I am making as a reflection on his work. I deeply appreciate what he has done and I will support him today, regardless of what

happens, because he has taken great strides.

Acting Chairman (Senator Diarmuid Wilson): I do not wish to interrupt, but on Report Stage the rule is that we adhere rigidly to the amendments under discussion. In the opinion of the Chair, the Senator's contribution would be more appropriately made at the end of our deliberations on the amendments.

Senator Gerard P. Craughwell: I am quite prepared to set them aside if that suits the Chair.

Acting Chairman (Senator Diarmuid Wilson): The Senator will have an opportunity to speak to the Bill on Fifth Stage.

Senator Gerard P. Craughwell: I support amendment No. 7 as opposed to that put forward by Senator Katherine Zappone. I do so because I am of the view that the amendment will be accepted in both Houses. On that basis, I wish to support the Minister of State. We fought hard to get a two-year review period put in place, achieve adherence to international best practice and the various other goals to which amendment No. 1 refers. However, I am a realist. The international best practice that suits the current Government may not suit the Government that succeeds it and such practice may not be what we will need in the future. The amendment brought forward by the Minister of State will tie us into carrying out a review two years from now and will oblige the Minister, not later than 12 months after the legislation's commencement, to make a report to each House of the Oireachtas. That does not happen and we do not have factual evidence - to the degree that we would want it - available to us. I support the Minister of State in respect of amendment No. 7 and I deeply regret being obliged to go against amendment No. 1 in the names of Senator Katherine Zappone and others.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): I thank all of the Senators for their comments. This is a very important Bill and it should be assessed very carefully. Senator Jillian van Turnhout referred to the review being a box-ticking exercise of merely listing the number of certificates issued. I do not see it as such. This Bill will have a life of its own. During one of our previous debates, reference was made to the lack of in-depth research carried out in respect of and consideration given to the matters to which the Bill relates. This legislation is mutable and, therefore, it will be capable of being changed over time. Senator Paschal Mooney asked me to indicate what form the review of the legislation is going to take. I foresee a line-by-line review taking place within two years. In addition, each section will be reviewed in terms of its impact and there will be an assessment of whether the Bill has achieved what was envisaged. The review will not take the form of merely listing the number of certificates issued. Such an exercise would be disingenuous. It would also be disrespectful to the Tánaiste, me and both Houses.

One of the very strong arguments I made during the earlier debates was that we had been waiting 20 years for this legislation and that we certainly did not want to be obliged to wait a further 20 for a review to take place. That is why it is so important that amendment No. 7, which imposes a timeframe regarding the submission of a report to both Houses, was drafted. I firmly believe that the Government amendment is the better of the two. I am acutely aware of the fact - a number of Senators pointed this out - that we do not know who is going to be in government in the future. Senator Paschal Mooney has stated the House is aware of my intent, as Minister of State, but that there could be a very different Government in office in the coming years.

There is no agreement on what constitutes international best practice. As a result, a future Government would be charged with determining the nature of such practice. I am of the view, therefore, that our line-by-line, section-by-section review of the entire legislation offers the best way forward. As stated, the review will not involve listing the number of certificates issued or the amount of time it took to issue them. It is about the spirit of the legislation, the way it impacts on the citizen and whether it does exactly what it says on the tin.

This is fast-moving and people are only coming to the issue now for the first time. As Senator Jillian van Turnhout said to me earlier, when we were talking about this issue in the past, many people had not done in-depth research. People outside the House have not been fully informed about it, and this has been an educational exercise. Do I envisage reforms in this area in the next two years? It is more than likely, but I believe this is ground-breaking legislation. The Tánaiste has done an excellent job in bringing it forward, with great assistance from many people outside the House. Members of the Seanad have worked closely with her also. I am not accepting the amendment but rather proposing acceptance of Government amendment No. 7.

Senator Katherine Zappone: I thank the Minister of State for his straight response, which he has always given to Members as well as those outside this House. I am not disagreeing with him that this legislation is ground-breaking. I apologise that when I began my remarks this afternoon, I did not welcome again the fact that he had put forward this amendment. When he said on Committee Stage that he would accept my amendment in principle, I was flabbergasted and thanked him, but I do apologise. It is appropriate to express my thanks and say it is great that the Government has brought forward an amendment in regard to the principle. As Senator Bacik said, we are not in disagreement in regard to the principle.

I found Senator Ivana Bacik's response and those of all colleagues interesting, but the Minister of State's was especially interesting. He began his comments by referring to the timing of the review. I said that the timing might not be important, but that is important. I acknowledge that and also that the Minister identified that 12-month period. However, I do not know that I would be in agreement that the Minister of State's amendment is better.

Deputy Kevin Humphreys: Poor choice of words.

Senator Katherine Zappone: I still believe mine could be better than, or at least equivalent to, the Minister of State's. It is important to have guidelines and benchmarks. I accept what Senator Paschal Mooney said - namely, that that is not standard practice. That does not mean I would not argue for it.

Senator David Norris said in response to Senator Ivana Bacik that if we started naming certain guidelines or benchmarks, we might not be inclusive of everything. It does not prevent us from bringing in other measures. I also believe if we are looking at compliance with international human rights law, regional law or best practice, to which I will return shortly, it would necessarily include that. That comes out of the practical experience. It is a reflection on the practical experience of the suffering and the challenges, and perhaps the freedom, in terms of the ways in which others experience different legislative measures in other jurisdictions. I challenge some of what Senator Ivana Bacik has said, but I do hear and accept some of the good points.

The Government amendment states: "... not later than two years after this section comes into operation, commence a review of the operation of this Act" and the Act, at least for the mo-

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ment because we are not yet dealing with those sections of the Bill, currently excludes children as we define it and understand it in the way we would wish.

I would be concerned about the comments in regard to international best practice.

Senator Marie Moloney: Yes.

Deputy Kevin Humphreys: Whose terms?

Senator Katherine Zappone: There is a debate and there are different theories and understandings about international best practice, but that does not mean that we should disregard it. I am a little concerned that there is not agreement about that. There are trends and gatherings that identify that practice, such as the Yogyakarta Principles, which are not the same kind of hard and binding law as others. I would question this.

I would love to have heard the Minister of State say - he still might be willing to say it - that even though he might not be the Minister involved, there would be a full review, with attention to international human rights standards.

Acting Chairman (Senator Diarmuid Wilson): Is the amendment being pressed?

Senator Katherine Zappone: Excuse me for asking, but does the Minister of State respond to what I have just said? Do I have to decide before I hear anything more from him?

Acting Chairman (Senator Diarmuid Wilson): The Minister of State did respond.

Senator Katherine Zappone: He has spoken.

Deputy Kevin Humphreys: I do not know. I do not know the procedure.

Acting Chairman (Senator Diarmuid Wilson): If he wishes, the Minister of State can briefly respond.

Senator Katherine Zappone: The Minister of State might respond, even just to my last comment.

Deputy Kevin Humphreys: The Senator might have misunderstood what I said. There is not agreement on what is international best practice.

Senator Katherine Zappone: We should not take it-----

Deputy Kevin Humphreys: No. The Senator may have heard it that way. I think I explained it very well when I said that this is living, breathing legislation and that people will have further understandings.

In terms of the review - I hope I will be here again in this particular role, because it is challenging - I would embrace the opportunity to review the legislation to see how it is operating, but it is a full review of the sections. New sections may have to be inserted in two years time. That is what I said. I welcome the idea of a review in two years time. We will report in 12 months, but it will be a wide-ranging review.

I apologise to Senator Fidelma Healy Eames for not responding to the point she made; I will do so now. She referred to Professor O'Flaherty's article. The principles were developed by a group of human rights activists in 2006. They were not an international treaty or otherwise

binding on the State. They are not intended to be formally endorsed by states and are not being informally endorsed by Ireland. I believe the professor was the rapporteur of that group, and we need to put that article in context. I hope I have cleared up that element.

If ground-breaking legislation such as this is to be reviewed, it should be reviewed in its entirety. Does that explain it clearly to the Senator?

Senator Katherine Zappone: Yes. I thank the Minister of State.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Diarmuid Wilson): Amendment No. 2 is in the names of Senators Jillian van Turnhout, Fiach Mac Conghail, Katherine Zappone and Mary Ann O'Brien. Amendments Nos. 2, 3, 5 and 26 to 28, inclusive, are related and may be discussed together.

Senator Jillian van Turnhout: I move amendment No. 2:

In page 5, between lines 21 and 22, to insert the following:

“ “child” means a person under the age of 18 years in respect of whom a gender recognition certificate has not been issued;”.

On 17 February, on Committee Stage, I elaborated on why I felt so passionately about this issue. It is very troubling for me that the Bill does not provide a mechanism, even a temporary mechanism, for children under the age of 16 years. I would say “under the age of 18”, because if we look at the process for 16 to 18 year olds, in effect I am talking about under 18s. I gave the example on Committee Stage of the six year old child who has clearly articulated his preferred gender and which has been fully embraced by his parents, friends, extended family and community. Is this young child, a boy, going to be forced to go through a girls’ school wearing a girl’s uniform and listening to others use the wrong name and pronouns in order to gain access to the education available in his locality? I believe that is what we are doing to children in these circumstances, and I find it difficult to stand over legislation that is not just silent but is ignoring children. I believe we are going back to the practice in the past of telling children to sit in the corner and wait because we adults will sort all of this out. We will not give them a voice.

