



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 25 Márta 2015

Wednesday, 25 March 2015

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Colm Burke that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health and the HSE to establish community intervention teams in each area of the country so as to reduce the number of admissions from nursing homes to hospitals.

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

The need for the Minister for Health to explain the eviction, without formality, by the HSE of a disabled man (details supplied) from Caridas House, Drumconrath, Navan, County Meath, and to set out proposals to rehouse this man.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

Go dtabharfaidh an tAire Ealaíon, Oidhreacht agus Gaeltachta le fios an bhfuil sé i gceist ag an Rialtas maoiniú a chur ar fáil do thionscadal bóithre pobail faoi scáth na Ranna, i gcomhair le hÚdarás na Gaeltachta nó aon ghníomhaireachtaí Stáit eile, le obair fheabh-súcháin a dhéanamh ar bhóithre pobail na Gaeltachta.

I have also received notice from Senator David Cullinane of the following matter:

The need for the Minister for Children and Youth Affairs to outline what Government funding has been allocated in Waterford city and county under the school completion programme annually since 2011, what funding is being allocated in 2015, if he is aware of the impact funding cuts is having on service provision and if he will make a statement on the future of the school completion programme.

I regard the matters raised by the Senators as suitable for discussion and they will be taken now.

Commencement Matters

Community Care

Senator Colm Burke: I welcome the Minister of State, Deputy Joe McHugh. The matter before the House this morning relates to the need for community intervention teams in each area. The reason I raise the issue on the Commencement debate is the need for the health service to reduce the number of people admitted to hospital, particularly from nursing homes. I understand Nursing Homes Ireland has had detailed discussions with the HSE on this matter. I also understand there has been a slowdown in the process of introducing community intervention teams. The idea is that more services would be delivered within nursing homes or to people living in their own homes rather than in hospitals.

A simple example of where we are falling down relates to the provision of dietitians. If someone in a nursing home needs to see a dietitian, he or she has to go into hospital, as HSE dietitians are not available to go to nursing homes. More intervention at local community level would mean that fewer people would have to go into hospital or attend outpatient clinics. That approach is especially important in cases in which a number of people are gathered, as in nursing homes, and that is the context in which I raise this matter.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): I thank Senator Burke for raising this issue. An overarching principle of our health service is to provide patients with the most appropriate care and service in the most appropriate location provided by the appropriate health care professionals. Patients should not have to attend hospital unnecessarily, with all the added stresses and possible complications that such attendances involve.

It is preferable that patients receive treatment in the community where this has been clinically approved. As part of the phased implementation of the principles outlined in the primary care strategy, a number of national priorities have been set for the development of community-based services. One of these priorities is the development of community intervention teams. The main focus of teams is to reduce hospital attendances and admissions and to facilitate early discharge from hospitals.

A community intervention team is a nurse-led health professional team. The team provides a rapid and integrated response to a patient who becomes acutely ill and needs enhanced services, or acute intervention for a defined short period of time. This may be provided in the community or the home, as deemed appropriate. Community intervention team staff liaise with hospital and community clinicians. They provide services in the person's home and in public and private nursing homes. The community intervention teams provide a safe, cost-effective health service to patients in their homes that would ordinarily require hospital attendance and, in most cases, hospital admission.

In 2014, more than 14,600 patients were treated by community intervention teams. At any one time, to date in 2015, approximately 220 patients are being managed at their place of residence. The service the programme provides to its patients includes but is not restricted to the following: intravenous cannulation and administration of intravenous antibiotics at home; acute anticoagulation care; acute wound care and dressings, including negative pressure dress-

ing; enhanced nurse monitoring following fractures, falls or surgery; care of patients with central venous catheters; urinary-related care; care of patients with a respiratory illness, including nebuliser care, peak flow measurement and intermittent pulse oximetry; bowel care, including ostomy care; short-term older person support and care; and other medication management and administration as part of the patient's acute intervention package.