I had a choice. I could have resubmitted the amendments I put forward on Committee Stage, which I was tempted to do because I still strongly believe in the amendments I put forward, but I decided, under the principle of trying to move on, to put forward a set of compromise amendments on an interim gender recognition certificate because I believe that might be a way, in the interim and before the review in two years’ time, to allow people understand what we are talking about here and to appreciate what we are trying to do.

On 17 February I talked positively about why I thought that, but today I want to deal with some negative issues that have been raised with me since Committee Stage. I am not talking about surgery or any surgical intervention on a child. It has been said that is to what I have referred. I am talking about allowing a child to identify as and live his or her life as the gender he or she wishes to identify as. I am not referring to Munchausen syndrome. It is a very serious child protection issue, but it is very limited. In my voluntary life I am a trainer in child protection for the Irish Girl Guides and we used to include Munchausen syndrome as part of the training. It is such a specialised and remote field of study that we do not include it in the training because our leaders would not identify it. If there is a case of Munchausen syndrome, it should

be dealt with as a child protection issue and we should not shy away from doing something in this Bill on this occasion. It is an issue and we should deal with it.

This has made me think of my childhood because the road on which I grew up had many children, but because of my age cohort many of my peers were male. Many people called me a tomboy; I climbed trees and got involved in little fights. That did not make me feel in any way a boy. I never felt I wanted to go to my brothers' school or identified as a boy, even though people called me a tomboy. I am not talking about a child in that way. Rather, I refer to children who clearly align their gender. I always felt I was a girl and I would have hated to have been in the reverse situation. That is what I am trying to address, namely, being forced to live a life which is not how one feels.

I tried to think about what I would have done if I had wanted to live my life, go to my brothers' school and be part of that. It would not have been me and it would have had an effect on me. I would have become introverted or extroverted, but the effect on me would have been significant and immense. The reality is that is what we are doing to children who clearly align their gender. As a society we cannot quite catch up with that yet for some reason.

On Committee Stage, the Minister of State referenced a figure of 20% which was given out during the hearings of the Oireachtas committee by Dr. O'Shea. With the greatest respect, the Minister of State was being a little selective. I went over the transcripts of 23 October 2013. Dr. O'Shea did use the figure of 20% and said:

Before puberty there is a reported 20% desist rate, which is change of mind after the process moves forward. Following puberty, this rate falls to less than 5%.

The figure of 5% is much more in line with every modern study we have which has the figure at below 4%. I do not think throwing out the figure of 20% is an accurate way of examining the issue. The figure is much lower and that would happen no matter what legislation we had in place.

This issue is very clear. Dr. O'Shea, as an endocrinologist, went to say:

This would protect a minority of patients within the overall group who think they have the condition but who do not. Self-declaration alone would support this minority in what is a personality disorder and potentially worsen their outcome. Legislating for any minority is difficult.

He was not telling us not to legislate. In fact, in terms of what is happening in respect of puberty and blocking and hormone therapy, the only two endocrinologists in Ireland operate in Loughlinstown and Crumlin hospitals. They are already, as practitioners, capable of sanctioning such medical treatment for children with parental consent.

The State allows, with parental consent, for medical hormone therapy and blocking. None of that comes within the scope of what I am asking for. I am asking for a certificate, because we know the school system is driven by what is on a birth certificate which cannot be changed. I am arguing for what I hope is common sense to prevail, but the reality is that does not always happen. We have spent quite a bit of time in this House trying to legislate for common sense and to allow it to prevail.

I am arguing for an interim gender recognition certificate for children under 18 years of age.

It would have no impact on the current practices or what medical practitioners are doing. It would ensure that we are abiding by the Constitution and international human rights in respect of allowing children to live and be reared in their preferred gender. In the event that any uncertainty remains, let me again stress that there is nothing in the new amendment I have tabled or the original suite of amendments I tabled that will see children under the age of 16 years having automatic rights or rights independent of their parents or guardians' consent to undergo medical transition processes or surgery.

Everything I have said involves the parents and child being in agreement, yet we cannot catch up with that agreement. I am asking why we cannot accept it. We should ensure we have a way of dealing with children on a case-by-case basis. On Committee Stage we raised the issue of the Non-Fatal Offences Against the Person Act 1997, which allows 16 and 17 year olds to choose, if they wished, to seek medical services, yet it seems we are not able to introduce a certificate. A certificate would allow people to calmly live out their lives, as they wish, as a child. There would be nothing irreversible at stake. It could all be reversed as needed, but I do not see that happening. We have to move on.

I have read many different reports and articles. On 10 February there was an article in *The Guardian* written by a mother who did not give her name. She is very involved in a group which has a wonderful name, Mermaids, in the United Kingdom. It is a support group for gender variant children and teenagers and their families. She wrote about her child's experience. She said:

My seven-year-old child, although born male-bodied, has expressed herself as a girl since she could walk and talk. That expression translated into an articulation at age four that she was a girl "stuck inside the wrong body". Reinforcing boyhood for our child began to lead to distress, upset and anxiety. What did we do? We kept reinforcing boyhood. What happened then? We found ourselves with a five-year-old who talked about wanting to die rather than be a boy. A five-year-old with a fascination for butterflies and caterpillars and mermaids who began talking about suicide ... Our child lives as a girl now and her school describes her as "calm, mature, bright-eyed and intelligent". How did we get to that point? We listened to the child. We educated ourselves on the facts at hand and we facilitated the child's outward expression of her own assertion about her identity. This has led to a happy child, well adjusted and thriving, engaged with an education and well liked by peers.

That is what I am trying to argue for. I am trying to argue for that seven year old girl being able to live her life as she wishes. Her parents saw her distress in the short period from age four to seven years and what they were doing to their child.

In Ireland we have a system of single sex education. We can all agree that a child should be allowed to attend a girls' school. We know that when an application is made, schools ask for birth certificates and the seven year old child to whom I referred would have a birth certificate stating she is male. She would be told she needs to act like a boy and that would reinforce that. It is unacceptable that we are doing this.

The legislation being discussed in Malta is very progressive. It will not note gender until a child is 14 years of age. It is an interesting approach. We are not yet at that stage. We do not have the mechanisms in place to minimise the challenges currently faced by transgender children in Ireland because of our segregated school system in the main and the requirement that parents must submit birth certificates for registration. I am trying to argue that where a

child has clearly articulated views regarding his or her preferred gender that he or she should be facilitated in achieving this end, especially where all parties agree. I have included protections in the amendments I have tabled. If any other facts come to the attention of a Minister, he or she could revoke that certificate.

I have moved forward on the issue and I am trying to think of the children. We are probably talking about only a handful of children, but I would prefer us to allow common sense and what is in the best interests of the child to prevail. We should allow the views of children and their evolving capacity to be heard when decisions about their lives are being made. The Minister of State mentioned the Yogyakarta Principles but, particularly in the area of children, they transpose the language of the UN Convention on the Rights of the Child, which Ireland has ratified. Ireland will be before the UN next January, and the NGOs and Ombudsman for Children will be before it in June. The convention states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

I cannot understand why children are absent from the Bill.

Senator Katherine Zappone: I second the amendment. Whatever about any of us being present in two years time, let us hope Senator Jillian van Turnhout is in one of the Houses to speak on behalf of young transgender people. The amendment is an innovation coming back to the Government based on the same principles as the Senator's earlier amendments and very much grounded in research, practical experience and the circumstances of her own education. She is trying to offer another way. It includes the definition of a child and for these reasons I absolutely and fully support it.

Senator Averil Power: As I stated on Second and Committee Stages, my preference would be to allow access for those over 16 years to be treated as adults using the procedures set out in the Bill for those aged over 18 and to allow access for those under 16 to a full gender recognition certificate through the court process. I can see Senator Jillian van Turnhout accepts that while we have made this argument at earlier Stages, the Government does not seem willing to move on it. In this spirit the Senator has drafted this compromise.

In trying to decide on the difference between applying to the Minister and a court, while we often want to keep matters out of court and not put people in a court setting, I would have some concerns about a ministerial process because there is less provision to be heard in writing to a Minister and asking him or her to consider the case. The Minister will not sit down with the person, talk it through and give him or her an opportunity to advocate, have a conversation and be part of the process. I am a little concerned about this, whereas at least in court everybody has a right to be heard and the courts are bound by overall principles with regard to the best interests of the child and listening to children in proceedings which affect them. For this reason, my preference would be for a court process.

We have re-tabled the amendments I tabled at Committee Stage which we did not push to a vote. We hope the Minister of State might, having reflected, take a more positive approach today. Amendment No. 9 is the Fianna Fáil amendment on deleting the reference to the age of 18 for a person applying for a gender recognition certificate in his or her own right and replacing it with the age of 16 years. Amendment No. 25 is the Fianna Fáil amendment to allow those

under 16 years access to a full gender certificate through the court process.

The process the Minister of State has set out in the Bill already contains many safeguards, as somebody going to court needs to have, in the first instance, parental consent and then must convince a judge it is the right thing to do for the individual child. I do not see why the Government would be worried. It would be a fair process. The best interests of the child would be paramount.

Senator Jillian van Turnhout outlined the experiences of some transgender young people who have been denied recognition and the horrific impact this has had on them. I have also learned from speaking to transgender young people and their parents who feel they have come on a journey with their young person. They had to learn a lot to really understand where their child or teenager was coming from and come to a position where they understand and support them. We now have incredible advocates in TransParentCI and other groups. Parents are passionate about this because they see the impact our failure as a Legislature to support their young people is having on their son or daughter.

As Senator Jillian van Turnhout stated, sometimes what makes the difference with regard to people's happiness is simply recognising who they are, facilitating them at school and facilitating them in having a gender recognition certificate. It is not much to ask of us to give somebody an opportunity to have his or her true gender identity recognised, given the impact it has on the young person. It is a huge gap in legislation. It is unfair to leave out this especially vulnerable group of young people, many of whom without support and true recognition struggle with huge mental health problems and even, as Senator Jillian van Turnhout stated, suicidal thoughts and tendencies. The incidence of these mental health problems is high among LGBT people, and particularly high among transgender young people. We have an opportunity with this legislation to address it. As the Bill stands, we are not doing so and this is a huge shame. It is a major failing in the legislation. When we come to later amendments I will push them, to allow full access to a gender recognition certificate. If the Minister of State were willing to accept Senator van Turnhout's proposed compromise, we could work on it and I might withdraw my amendments. I would like to see us do something for these young people because it is so wrong that we are not.

Senator Fidelma Healy Eames: I support, in particular, amendment No. 12 tabled by Senators Jillian van Turnhout and others on an interim gender-----

Acting Chairman (Senator Pat O'Neill): We are discussing amendments Nos. 2, 3, 5, 26 and 28, not amendment No. 12.

Senator Fidelma Healy Eames: Excuse me, that is what I am discussing. My apologies. I support the amendment for an interim gender recognition certificate. I am struck by the knowledge and awareness of young children about their need to live in their preferred gender. I do not know how these children survive in society and in school without any recognition they are transitioning or have transitioned. The amendment is a positive measure. On Second Stage I put on the record my experience of transgender teenagers. We are also speaking about much younger children, as Senator Jillian van Turnhout listed. My experience from when we did the early school leaving study was this group is at risk of leaving school early, but the issue is much deeper than this as the group is also at risk of suicidal thoughts.

This is a really good amendment. It is helpful and acknowledges the children's need. It

recognises their identity and at least it would help them along on their journey. The first line of the amendment states the parent or guardian of a child to whom this section applies may on behalf of that child apply to the Minister; therefore, the parent would be with them. It is important that we listen to the young people. To have to live 16 years and not have one's true gender recognised is incredible. It must be torture. Those of us who have never experienced it must listen. A very good middle ground has been proposed in the amendment and I am happy to support it.

Deputy Kevin Humphreys: I thank Senator Jillian van Turnhout. We have had extensive engagement inside and outside the House on this issue. I certainly believe the main aim of the amendments is to deal with schools' admission policies, although they are not solely aimed at them. In that regard, the schools do not form part of the Department of Social Protection's remit but I have engaged with the Minister for Education and Skills. We are all concerned about the lived experience of transgender children in schools. I will confirm three relevant points on which we have worked over a period to improve the lived experience of transgender children in the school system.

Before I do, it was an interesting point on the birth certificate. We have inherited a school system with which probably none of us is happy. I note, through my own work in my constituency, that the birth certificate has become less relevant and the baptismal certificate is what is sought, which is causing even further complications and anxieties among parents. It is becoming difficult. While we have inherited a system 92% of which involves the separation of boys' and girls' schools, and the majority of which are religious schools, it has become excessively difficult for parents to deal with. It is an issue that will become ever more apparent in the coming years.

On the lived experience of transgender children in schools, I will confirm three points of relevance. First, the Government has introduced compulsory anti-bullying procedures for all schools which for the first time require them to have a policy to tackle transphobic bullying. The Minister for Education and Skills continues to explore how the impact of these procedures will be monitored and is happy to discuss that further. Second, the Minister for Education and Skills, Deputy Jan O'Sullivan, recently met the parents of transgender children and has agreed to meet the Transgender Equality Network Ireland, TENI, over the next couple of weeks to discuss the lived experience of such children in schools and what policy options may be open. Third, following on from the meeting with TENI, the Minister is happy to convene a round-table discussion with all the educational partners on this topic. That will allow for the issues faced by transgender children and young people to be discussed in detail with the management bodies, with trade union representatives, students and parents. I trust this information is helpful.

What we all want to achieve is that the lived experience of children at school, complex as it is because of the school system we inherited over decades, is as positive as possible. While Senator Jillian van Turnhout may not be fully happy with the response, she will recognise that there has been a body of work undertaken by herself and many Senators here to improve the lived experience of transgender children in the education system. It is far from perfect. However, the three strands I laid out form a mechanism to work to improve that lived experience. There are many complications involved.

I spoke to Senator Jillian van Turnhout earlier about the number of Departments and how the Department of Justice and Equality and other areas all operate within the different sections.

When one goes into it further, there are complications, even with the interim gender recognition certificates, in introducing a new certificate, such as when it would be finished, would we maintain two separate registers, would the interim certificate remain valid past the age of 18 years, how would we ensure the rights of the children would be protected in it and even, as to the relationship which Senator Averil Power raised clearly, how could the Minister possibly make a decision in that regard. There are many elements involved.

I will take guidance from the Chair and Senator Jillian van Turnhout who worked with Senators Katherine Zappone and Ann O'Brien in drafting these amendments. I would be happy if Senator Jillian van Turnhout wants to proceed, amendment by amendment and section by section. I have detailed notes and I would be happy to sit down and go through them. There are many complications in creating an interim certificate. If we were to opt for that mechanism, there is much consultation that would have to take place and it would take a substantial amount of time. In total, we would have to work across nine Departments and sections in this regard.

While I recognise the work the Senator has done, it could not have been possible in the time allowed to her to examine all of the unintended consequences of an interim certificate, such as how panels would be involved, who would make the decision and who would assist the Minister in making those decisions on the devolved powers. I reiterate what one might call the three-legged stool, namely, the three elements on which we can work with the Department of Education and Skills. I spoke to the Minister, Deputy Jan O'Sullivan, as recently as this morning and she is happy to be proactive, to get involved quickly and to work out solutions to the many issues that concern everybody. As I outlined, the Minister for Education and Skills has already agreed to meet TENI. We can work out a structure and a better outcome for transgender children through the school process. It will not be easy or simple, but there is the will and determination, both here in this House but also with the Minister for Education and Skills, to resolve many of those issues.

I thank the Senators for the work they have carried out on that element. I certainly will be happy to assist them to work to a satisfactory outcome.

Senator Jillian van Turnhout: I thank the Minister of State. First, I thank all of my colleagues who have been supportive of this issue. As I stated to the Minister of State earlier, when I first came to this issue a few years ago, I thought of adults and it is was only as I went deeper into the issue I realised how this was a children's rights issue and not only an adults' issue. Obviously, we will discuss the importance of getting it right for adults, too.

I greatly appreciate the engagement the Minister of State, his officials and officials from other Departments have had. Obviously, education is not the only part of the child's life but it is extremely significant. It is welcome that the Minister for Education and Skills, Deputy Jan O'Sullivan, told the Minister of State to state here today that she has agreed to meet TENI in the coming weeks and about bringing together a round-table discussion with the education partners to progress this issue. I would like to see the issue being progressed.

Even in the past few weeks, I have probably talked more about this to more of those I know. I am concerned about where somebody asks what harm can it do if we do not do anything at present, what is the problem and why I will not relax for a while on it. The reality is that we know the effects it will have on children. I gave the example from a mother. We are aware of the effects on children when we do not deal with issues of identity and we do not allow them to live as who they are - whether it is gender identity or other issues. We are aware of the self-

harm, depression and substance abuse. They drop out of education. There is bullying and peer rejection. There are all of those issues. There will be significant harm if we do not do this.

It is for that reason I propose not to press the amendment today, but I am not letting the issue go. As I said to the Minister of State before today when we met, I intend, as there will be social welfare Bills coming through this House, to give it three months grace, but then in the next social welfare Bill that comes into this House I will table a clear suite of amendments to deal with the issue of gender recognition of children. I hope during that period I can engage with the Minister of State and the other Departments involved. I understand we must look at unintended consequences to ensure we get amendments right but, equally, I cannot let it go. A fair way is to say - I am saying it now because what I do not want to happen when a social welfare Bill comes before us is to be told it is outside the remit of that Bill - I will be clearly putting forward this suite of amendments that we address children's rights. However, I want to see this Bill proceed. I look forward to hearing the outcome of the Minister for Education and Skills in progressing those issues because perhaps we will find that there is another way that we can do this. For me, the principle of it is allowing children to identify as they see themselves. We need to meet them where they are. That is what we need to do. If I can find another way to do this in legislation, we will do it. As I stated, I will withdraw the amendments today, but I will be back. I will give three months to allow a period of consultation with the other Departments. Let the work of the Department of Education and Skills move forward, but let us not forget children.

Let us come back to this issue when maybe everybody will have had a chance to catch up and I encourage people to carry out research. Once a person becomes immersed in this issue and reads the case studies, one becomes convinced that we have to do something.
6 o'clock Part of me asks why common sense cannot prevail. I must find a way to put into legislation that common sense will prevail. That, for me, will add to the cultural attitudes and changes that we will have as a society to understand the importance of allowing each one of us, including me and many colleagues seated in the Visitors Gallery, to live lives in the way one wishes to be identified. All we are asking is that rights and equality are equal.