The community intervention team programme has met with representatives of Nursing Homes Ireland and is working with them in developing direct referral pathways for nursing home residents. There are currently nine teams in operation, in Dublin north, Dublin south, Galway, the mid-west, which includes Limerick, Tipperary and Clare, Carlow and Kilkenny, Cork city, Wicklow, Kildare and Louth. The Wicklow service was established in 2014 and the services in Kildare and Louth both commenced in January 2015. There is clear and strong evidence from various studies and bed utilisation reports demonstrating that a cohort of all hospital admissions can be treated in a non-acute setting, many through services provided by community intervention teams. The strategic priority is to realise national coverage and to make a community intervention team service available to every person in the country if needed.

An Leas-Chathaoirleach: An bhfuil an Seanadóir sásta leis an bhfreagra sin?

Senator Colm Burke: I thank the Minister of State for his detailed reply, which I welcome. Approximately 14,000 patients were treated by community intervention teams in 2014. That is a very small number in comparison with the number that could be treated. I know the area does not come within the responsibility of the Minister of State, but could he convey to the relevant Minister the need to expedite the implementation of the process? Given that attendance in accident and emergency departments in hospitals every year is more than 1.1 million, which is approximately 22,000 per week, and a high percentage of those who attend are elderly people who are referred from their own homes or from nursing homes, community intervention teams are essential.

An Leas-Chathaoirleach: I am sure the Minister of State, Deputy McHugh, will convey the message to the Minister for Health, Deputy Varadkar.

Services for People with Disabilities

Senator Thomas Byrne: This is a very serious issue. A gentleman has been effectively under the care of disability services in a place called Caridas House in Drumconrath, Navan, County Meath, since 2007. At times he has been illegally asked to pay rent to the HSE, although I understand that was stopped when the HSE decided it was illegal, as it was not allowed to be a landlord. However, there is doubt about the fact that the man in question is under the care of disability services. A number of weeks ago this gentleman, whom I have not named but whose details I have given to the Minister, was told that a health and safety issue had arisen in Caridas House, which was the case, but he was told that he would be allowed to go back there as soon as the matter had been rectified. That has not turned out to be the case. Since being unceremoniously evicted - I repeat the words of a HSE member of staff who acted as a whistleblower - the man has been put in temporary accommodation, and he has been told he will be put on the homeless register in Navan and put into temporary homeless accommodation.

The man is autistic and has severe difficulties living his daily life. I have sought legal advice for him on the issue. No private landlord would be allowed to get away with what has

happened. No nursing home or residential care facility would do that to anyone, yet it has happened in County Meath that an autistic man under the care of the HSE has been thrown out. He is getting some help from various members of staff of the HSE, but there seems to be a determination to move him on. There was a suggestion that he would be given an alternative place to live, but I understand the offer has been withdrawn. I seek clarity in that regard because if that is the case I would like to see some action. What happened the man is unfair. I would like the Minister to investigate the issue. I understand the Minister of State, Deputy Kathleen Lynch, cannot be present. It was suggested that the discussion of this matter might be postponed until tomorrow, which I would have preferred, but her office suggested that the Minister of State, Deputy Joe McHugh, respond instead, and I accepted that approach. The man in question must be given his rights. He has been treated absolutely appallingly by the HSE. What happened was really disgusting. He is a man who causes no harm to others, as I have discovered from talking to people in the village in which he lives. He spends a lot of time by himself due to his autism. He needs the accommodation, which was effectively sheltered accommodation for disabled persons. He was kicked out of it. I would like answers.

I sent a fax to the chief executive of the HSE, the relevant person in Meath, the Minister for Health and the Ombudsman last Friday. I have received no response from anybody and have decided to raise the matter here today. I would not have raised it had I received some kind of response, but I have not received an acknowledgement from anybody of this serious situation. I do not like raising the matter publicly, but I have received the man's permission to do so. I do not want to name him, but it is a very serious situation. I have not come across anything like it before.