Deputy Kevin Humphreys: We agree that the major impact for children is how the education system treats them and deals with this matter. As the Senator said when we had one of our exchanges, it is much easier when a principal deals with this matter, becomes informed and that knowledge is shared across the system. Only a tiny minority of schools have dealt with this matter and discovered how it is managed when that information is moved across. The vast majority of interactions in regard to this matter take place in schools and that is where it has to be dealt with, which is right and proper. I firmly believe the Department of Education and Skills is better placed to deal with this matter rather than it being dealt with in the current Bill. Let us by all means see this. I know this will happen and will happen quickly. What will also happen is that there will be a period where we will have to have that interaction with the educational representatives, both the boards of management and the teachers' unions, and the parents. There is a job of work to be done but the Minister is well prepared and capable of doing so. I thank the Senator for not pressing the amendments.

Amendment, by leave, withdrawn.

Amendment No. 3 not moved.

Acting Chairman (Senator Pat O'Neill): Amendments Nos. 4, 6, 8, 12, 13, 19 to 23, inclusive, 30 and 31 are related. Amendments Nos. 12 and 13 are physical alternatives. Amend-

ments Nos. 20 to 23, inclusive, are physical alternatives to amendment No. 19. Amendments Nos. 4, 6, 8, 12, 13, 19 to 23, inclusive, 30 and 31 may be discussed together, by agreement. Is that agreed? Agreed.

Senator Katherine Zappone: I move amendment No. 4:

In page 6, between lines 2 and 3, to insert the following:

“ “general medical practitioner” means a medical practitioner who is registered in the Specialist Division of the register of medical practitioners under the medical speciality of “General Practice” or in the General Division of the register of medical practitioners;”.

I will address my remarks to amendments Nos. 4 and 6, in particular. I guess I do believe politics is the art of compromise. As hard as it is at times, I acknowledge compromise must happen and that is what these amendments are when it comes to the inclusion of general medical practitioner in the definition of the primary treating practitioner when it comes to the people who are there as a medical presence to confirm the identity of the change of trans people. These two amendments are a compromise. We have all spoken at different points about how the ideal or best Bill would be that we would not require any kind of a medical presence and that it would be enough for a statutory declaration by the person involved that they have chosen to transition and that is who they understand themselves to be.

It might be helpful to say a few words more about what that might look like if we had a closer acknowledgement of the self-determination of trans people embedded in our law. The Bill that I put forward with my colleagues, Senators Jillian van Turnhout and Fiach Mac Conghail, a while ago and in which I was assisted in writing by FLAC, TENI and other academics included an example of a kind of declaration or what a person would say to fulfil requirements to get a gender recognition certificate. While I am not going to read it all, it is important to hear the kinds of words that person would say:

I, _____, make an oath, do solemnly and sincerely declare and say as follows:

1. It is my settled and solemn intention, formed after careful consideration, to live permanently as a person of the male or female gender.
2. I wish to be treated for all purposes as a person of the male or female gender.
3. I want to have these details set out in this statutory declaration recorded in the gender recognition legislation.
4. I make this solemn declaration conscientiously believing the same to be true by virtue of the Statutory Declarations Act 1938 and pursuant to this Act.

I presume the Minister of State and the officials, under ministerial direction, will compile something similar to what I have outlined in terms of declaring a statutory intent for the change.

As we know, with the Bill, as it stands, there will be a medical presence, which is a compromise. We have heard the arguments. We all want the Bill to go through and we accept that element, with the greatest respect. I have the greatest respect for the argument made by the Minister of State. Why can a GP to whom trans people go not be one of the primary treating

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medical practitioners? We usually go first to a GP for professional support to improve our mental or physical well-being. I am deeply grateful that the Government has accepted Senator Marie Moloney's amendment about medical evaluation in this respect, as I am to Senator Ivana Bacik and others on the Government side for agreeing to make it consistent throughout the Bill. If it is not a medical evaluation, however, and instead some form of straightforward one-page statement that the medical person goes through with the trans person to confirm their identity as they understand it, I do not understand why a GP cannot be included in the list along with endocrinologists and psychiatrists. That is why these amendments have been resubmitted. The Minister of State has indicated that if we were to include general practitioners, they would need to be consulted before being included. I think it is reasonable to say that and to require same.

As the Minister of State will also be aware, late this afternoon we both received a copy of a letter that was written to the Tánaiste by Mr. Kieran Ryan, CEO, Irish College of General Practitioners on these amendments. It reads:

Re : Definition of 'primary treating medical practitioner' in the Gender Recognition Bill 2014.

Dear Tanaiste,

The ICGP is aware that there are proposed amendments to this bill relating to the definition of "primary treating medical practitioner".

The ICGP would encourage you to add General Practitioner to the definition of "primary treating medical practitioner" for the purposes of Certification of an individual's gender transition. GPs are more than capable and qualified to fulfil the certification duties under this piece of legislation. GPs will most likely be familiar with the circumstances of the applicant and are well placed to verify an individual's medical transition. GPs are often the first point of contact for transgender people seeking healthcare and monitor the medical transition after transgender people have engaged in specialist services. This would be of great benefit to applicants as they are more likely to have had interactions and engagements with a GP in their local area.

We hope you can take the above position into consideration in the preparation of the Bill. Should you have any queries then please do not hesitate to contact us.

I feel a great hope with regard to that statement that came from the Irish College of General Practitioners. It is a tremendous statement of affirmation that supports the advocacy and desire of the trans community. I hold out great hope the Minister of State may consider these amendments in that regard. The sentiments expressed in the letter are extraordinary and is a great example to set. It is wonderful to hear such support come from the Irish College of General Practitioners.

In our conversations about this matter the Minister of State has said the Government would need to consult other professional organisations such as the IMO about, for example, what it might be willing to state. Unfortunately, however, they have not yet been consulted. Would it be possible for them to be consulted prior to the Bill going through the Dáil, although maybe not this evening? I wish to hear the Minister of State's response in that regard. I hope he will also welcome, with me, that statement from the Irish College of General Practitioners.

Senator Averil Power: I formally second amendment No. 4. My preference is to take out

the medical aspect altogether and the medicalisation of people, and instead accept a statutory declaration by the individual, as is now best practice in other countries that have legislated more recently. Some other countries are re-examining their laws in this respect. I would prefer if there was no medical involvement at all, as Senator Katherine Zappone said, but if there is to be, it would be appropriate to include the GP.

The letter that was read into the record today is quite persuasive. It states the organisation representing GPs is also comfortable and that GPs would be anxious and happy to play that role. GPs have the most ongoing contact with their patients. We all get sick at some stage or, at least, have some interaction with a GP. Many people have had the same GP for years, some since they were children. The GP is someone with whom patients, including transgender people, have a trusting and positive relationship.

I dispute the need to have a medical requirement in the Bill. Amendment No. 12 seeks to remove all medical involvement. However, if there is to be a medical requirement in the legislation, a GP is the most supportive and least threatening person to sign off on this process. It is therefore important to include GPs.

It is welcome that the medical evaluation aspect is being taken out of the Bill. Many of us, including Senator Marie Moloney, had raised concerns about that on Committee Stage. We asked what exactly that involved; therefore, I am glad that provision has been withdrawn. However, the Minister of State could move more in this respect. If his main concern about involving GPs was that they might not wish to play such a role, or be comfortable with it, that concern has been addressed by the letter Senator Katherine Zappone read. If the Minister of State is not willing to accept this issue, there will be plenty of time before the Bill goes to the Dáil to talk the matter through with the GPs' representative body. It appears from that letter, however, that they seem to be happy enough to play that role. The Minister of State, therefore, has no reason to be concerned and should amend the Bill on that basis.

Senator Marie Moloney: I welcome the Minister of State. I also welcome our visitors in the Visitors Gallery. The Minister of State has been interacting a lot on this issue, both with us and with the relevant organisations in recent months. I thank him for accepting and bringing forward my amendment and that of Senator Ivana Bacik on the issue of medical evaluation. I did not see the letter that Senator Katherine Zappone read out, but over the last week I took the opportunity to speak to a number of GPs. Some of them had never dealt with the issue and never had one of their patients present with this issue, but they did say they would have no problem in dealing with it. They did not see the necessity of going further and are well able to deal with it. GPs in particular - unless there is a new GP moving into a town - have been dealing with families and children since birth. No one would know people better than their own GP.

I cannot understand why somebody would have to attend a psychiatrist. Are we saying the people concerned have mental health issues? If not, why should they have to attend a psychiatrist? They do not have mental health issues. Some of us in this House might have more mental health issues than they have.

I ask the Minister of State to take on board Senator Katherine Zappone's suggestion that if he cannot accept the amendment today, perhaps he could interact on this issue with the Irish College of General Practitioners and the IMO before the Bill goes to the Dáil. Perhaps an amendment might be tabled to this effect in the Dáil.

Senator Gerard P. Craughwell: I agree with everything that has been said, but I am a realist and have spoken to Members of the Oireachtas around Leinster House. This Bill has yet to go to the Dáil, but if we accept this amendment, the Bill will come back here. A considerable number of Deputies will want to have the cover of medical expertise. It is regrettable but I ask that this amendment should not be pressed at this time. We are taking slow steps and I do not want this Bill to fail under any circumstances. I do not want to give anybody the excuse of saying they were able to walk away from it because of this.

For that reason alone I ask for the amendment to be withdrawn, although it hurts me greatly to have to say this. As everyone who has spoken here today said, this is not a medical or psychiatric condition. We have to deal with 226 people in the Oireachtas but ultimately the most important thing is that the Bill will be passed. I therefore ask the mover of the amendment to reconsider it based on that alone. I feel deeply sorry that I have to ask for the amendment to be withdrawn, but I do not want to see the Bill defeated for the wrong reasons. For that reason, however, I ask that the amendment be withdrawn.