Deputy Joe McHugh: I thank Senator Byrne for raising this issue today and I am pleased to outline the Health Service Executive's position on the person concerned. I understand the person has a diagnosis of Asperger's syndrome and suffers from associated anxiety. He was offered temporary use of a vacant HSE property, known as Caridas, in Drumconrath a number of years ago when he became homeless. Caridas was an unused former group home. It was in a state of disrepair. The former residents were moved to more modern accommodation.

The HSE has informed the Minister's Department that the individual has lived in the property independently without residential staff. He was, however, receiving a small amount of home support while at Caridas. He was informed by representatives of the HSE on 19 January this year that he would be required to move out of the property by 20 March. He remained in the property until that date. Renovation works were being undertaken in the house. The individual was informed and aware that he could stay only until these works were complete.

The HSE and Meath County Council have been working in the meantime to source alternative accommodation for him. Meath County Council was willing to offer him tenancy of an alternative council owned property in Drumconrath. However, he was not willing to complete the relevant application forms. Unfortunately, that property is no longer available. The Meath County Council settlement officer and a representative of the HSE Meath disability services have met the individual. They explained to him the necessity of completing the application forms in order that he would be eligible for rent allowance for alternative properties. The HSE has informed the Minister's Department that he has commenced this process.

A section of the roof of Caridas collapsed recently. Thankfully, the individual was not injured. The HSE carried out an inspection immediately. The property was deemed unsafe for habitation. The individual moved to local guest lodgings. The HSE has informed the Depart-

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ment that officials met him, in the company of his sister, on 13 March 2015. He was informed that he could not return to Caridas. The HSE paid for guest lodgings for him to provide the opportunity to source his own accommodation.

The HSE Meath disability services continue to provide health related supports to him to support him to live independently. He had availed of up to four hours of home support per week while living at Caridas. He has been offered additional home support hours to assist with his transition to new accommodation and attendance at hospital and dental appointments. While the HSE Meath disability services provide group homes for people with moderate and severe intellectual disabilities, this type of accommodation is not suitable for him. The HSE has assured the Minister's Department that it will continue to work with the individual and relevant housing authorities to provide the appropriate health supports to assist him to live independently.

Senator Thomas Byrne: I am very disappointed with the Minister of State's response. I plead with the Minister of State, Deputy Kathleen Lynch, to examine this case. In the reply the onus has been put on the applicant, and he has been told he did not fill out the forms. The man has Asperger's syndrome which creates serious difficulties. That is why he is under the care of the HSE disability services, which has been looking after him and providing a home for him since 2007. They now seem to be abdicating their responsibilities and making this into a housing issue. It is a care issue. It is an unusual situation, but he has been provided with a level of care that the HSE now seems determined to end. The reply states that he was offered an alternative property but this is no longer available. As I understand it, the offer of the property was withdrawn.

The man concerned is probably not entirely capable of making these decisions, and that is why he is being provided with disability services. He has not been dealing with Meath County Council on an ongoing basis, rather he has dealt with HSE officials. That is the difficulty. I want some answers because I am referring the file on his behalf today to a solicitor who specialises in this area. Passing the buck on the care of a disabled person with Asperger's syndrome cannot go on. The man was told when the roof was fixed that he would be able to return. He left on that basis, and was then told he would not be able to return. It appears to me that, having talked to him, he was tricked. He is in a state of extreme stress and anxiety over this issue, and many people who have no relationship whatsoever with him, but who are deeply concerned, have contacted me about him. I would like a serious message to go back to the Minister of State, Deputy Lynch. I hope she will read the Official Report, that my letters to the Minister, Ombudsman and the HSE will be responded to, and that something actually happens because it is outrageous.

An Leas-Chathaoirleach: Senator Byrne made a very compassionate case and I am sure the Minister of State will convey his deeply felt concerns to the line Minister.

Deputy Joe McHugh: I appreciate that the Senator did not want to raise this issue publicly. If he contacted the HSE or local authorities formally, a response is the least he should have received. If that did not happen, that is not acceptable. I suggest that he could sit down with local representatives from the HSE and the local authorities. It is a very sensitive case. I will convey the Senator's strong words to the Minister. I appreciate and share his observations on the support systems available for people who are unable to fill out forms on their own.

11 o'clock

Road Improvement Schemes

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. Táim ag ardú ceiste maidir le bóithre pobail sna ceantair Ghaeltachta. Bheadh eolas maith ag an Aire Stáit seo ar an gceist seo os rud é go bhfuil sé féin ina chónaí gar do cheantar Ghaeltachta agus bíonn sé isteach agus amach ann an t-am ar fad. Bhí scéim ann a bhí á feidhmiú faoi scáth Údarás na Gaeltachta ina raibh sé ag fáil tacaíochta ó na scéimeanna sóisialta tuaithe nó na scéimeanna fostaíocht pobail le deisiúcháin agus obair fhorbartha a dhéanamh ar na bóithre pobail seo sna blianta a chaitheadh. Bhí an scéim seo teoranta do bhóithre nach bóithre contae iad, bóithre nach raibh faoi scáth na comhairle contae, agus dá bhrí sin nach raibh ag fáil aon chúnamh ón gcomhairle contae le haghaidh deisiúcháin. Cuireadh bóithre siúlóide, bóithre rothaíochta, bóithre cois chladaigh, bóithre go céanna beaga, bóithre go reiligi agus bóithre go portaigh sna ceantair Ghaeltachta san áireamh. Bhí an Ghaeilge mar cheann de na critéir mheasúnaithe a bhí leagtha síos faoin scéim sin agus bhí suas le €10,000 an ciliméadar mar uasmhéid le h-íoc leis an obair seo a dhéanamh. Bhí an obair seo fíorthábhachtach agus tá sé fíorthábhachtach.

Bhí an scéim imithe i léig le cupla bliain agus bhí an argóint ann go raibh gantannas airgid in san tír agus nach bhféadfaí rudaí den chineál seo a dhéanamh. Idir an dá linn, tá bóithre i mo cheantar féin imithe in olcas ar fad. Bhí cruinniú ann oíche Dé Domhnaigh seo caite maidir leis an mbóthar go portach Seanamhach i gConamara, agus tá a fhios agam go bhfuil bóithre eile ag dul síos go céanna agus mar sin de atá i ndrochchaoi. Is bóithre iad seo a bhfuil deis iontach iontu chomh maith céanna ó thaobh siúlóide de, ó thaobh turasóireachta de, ó thaobh aclaíochta agus mar sin de. Táimid tar éis borradh a fheiceáil faoi Shlí an Atlantaigh Fhiáin. Bhí muid ag caint faoi sin roimhe anseo. Tá na bóithre seo ag imeacht ó na bóithre atá liostáilte ar Shlí an Atlantaigh Fhiáin agus is áiteanna maithe iad dul ag siúl dá mbeadh daoine ag iarraidh stopadh ar an mbealach. Dá bhrí sin, tá sé fíorthábhachtach go ndéanfaí deisiúcháin ar na bóithre seo.

I láthair na huair, deirtear liom go bhfuil cuid mhaith de na bóithre seo nach féidir taisteal orthu ar chor ar bith, go bhfuil siad i ndrochchaoi, go bhfuil gá le draenáil a dhéanamh le na taobhanna, le bancáil a dhéanamh ar na bóithre agus mar sin de agus le dromchla nua a chur ar ghiotaí maithe de na bóithre seo. Táimid ag cloisteáil ón Rialtas go bhfuil rudaí ag feabhsú, go bhfuil fás ag teacht ar an eacnamaíocht agus nach bhfuil cúrsaí airgid chomh dona agus a bhí siad. Ní buiséad ollmhór atá i gceist anseo. Is dócha go ndéanfaidh cúpla céad míle euro an beart ó thaobh na mbóithre éagsúla a bheadh i gceist in san rud seo. Choinneodh siad na bóithre seo i gcaoi mhaith idir an dá linn go dtí go mbeidh níos mó airgid ar fáil chun iad a uasghrádú mar is ceart. Bhí an scéim seo faoi scáth Údarás na Gaeltachta roimhe seo. An bhfuil an tAire Stáit ag smaoineamh ar an scéim seo a mhaoiniú arís, go háirithe don samhradh seo le gur féidir an obair riachtanach seo a dhéanamh chomh luath agus is féidir?