Senator Jillian van Turnhout: I had often heard that the Upper House had better debates, but I did not realise that we were also more enlightened and well read. Obviously I am learning all the time.

I think Senator Katherine Zappone's amendment is very pragmatic and the letter she read out gives me increased comfort. My preference is that we should not be medicalising in any way. I understand the society we live in and the people I talk to, but I do not understand the need to go beyond a GP. If a GP refers me to a consultant or other specialist, I will take that advice very seriously and will follow it. Why therefore can we not trust GPs? That is what Senator Katherine Zappone's amendment seeks to do.

I would prefer that we would move on this amendment, or get a commitment that it would be acted upon in the Dáil. It is a pragmatic approach and is about trusting GPs, and not going to psychiatrists or other specialists. A GP can refer a patient to specialist services, if necessary. If I go to a GP, I can be referred if needs be. I have great difficulty with the idea of legislators trying to be medical practitioners. As we have a very limited knowledge of medical matters, I trust our medical practitioners in that regard. We obviously have to scope and ensure that certain principles are maintained, but we are not discussing a medical issue. I would prefer not to see such a provision in the Bill, but if we are to see it, let us have a pragmatic approach.

Senator Fidelma Healy Eames: I want to talk about intersex people, something about which I have learned a lot since the start of consultations on this legislation. The Bill appears to fail intersex people, despite the fact that the Minister of State says it will be open to them. The Bill is more specific to the needs of transgender people, and provision for intersex people appears to be just added on. Based on what I have learned, I am not sure that this is adequate. "Intersex" is an umbrella term which refers to a variety of naturally occurring conditions where a person's biological sex characteristics, including genetic, hormonal or anatomical differences, are not typically male or female. The issue can be quite sad because sometimes people do not know they are intersex until, for example, they have fertility exploration and find out they have no womb. It may be the carrying out of an autopsy which results in the discovery that a person is intersex. It will not have been discovered at birth. Someone may have the XY chromosome. We would normally consider this person male but the person's hormone levels and physical body might be considered more typically female. Alternatively, a person may have XX chromosomes for a female, with high levels of oestrogen and low levels of testosterone, like most

women, but may have testicular tissue instead of ovarian tissue. We are talking about quite a number of people. It occurs in 1% of the population.

An Leas-Chathaoirleach: The issue to which the Senator is referring is more appropriately dealt with under amendment No. 29.

Senator Fidelma Healy Eames: It applies at this stage too because of the medical evaluation provision. I would, therefore, like to speak to it at this stage. The figure of 1% of the population equates to 46,000 people. Many of these people may not know they are intersex. The condition varies. In terms of a medical and psychiatric evaluation, the terminology is not applicable to intersex people. They have not been properly considered in the drafting of this Bill. The psychiatrist's professional opinion is entirely irrelevant to intersex people. There are also questions about whether an endocrinologist is relevant as some intersex conditions require medical assistance but others do not.

What consultation was carried out with intersex people when drafting this Bill? I have no formal or expert knowledge on this issue. However, I am wondering about what has been done. Have intersex people been asked what they think the Government should be doing? There are no advocacy groups in Ireland for intersex people. Transgender Equality Network Ireland, TENI, does a bit of work on this issue but its capacity is limited. It would have been necessary to go abroad to have carried out proper consultation with professional organisations.

I also wish to speak to amendment No. 30 on how intersex people are classified in passports. Many intersex people would prefer that their birth certificate would accurately reflect the biological facts of their birth, that is, they were not born as strictly male or female but instead as an unspecified or intersex person. An X-marker would, therefore, be more accurate. There is no provision at all for this, which is now quite normal in countries such as Australia and Germany. The gender is marked as X where a person falls into the intersex category. In this Bill, the civil registration process does not take this into account.

What has the Government done to establish the needs of intersex people? We are talking about 1% of the population. This is a large percentage. Some 46,000 people is a huge number. I do not think for one minute that that number of people are even aware of it. However, it is quite something for them when they become aware that they are not accommodated in the law.

Deputy Kevin Humphreys: I thank the Senator. I wish to bring some order to this debate. The Senator was dealing with amendment No. 29. If it is okay with the Senator, I will deal with that issue when amendment No. 29 is under discussion.

Senator Fidelma Healy Eames: I would like the Minister of State to address the questions I asked him. I have much more detail on this issue and I can come back on it.

An Leas-Chathaoirleach: This issue is dealt with under amendment No. 29. The Minister of State is entitled to some order. Many amendments have been tabled. The Senator can come back in on amendment No. 29.

Senator Fidelma Healy Eames: I will come back in on amendment No. 29, but some of my questions relate to amendment No. 13.

Deputy Kevin Humphreys: I will answer the Senator's questions but I will do it in reverse order if that is okay with the Senator. I wish to work through this in a logical way. It does not

help anyone trying to follow the debate if we jump forward and back.

There is no explicit or separate provision for intersex persons in the Bill. However, the provisions which apply to transgender persons also apply to intersex persons. Intersex is a general term and is used for a wide and complex variety of conditions in which a person is born with a reproductive or sexual anatomy which does not match to typical identification of a female or male. From a legislative perspective, defining the term intersex is not straightforward. A huge variety of conditions are involved and it is an area where the level of knowledge is constantly evolving. The Senator recognised this in her contribution. It is important to note that the number of people with intersex conditions is small and many will choose to remain with their assigned gender. It is a small number, although the Senator may have different figures. Section 63 of the Civil Registration Act 2004 allows for the correction of errors. This means that it is possible to apply for a correction where a child with an intersex condition has been assigned the wrong gender. This is possible under current legislation. However, if they wish to avail of it, the gender recognition certificate route will also be open to a person with an intersex condition.

I thank Senator Katherine Zappone for pointing to the letter to me this afternoon when I met her earlier. I accept the Irish College of General Practitioners copied the letter to me, but I cannot find it. I am grateful to have had the opportunity to look at it before the debate in this House.

Senator Katherine Zappone: Why would I not do this?

Deputy Kevin Humphreys: I thank the Senator for this courtesy because I would not otherwise have been aware of it. We have not had an engagement with the Irish College of General Practitioners. This is the first time that we have had that level of engagement. The general register of medical practitioners covers all doctors who practise in Ireland without distinction. It is not limited to GPs. The issue needs to be examined carefully to see what are the consequences and challenges of change. It is not something the Government is prepared to do without serious consideration and consultation. We need to have the discussions outlined by the Senator. I accept that Senator Marie Moloney has spoken to one particular GP.

Senator Marie Moloney: I spoke to a couple of them.

Deputy Kevin Humphreys: However, we have not had in-depth discussions with the IMO. We spoke earlier about the review mechanism. This will be one of the important elements to be examined and reviewed. We will not manage to have these in-depth consultations and to consider the issue properly before this legislation is sent to the Dáil. I therefore will not accept the amendment proposed.

I want there to be no confusion or misunderstanding about the validation process and the statement by the primary treating physician. I have been very clear that the supporting statement will not require any information about the person's medical history or care pathway. The purpose of those amendments is to ensure that there is no confusion on this point. The Tánaiste raised this issue at the Cabinet last week and the proposed changes were agreed. This is dealt with in amendments Nos. 20, 22, 30 and 31. As Senator Ivana Bacik pointed out, Senator Marie Moloney's amendment would also have implications on all of those sections. A close examination and analysis of this issue is necessary and discussions will have to take place with the college of physicians and the IMO. At this stage, however, I do not propose to accept the proposed amendment. I understand the logic in the argument. However, the consultations will have to take place first. The process and the review will look closely at this area in the coming

years. It is a relatively short period given the length of time it has taken for the legislation to come through - that is, 20 years. There will be a review process and a reporting mechanism of two years and one year. I believe it will be dealt with in a speedy and professional manner.

Senator Fidelma Healy Eames referred to consultation with intersex people. I do not have that information with me, but I will try to determine what consultations took place, if any. As Senator Fidelma Healy Eames pointed out, Transgender Equality Network Ireland has done a tremendous job representing these groups. However, I am unsure whether there is a specific group in the State that represents those groups. Intersex is so varied in its manifestation. Anyway, I will examine our files to determine whether any consultation with the various groups took place. I simply do not have that information with me today.

Senator Katherine Zappone: I thank the Minister of State for his response. I respect where he is coming from, the concerns he has and the need for consultation. It seems he does not believe that this is possible, not only now. It has not happened to date and will not happen soon, even following the Dáil effort. I would have preferred if the Minister of State had at least agreed to talk to them, ask the questions, determine whether we have the necessary time and ask what sort of time would be required before this went through the Dáil. If the view was that it would take a long time, then so be it.

The Minister of State and the Tánaiste have led on this issue. We need to get this legislation through, on which I am absolutely with the Minister of State. Now is the time, even if it is not perfect. I am with the Minister on that issue also. It may have been better to offer or ask those involved what timescale they require. Perhaps the Minister of State needs more time than they do. I am unsure whether he indicated as much in his response. I would have preferred it if the Minister of State had requested that much. It seems that is not possible, but out of respect to the trans community and the Irish College of General Practitioners, which decided to put its view on the line and offered to speak with the Minister of State in this regard, I will be pressing the amendment.