Deputy Joe McHugh: Tá mé buíoch don Seanadóir as an ábhar seo a ardú inniu. Faoi na scéimeanna a bhíodh ag an Roinn go stairiúil, bhíodh deontais chaipitil ar fáil chun muiroibreacha sa Ghaeltacht a fhorbairt, chun bóithre sa Ghaeltacht a fheabhsú, agus chun áiseanna ar nós hallaí pobail, páirceanna imeartha agus áiseanna eile a chur ar fáil nó a fheabhsú. Trí fheabhsú an bhonneagair, bhí sé de chuspóir ag na deontais seo cur le saol sóisialta, cultúrtha agus eacnamaíoch na Gaeltachta chomh maith leis an Ghaeilge a neartú mar theanga pobail sa Ghaeltacht.

I 2004, leanadh leis an gclár oibre seo agus mar gheall ar na socruithe úra a bhí aontaithe ag mo Roinn ag an am leis an Roinn Airgeadais faoin gcreatlach infheistíochta caipitil, bhí mo

Roinn ag an am in ann phlean oibre dhá bhliain a chur i bhfeidhm leis na húdaráis áitiúla chun bóithre, céanna agus bailte Gaeltachta a fhorbairt. Rinneadh é seo sa bhreis ar an infheistíocht a dhéanann na húdaráis áitiúla agus Ranna eile agus is cúnamh faoi leith a bhí ann d'fhorbairt an bhonneagair sa Ghaeltacht. Bhí scéim na mbóithre áise agus scéim na mbóithre portaigh ach go háirithe ag mo Roinn ag an am. Bhí na scéimeanna seo á bhfeidhmiú chun cuidiú le pobal na Gaeltachta feabhas a chur ar bhóithre áirithe a bhí mar áis rochtana dóibh. I gcás na mbóithre áise, bhí sé mar choinníoll den scéim go gcaithfeadh an bóthar a bheith ag freastal ar theach cónaithe amháin ar a laghad ina mbeadh buanchónaí ann agus ar ghabháltas amháin ar a laghad nach le húinéir an tí é agus a mbeadh rochtain chomh fada leis ag brath ar an mbóthar amháin.

Cé go bhfuil sé deacair tomhais a dhéanamh ar an tionchar a bhí ag na scéimeanna bóithre ar an nGaeilge, meastar den chuid is mó gur beag tionchar a bhí acu ar neartú na Gaeilge mar theanga pobail sa Ghaeltacht. Nuair a fhoilsíodh an Staidéar Teangeolaíoch ar Úsáid na Gaeilge sa Ghaeltacht i 2007, ba léir nach leor an cur chuige forbartha réigiúnda gur ghlac an Stát chuige féin chun dul i ngleic le ceist sochtheangeolaíoch sa Ghaeltacht a thuilleadh. Mar atá a fhios ag an Seanadóir, tá mo Roinn i gcomhar le hÚdarás na Gaeltachta ag forbairt an phróisis pleanála teanga sa Ghaeltacht faoi Acht na Gaeltachta, agus beidh deis ag pobal na Gaeltachta díriú isteach ar na riachtanais atá acu ó thaobh buanú agus láidriú na teanga ina gceantair féin. Tá súil agam go dtuigfidh an Seanadóir mar sin nach bhfuil sé i gceist ag mo Roinn maoiniú a chur ar fáil do scéimeanna bóithre sa Ghaeltacht i gcomhthéacs an tosaíocht atáthar ag tabhairt don phleanáil teanga sa Ghaeltacht.