Deputy Kevin Humphreys: Time is limited. I hope to be in the Dáil shortly, within weeks of its going through. If I had a choice, I would be in the Dáil next week. Given the volume of legislation that is going through the Dáil and the window available, I had to take the opportunity to get this into the Dáil and get the legislation passed. The timescale is limited.

The review element of two years will help. A certain amount of that period is left. Although I cannot give any commitment, I sincerely believe the review will deal with that issue. I, therefore, call on Senator Katherine Zappone to withdraw her amendment.

An Leas-Chathaoirleach: The matter is entirely at her discretion. Is Senator Katherine Zappone still minded to press amendment No. 4?

Senator Katherine Zappone: Yes.

Amendment put:

The Seanad divided: Tá, 13; Níl, 23.	
Tá	Níl
Crown, John.	Bacik, Ivana.
Cullinane, David.	Brennan, Terry.

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Healy Eames, Fidelma.	Coghlan, Eamonn.
Leyden, Terry.	Comiskey, Michael.
MacSharry, Marc.	Conway, Martin.
Mooney, Paschal.	Craughwell, Gerard P.
O'Brien, Mary Ann.	Cummins, Maurice.
O'Donnell, Marie-Louise.	D'Arcy, Jim.
O'Donovan, Denis.	D'Arcy, Michael.
O'Sullivan, Ned.	Gilroy, John.
Power, Averil.	Hayden, Aideen.
van Turnhout, Jillian.	Henry, Imelda.
Zappone, Katherine.	Higgins, Lorraine.
	Keane, Cáit.
	Kelly, John.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Noone, Catherine.
	O'Keeffe, Susan.
	O'Neill, Pat.

Tellers: Tá, Senators Averil Power and Katherine Zappone; Níl, Senators Aideen Hayden and Michael Mullins.

Amendment declared lost.

Amendments Nos. 5 and 6 not moved.

Government amendment No. 7:

In page 7, between lines 19 and 20, to insert the following:

“Review of operation of Act

7. The Minister shall--

(a) not later than 2 years after this section comes into operation, commence a review of the operation of this Act, and

(b) not later than 12 months after its commencement, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.

Amendment agreed to.

Amendment No. 8 not moved.

An Leas-Chathaoirleach: Amendments Nos. 9, 15 to 18, inclusive, 24 and 25 are related. Amendments Nos. 15 and 16 are physical alternatives, as are amendments Nos. 17 and 18. Amendments Nos. 9, 15 to 18, inclusive, 24 and 25 may be discussed together, by agreement. Is that agreed? Agreed.

Senator Averil Power: I move amendment No. 9:

In page 9, line 8, to delete “18 years” and substitute “16 years”.

Senator Paschal Mooney: I second it.

Senator Averil Power: Amendment No. 9 would delete the reference in the Bill to 18 years, the age from which someone will be treated as an adult, and replace it with “16 years”. As we have discussed on Second and Committee Stages, 16 years is the age of medical consent and the age at which young people can make much more significant decisions affecting them - for example, to undergo an elective medical procedure - than getting a gender recognition certificate. It is appropriate that a transgender person be able to make a decision in his or her own right from the age of 16 years. Such people should not require parental consent at that stage and should be treated as adults, particularly given the precedent of medical consent.

Amendment No. 25 is designed to put in place a procedure for those aged under 16 years. It is one of the Bill’s major failings that it makes no provision for the recognition of young transgender persons under the age of 16 years. If passed, the amendment would ensure people under 16 years of age would only be able to get gender recognition certificates if their parents consented and they satisfied a court that it was in their best interests. These are significant hurdles and the safeguards are strong enough. We are talking about recognition and access to a gender recognition certificate. Senator van Turnhout, I and others raised the matter of the difficulties young people face in education. I pushed our amendment on this area last week in amending the Education Act to ensure that a child would have a legal right to be accepted and accommodated by a school in his or her preferred gender. The Minister of State said he was not prepared to accept that as he believes that it is a separate matter for the Department of Education and Skills. That is unfortunate because, as he said, the lived experience of transgender people is that they come across many obstacles in the basic aspects of their lives that other young people can take for granted. I refer to gaining access to an appropriate school, wearing uniforms, using the toilets, roll call and being called by the appropriate name by teachers. We put forward a more specific amendment to ensure that young people would be treated appropriately by the education system. We were defeated in that vote last week and therefore the amendment is not included in the Bill. However, at least this process would ensure that if a young person can get a gender recognition certificate under the age of 16 years, he or she can then present it to the school and that would give him or her the opportunity to be treated appropriately and to have a right to be recognised and supported by the school in his or her preferred gender.

We had a similar debate on earlier amendments on this issue in regard to those aged under 16 years. The Minister of State rejected a more moderate and compromised amendment from Senator Jillian van Turnhout on that issue. Therefore, unfortunately, I do not have much faith that the Minister of State will accept amendments Nos. 9 and 25. I want to push such amendments yet again because we must keep trying to improve this legislation. It affects young

people most profoundly not to have proper recognition and support for who they really are. It is a huge failing in the Bill that it has not been addressed and it is for that reason that I will push three amendments. I will also talk to our Members in the Dáil to ensure that they do the same there. We cannot give up on this issue. To bring through a Bill that does nothing for such a vulnerable group of young people is such a massive disappointment. It will leave people without the protection and support that they deserve.

Deputy Kevin Humphreys: The decision to seek gender recognition from the State is a hugely significant one which will have implications for the person throughout their life. I simply cannot agree that to remove the age limit entirely is in the best interests of all children. The State must legislate to protect the best interests of all children. I strongly believe the Bill safeguards the rights of children generally. I acknowledged in an earlier response to Senator Jillian van Turnhout the lack of research into transgender children.

I do not accept that providing for an age limit of 16 years in respect of amendment No. 9 and having no age limit in respect of the other amendment is in the best interests of children. I believe what I outlined earlier concerning the Minister, Deputy Jan O'Sullivan, and that the best process of protecting children in that regard is to protect them through education to make sure a young person's living experience going through school is as it should be and as we would expect it to be for every citizen. The three-stranded report I outlined in my response to earlier amendments is the best way to do that and it is in the best interests of all children.

Amendment No. 25 seeks to allow the court to give a child of any age an exemption from the requirement to meet the standard minimum age if the court is satisfied that it is in the best interests of the child. It appears to propose that this could be done without supporting statements from medical practitioners. I am satisfied that it is only appropriate for the courts process to be available for 16 to 17 years olds and the applicant must meet all requirements. My concern has to be to protect those children who are not mature enough to know their preferred gender at a young age. Ages as young as six and seven years were mentioned during the debate on earlier Stages. I do not propose to accept amendment No. 9 or amendment No. 25. I simply cannot accept the reduction of the age below 16 years.

Senator Averil Power: The Minister of State referred to what is in the best interests of the child. Both of our amendments are based on providing for what is in the best interests of the child. Amendment No. 25 makes it very clear that a court can only grant a gender recognition certificate to a person under the age of 16 years if it is satisfied that it is in the best interests of the child. The parents will also have to consent before the court could even consider doing this. I do not understand how the Minister of State could possibly think that it is not in the best interests of child if, to take the example of a 15 year old, he or she knows his or her true gender identity, his or her parents support him or her and want to have this recognised by the State and a judge could also be satisfied that this is in the young person's best interests. However, the Minister of State thinks he or the Government knows better. He is talking about a blanket ban in that he said we needed to protect all children.

Deputy Kevin Humphreys: All children.

Senator Averil Power: We need to have a system that can examine the individual needs and best interests of the child and consider what is best for them. Instead the Minister of State is bringing in a blanket ban on all children. He is saying that in no circumstances whatsoever can this be granted, no matter how sure the parents are, how sure the young person is or how

satisfied the court is that this is the best thing for that young person. As far as he is concerned, there is a blanket ban on any person under the age of 16 years making such an application. I do not understand how he could possibly consider that fits with the best interests principle. I do not see how it fits with the constitutional amendment we voted in to provide that the rights and the best interest of the child are paramount in all decisions that affect them. This manifestly falls foul of that amendment. I do not understand what the Minister of State is afraid of because the system we have set out is so restrictive that there is no question a person under the age of 16 years could get a gender recognition certificate unless they, their parents and the court - a triple lock system involving three different people - were satisfied it was in the person's best interests. If, God forbid, in a small minority of cases it turns out not to have been the right decision, this is not irreversible. As we have made clear many times, we are not talking about medical treatment or a surgical procedure. Those are entirely separate matters. We are talking about a piece of paper granting recognition by the State and if, say in 1% of cases, a person gets it wrong and changes his or her mind, he or she can rip up the piece of paper.

The Minister of State would deny such recognition to a person and leave him or her in a situation where he or she is still vulnerable - as has been pointed out, the people concerned go through their daily existence in a way that is uncomfortable, lonely, stressful and makes them depressed and suicidal - because he cannot accept that a court could make this decision for a person and put in place a process for him or her. I do not understand this. It is wrong. It is patronising. We are failing the people who are most vulnerable in all of this. Transgender people in general have been very badly let down by the State and left in such vulnerable situations through not being able to get recognition. Those who are most vulnerable are young people. We have already discussed the statistics on depression, mental health and suicide. The Minister of State has an opportunity here to do something to address that issue and I find it very upsetting that he will not do so. The system we have set out is restrictive enough and, in requiring a court order, it has enough safeguards to ensure that a certificate would only be granted where people can be satisfied that it is in the best interests of the child.

Of all the aspects of the Bill, I find this very upsetting. I have met such young people, I have listened to them and heard from their parents. This is not a decision that somebody makes on a whim that he or she not thought through. If a parent is going to sign off on this and go into a court and argue on behalf of the young person that he or she has a right to a gender recognition certificate, that parent will have been on such a journey with his or her child, probably over an extended period, before he or she will satisfy himself or herself that this is the right thing and then he or she will advocate on behalf of his or her child. The Minister of State's response and the attitude of the Government to the Bill is based on the assumption that we have to protect people because they do not know what is right for themselves and we have to stop them making the wrong decision. That is very patronising and offensive and it will leave a huge group of people under the age of 16 years without any support whatsoever under this legislation. That is wrong.

Deputy Kevin Humphreys: This is not only a piece of paper. The Senator spoke about being patronising. People have strived for she has called a piece of paper. This is an important certificate and a recognition of gender.

We would not have spent hours in this House if this was only a piece of paper. People would not have campaigned for 20 years if this was only a piece of paper. I cannot accept the statement that this is only a piece of paper. This is an extremely important Bill that is long overdue. That it is long overdue is probably the only part of the Senator's statement that I can accept.

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It is long overdue, it is 20 years overdue. It has only come through this House because this Government is in office and because of the bravery of Dr. Lydia Foy who took it to the courts.

Senator Averil Power: Who commissioned the report that led to the Bill?

Deputy Kevin Humphreys: I am satisfied that this is a prudent and balanced approach which meets the standards in the best interests of the child. I do not believe this is just a piece of paper. We would not be here if it was only a piece of paper.

Amendment put:

The Seanad divided: Tá, 10; Níl, 20.	
Tá	Níl
Barrett, Sean D.	Bacik, Ivana.
Craughwell, Gerard P.	Brennan, Terry.
Leyden, Terry.	Coghlan, Eamonn.
MacSharry, Marc.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
O'Brien, Mary Ann.	Crown, John.
O'Donovan, Denis.	Cummins, Maurice.
Power, Averil.	Gilroy, John.
van Turnhout, Jillian.	Hayden, Aideen.
Zappone, Katherine.	Henry, Imelda.
	Higgins, Lorraine.
	Keane, Cáit.
	Landy, Denis.
	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.
	Noone, Catherine.
	O'Keeffe, Susan.
	O'Neill, Pat.

Tellers: Tá, Senators Paschal Mooney and Averil Power; Níl, Senators Aideen Hayden and Michael Mullins.

Amendment declared lost.

An Leas-Chathaoirleach: Amendments Nos. 10, 11, 14 and 32 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Paschal Mooney: I move amendment No. 10:

In page 9, to delete line 10.

Senator Jillian van Turnhout: I second the amendment.

Deputy Kevin Humphreys: I addressed this matter comprehensively on a previous Stage, when I explained that we had discussions with the Minister for Justice and Equality on including it as part of the commencement notice if the referendum was passed. Unfortunately, we are tied constitutionally. For those reasons, I cannot accept the amendment, but I have ensured there will be a speedy resolution of this matter, subject to the referendum being passed.

Amendment, by leave, withdrawn.

Amendment No. 11 not moved.

An Leas-Chathaoirleach: If amendment No. 12 is agreed to, amendment No. 13 cannot be moved.

Senator Paschal Mooney: I move amendment No. 12:

In page 9, to delete lines 32 to 37, and in page 10, to delete lines 1 to 3.

Senator Jillian van Turnhout: I second the amendment.

Amendment put and declared lost.

Government amendment No. 13:

In page 9, lines 34 and 35, to delete “based on a medical evaluation of the applicant”.

Amendment agreed to.

Amendment Nos. 14 to 19, inclusive, not moved.

Government amendment No. 20:

In page 11, line 14, to delete “based on a medical evaluation of the child”.

Amendment agreed to.

Senator Katherine Zappone: I move amendment No. 21:

In page 11, to delete lines 21 to 24.

Senator Jillian van Turnhout: I second the amendment.

Amendment put and declared lost.

Government amendment No. 22:

In page 11, line 32, to delete “based on a medical evaluation of the child”.

Amendment agreed to.

Amendments Nos. 23 and 24 not moved.

Senator Paschal Mooney: I move amendment No. 25:

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In page 12, between lines 13 and 14, to insert the following:

“(7) Notwithstanding *subsection 4(b)*, *subsection 4(c)* and *section 14(8)(d)(iii)* a court may, on application to it in respect of a person under the age of 16, by order exempt the person from the application of *section 8(2)(a)* and *section 14(8)(b)* as to age, provided that the Court is satisfied, given the particular and exceptional circumstances of the person in respect of whom the application is made, that the granting of an exemption is manifestly in the best interests of the person.

(8) Where a court grants an exemption under *subsection 7*, a guardian of a child to whom the exemption applies may make an application under *section 7* on behalf of the child.”.

Senator Jillian van Turnhout: I second the amendment.

Amendment put and declared lost.

Amendments Nos. 26 to 29, inclusive, not moved.

Government amendment No. 30:

In page 15, lines 23 and 24, to delete “based on a medical evaluation of the applicant”.

Amendment agreed to.

Government amendment No. 31:

In page 15, line 26, to delete “based on that evaluation,”.

Amendment agreed to.

Amendments Nos. 32 and 33 not moved.

An Leas-Chathaoirleach: Amendments No. 34 to 36, inclusive, are related and may be discussed together.

Government amendment No. 34:

In page 19, line 25, to delete “Act” and substitute “section”.

Deputy Kevin Humphreys: This is a technical change and deals with the disposal of property. These sections of the Bill refer to wills made before or after “the coming into operation of the Act”. They address the issue that recognition of a person’s preferred gender should have an impact on the distribution of property under wills or other instruments. If a will made after the legislation comes into effect refers to the eldest daughter, and a person who was previously a son becomes the eldest daughter following recognition of the preferred gender of that person, the person will inherit as the eldest daughter.

Amendment agreed to.

Government amendment No. 35:

In page 19, line 27, to delete “Act” and substitute “section”.

Amendment agreed to.

Government amendment No. 36:

In page 20, line 6, to delete “Act” and substitute “section”.

Amendment agreed to.

Amendment No. 37 not moved.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Senator Paschal Mooney: I thank the Minister of State and through him the Government for bringing forward this important legislation. While it will not in any way rattle or disrupt the institutions of the State, it will be an important benchmark and legal landmark for those who have been caught in the situation outlined by many speakers and the Minister of State throughout this important debate.

Having accepted the Bill should pass, it is important to state - I am sure my colleagues have an equal point of view - that it has inherent flaws. Of all of the amendments the Government accepted - I wish it had accepted more - the one whereby there will be a review of the legislation in two years time is significant in the overall context of the debate. It means that in the light of their experience on a practical level, the very people to whom the Bill is aimed will have an important voice in speaking to whoever will be the Minister of State's successor. Having said this, I do not believe this argument will go away. I do not believe the areas of disagreement between the Minister of State and ourselves will go away. Perhaps this is good because it means the issues which were of particular importance and pertinent to the very lives of the people to whom the Bill is directed, and the impact it will have on them, will be very powerful weapons when it comes to the review process in two years time.

Overall, I compliment the Government on bringing forward this legislation. Many people have been in the Visitors Gallery throughout the debate, for which I commend them. They have given advice, support and encouragement to all of us involved in the debate and I compliment them for this. I also compliment my colleague, Senator Averil Power, who drafted many of the amendments, particularly on Report Stage. She has taken a very proactive role in engaging with transgender people and their parents and families. This is a good day for democracy. It is a good day for the Seanad and it sends a very powerful message to the other House. I have no doubt the Minister of State will acknowledge the important contribution Members of this House have made to framing and shaping the legislation, flawed and all as I believe it still is, when he brings it before the Lower House.

Senator Katherine Zappone: It is good to follow the statesman, Senator Paschal Mooney.

Senator Paschal Mooney: I am blushing.

Senator Katherine Zappone: I acknowledge and celebrate the extraordinary strength, courage and character of the transgender community, particularly Dr. Lydia Foy and Mr. Michael Farrell, as well as all of the other people who have gathered with us over this time, as Senator Paschal Mooney stated so eloquently. I am sure the Minister of State accepts it is right and good that I acknowledge them first. We are all very pleased the Bill has passed, even

though we have made the strongest of arguments possible, to which the Minister of State has listened. There is more to come in terms of the research done by various Members. It was fantastic to feel the support for the transgender community in Ireland in a cross-party way. We differed on minor issues. I hope it sends a strong signal to transgender people that we celebrate, acknowledge, affirm and recognise their right to their own identity.

With regard to the role of Minister of State and how he approached the work on this important Bill, perhaps one of the first he has brought through the House, he has played a blinder because he respects all of us, including those who sit behind him and give him the strong advice which enables us to have the robust discussions we have had. I agree with Senator Paschal Mooney it is a very good day that we are sending this to the other House with the arguments which are still unfinished. I am appreciative of the roles of the Tánaiste and the Minister of State and how they have worked with their colleagues in the Government to bring us to this point.

Senator Marie Moloney: I add my voice to those who have welcomed the Bill and thank the Minister of State and his officials for all the work they have done, for working with us in the background and taking on board our views. This has been *fiche bliain ag fás*, with 20 years of campaigning and hard work on behalf of the organisations in the Visitors Gallery, for which I commend them. I am delighted, notwithstanding people believe there are omissions and flaws in the Bill, as we have brought through ground-breaking legislation. In two years time there will be a review and in three years time it will be laid before the Houses. We may not be here to discuss it but we have done our bit to get it moving. I have no doubt those organisations will still exist in two years time and they will campaign for any changes which need to be made. It will not be left on the back burner. By enshrining the review in the legislation we are ensuring it will take place, and it is a vital part of the legislation to know the review will take place. I am delighted the Minister of State has accepted some of the amendments from Senators. As has been stated, this is a good day for the Seanad and it proves we are worth having.

Senator Gerard P. Craughwell: I should be standing here full of joy as this has been a long time coming. Members have sat through every moment and hour of the debate full of expectations and hope, but what we have delivered is far from their expectations. In fairness to the Minister of State, it is paradoxical to tell him he has done a great job bringing it this far. However, there are heavy hearts in this room tonight. People came here expecting great things but, as I warned them a month ago, we were never going to get everything we wanted. As I said in my opening remarks, it portrays a basic ignorance of what gender identity and the sovereign choice of an applicant mean. It portrays a deep distrust that transgender persons know their own minds and require the external opinion of medical specialists to identify their gender. In the case of parents, it does not trust their ability to know their own children, and in the case of children it renders them voiceless. The Bill is deeply paternalistic by imposing on people what is judged by policy makers, who have no experience of transgender issues, to be objectively good for them. The Minister of State and I know this; we have both spoken about it. We could not possibly understand what it means to be transgender.

The Bill is out of sync with the principles of liberal society and Mill's harm principle, which states the right of the State to limit people's liberty is only justifiable to prevent harm to others. The Bill does not apply an essential rights-based approach, which enables rights holders to have the full enjoyment of the rights to which they are entitled. Does the Minister of State, I or anybody else believe that the State knows an individual's best interest better than the individual himself or herself? Who better to promote the interests of transgender persons than transgender

persons? However, we do not listen and respond accordingly, at least not in full. If transgender voices had been heeded in the past month there would not have been 200 people protesting outside Leinster House last Saturday, the first protest in what will be a strong campaign for justice. The campaign demands nothing more than the entitlement for people to live and be accepted and legally recognised as they are. This legislation has been a long time coming, but it must not be too late. The State must redress the injustice done and do it quickly. No words from me can say better than what Claire Farrell said last Saturday, “Please give me the opportunity to leave this world as the person I am.” There is no counter argument to this call for full, unfettered autonomy and self determination.

I feel extremely emotional as we draw this debate to a close. In a way we have had a great success today, but at the same time we have had a tremendous failure. I feel deeply sorry for the people in the Visitors Gallery tonight who had expected great things from us but who will walk away with heavy hearts. The Minister of State has done the best he can, for which I commend him. I am delighted that the Bill will pass. Alas and alack, like so many other things in this country, it will be revisited time and again. It will be tweaked, moved around and discussed, but people will shy away from it when it comes due for review. Not everybody is as brave and as strong as the Minister of State and the Tánaiste. Unfortunately, when the review time comes around I do not know whether either the Minister or I will be in this House, or any other House in this building. If the Minister of State is here, he will drive it as best he can and if I am here, I will also drive the review and try to bring the Bill closer to what our guests in the Visitors Gallery believe they sought.

I compliment all of my colleagues who spoke on the Bill. No one said anything against it. I compliment the Minister of State for bringing it to the House.

Senator Jillian van Turnhout: I thank the Minister of State, his officials and the officials from other Departments. It is always good to have engagement between the Stages of legislation and I acknowledge that it occurred. I particularly thank the individuals and organisations that are directly affected and concerned by this Bill. I spoke on Committee Stage about the privilege of being a Senator because one gets a particular insight. I hope some of the debates we have had in the House will filter out and achieve a ripple effect.

I have a clear message for the Lower House. I am very supportive of the Bill, but I would have liked it to go further. That is where my hesitancy lies. I am one of life’s optimists and I always try to see how we can move forward in life’s offices. Part of me believes we have now started a relay race and the first baton has been grasped firmly. The Bill is before us. There are three further parts of the relay. We still have to recognise children’s rights, remove the medicalising of gender identity and remove the enforcing of divorces. However, the race has started and we are firmly in the field. That is good work today. I would have liked if we could have won the race and celebrated, but we are on the right track. For me, that is a good start. People had to fight for many years to get the starter gun to go and at least we are in that process now.

The optimist in me accepts that this is where we are and the Seanad has outlined where we must go. We must talk to people and explain why we feel so passionately about this. However, I thank the Minister of State for his work on the Bill.

Senator Michael Mullins: I join my colleagues in welcoming the passing of this legislation. I pay tribute to the Minister of State for the keen interest he has taken in the Bill, as well as the officials and the Tánaiste who was to the fore in bringing it forward. The Bill was

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described earlier today as ground-breaking legislation and I hope it will improve the lives of many people. As other speakers have said, it is not perfect. However, there will be other opportunities to strengthen and enhance it. There was much discussion today about the review after a two-year period.

I pay tribute to Senators on all sides of the House who have campaigned on this issue for many years. A 20-year campaign has culminated in significant success today. It is a very proud day for me to see history being made with the passing of this legislation by the House. However, the Members of the next Seanad will have a responsibility to build on what has been achieved today and I have no doubt they will do this. I am pleased the legislation is being passed and hope the successes achieved today will be built upon as the years pass. I sincerely thank the Minister of State and his team for their good work.

An Leas-Chathaoirleach: Before the Minister of State speaks, Senator Paschal Mooney wishes to rectify an error he made.

Senator Paschal Mooney: It was ungracious of me not to acknowledge the outstanding contribution Senators Katherine Zappone and Jillian van Turnhout had made in researching and drafting the various amendments. I also thank the Minister of State not only for his personal engagement but also the manner in which he and his officials reached out to all sides of the House, party or non-party, to ensure there was a dialogue as we moved forward. It is most unusual, in my experience, for a Minister to be so proactive on a legislative measure where there are obviously opposing views.

It is important that I thank another person, to whom Senators Katherine Zappone and van Jillian Turnhout briefly referred. A great vote of thanks is due to Dr. Lydia Foy-----

Senator Jillian van Turnhout: Hear, hear.

Senator Paschal Mooney: -----for her courage in starting this journey so long ago, perhaps without any hope at the time of this outcome, flawed as it may be and as Senator Gerard P. Craughwell has so eloquently outlined, which will be put on the Statute Book, notwithstanding what may or may not happen in the Lower House. It can hardly oppose the good work we have done.

An Leas-Chathaoirleach: The Senator is testing the indulgence of the Chair.

Senator Paschal Mooney: You are very kind.

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys): To add to Senator Paschal Mooney's contribution, I acknowledge the work done by Dr. Lydia Foy. In many ways, this is ground-breaking legislation, but I also accept that, much to everybody's shame, it is 20 years being brought forward. It would have been better if Dr. Foy had not been obliged to go through the courts to secure her rights. A vote of thanks should go to her in this regard.

Great credit is also due to the officials who have dealt with the amendments, motions and notes throughout this period and have stuck with this Bill for so long. I became involved almost three quarters of the way through the process and the officials across nine Departments and the two officials who are with me today have stuck with this legislation for a very long period. I pay particular tribute to their dedication.

It would be remiss not to pay tribute to the dedication of the Senators who have been so much engaged with this. Senator Paschal Mooney is correct. I doubt that there have ever been so many meetings and discussions not just in this House, but also outside it, on fleshing out the detail of legislation. It is all the better for that. A body of work must be done in respect of the mechanism relating to transgender children and education. I reaffirm what I said earlier about that and I look forward to working with the Senator and the Minister to ensure that work is carried out.

Senator Paschal Mooney made a contribution earlier about the review. He was not present when I responded to it-----

Senator Paschal Mooney: Unfortunately, I had a committee meeting to attend.

Deputy Kevin Humphreys: I accept that. I was not being negative but just wished to respond in the Senator's presence. The Senator wanted me to ensure this would not be a box ticking process but that we would examine each section. It is not about the number of certificates being issued or the like, but a true review. The Senator wanted me to say that and I am happy to do so again while he is present because he is probably one of the Senators who is more likely to be returned to the House.

Senator Paschal Mooney: The kiss of death, but I thank the Minister of State for the kind comment.

An Leas-Chathaoirleach: The Minister of State should be careful. We are on the same panel.

Senator Paschal Mooney: That is me banjaxed.

Deputy Kevin Humphreys: With regard to the engagement with a wide range of people outside the House and the people in the Visitors Gallery, in my experience with legislation, as a backbench Deputy, there has never been so much positive interaction on a legislative measure. The amendment made in this House related to the two year review. That is important and should be recognised as an important addition to the legislation before it goes to the Lower House. It lays down that it is two years and there will be a report within the year to both Houses. The legislation has been improved at all stages. One can see the fingerprints of the committee and one can also see the fingerprints of the Seanad. There has been an acknowledgement of the work done.

I thank the Leas-Chathaoirleach for how well he chaired the proceedings and moved the business forward. I again thank the Senators for their engagement. It is much appreciated. However, the work starts today. There is an element of education, of making people aware and of acknowledging that there are issues in the education system and society. It is important to recognise all citizens as equals. This work will be built on in the future; it is important and ground-breaking. I also acknowledge the work the Tánaiste did on the Bill. It would not have been before the House as quickly and efficiently if she had not been supporting it 100%. I thank Senators for all their work in recent weeks.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 a.m. amárach.

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The Seanad adjourned at 7.45 p.m. until 10.30 a.m. on Wednesday, 18 February 2015.