Senator Trevor Ó Clochartaigh: Caithfidh mé a rá go bhfuil mé an-díomách leis an bhfreagra. Bhí mé ag súil go mb'fhéidir go mbeadh dóchas éigin ag an Aire Stáit dúinn. Cé go gcreidim go bhfuil tábhacht leis an bpleanáil teanga, tá tábhacht freisin le pobal beo beithíoch a choinneáil sna ceantair Ghaeltachta. Tá an cineál deontais a bhí faoi scéim na mbóithre pobal fiorthábhachtach le rochtain a thabhairt do dhaoine dul ar an bportach, dul ar shiúlóid, dul ag na céanna agus mar sin de sna ceantair Ghaeltachta. Níl uasghrádú agus mar sin de á dhéanamh air mar is ceart. Tá an turasóireacht chultúrtha sa Ghaeltacht bunaithe ar dhaoine a bheith in ann rochtana a bheith acu sna háiteanna seo. Is ar an mbunús sin a raibh cead ag an Roinn cheana a leithéid de scéim a chur ar bun. Iarraim ar an Aire Stáit dul ar ais, athmhachnamh a dhéanamh ar an gceist seo, go háirithe leis an bpráinne atá ann ó thaobh an chaoi atá ar na bóithre faoi láthair. Táimid ag cailleadh deis iontach turasóireachta, deis siúlóide agus deis a thabhairt do phobal na Gaeltachta le fanacht ag maireachtáil sna ceantair Ghaeltachta mar phobal beo beithíoch. Muna dtógann an tAire Stáit an deis seo, sílim gur dul amú an-mhór ar an Rialtas seo é.

Deputy Joe McHugh: Tá mé ar thaobh an Sheanadóra maidir leis an ghá atá ann an pobal a choinneáil beo. Beidh gá mór ann le haghaidh infheistíochta a mhealladh isteach sna ceantair Ghaeltachta. Mar a bhí an Seanadóir ag rá faoi na deiseanna a bhaineann le Slí an Atlantaigh Fhiáin, tá deiseanna móra ann agus beidh go leor tráchta ann freisin agus beidh brú mór ann ar na bóithre sna ceantair Ghaeltachta. Tá na ceantair Ghaeltachta ag croí Slí an Atlantaigh Fhiáin. Aontaím go bhfuil fadhbanna agus deiseanna ann agus beidh mé i dteagmháil leis an Aire, an Teachta Paschal Donohoe. Tá dualgas air faoi na bóithre a chosaint. Tá an ceart ag an Seanadóir freisin go bhfuil cúrsaí eacnamaíochta ag feabhsú. Tá fadhbanna ann, cinnte, ach tá rudaí ag feabhsú agus b'fhéidir go bhfuil acmhainní breise ann. B'fhéidir go mbeidh deiseanna ann anois airgead a chur isteach sna ceantair Ghaeltachta agus sna ceantair iargúlta. Chaithfinn an t-airgead dá mbeadh sé agam. Táim freagrach mar Aire Stáit as an nGaeilge a chur chun cinn agus na limistéir agus líonraí pleanála teanga a chur i bhfeidhm. Táim freagrach as an teanga a choinneáil beo ach aontaím leis na rudaí atá ráite ag an Seanadóir inniu agus beidh mé i

dteagmháil leis an Aire amach anseo. Bhí mé i dteagmháil leis an Aire Iompair, Turasóireachta agus Spóirt cheana. Bhí sé i dTír Chonaill cúpla seachtain ó shin agus d'ardaigh mé ceist na mbóithre i gceantair Ghaeltachta atá i gcroí Slí an Atlantaigh Fhiáin.

School Completion Programme

Senator David Cullinane: I thank the Minister for taking this Commencement motion himself. I tabled this motion after meeting a number of school completion programme, SCP, co-ordinators in Waterford city in recent weeks. They have been lobbying elected representatives from all parties and none on cuts to the SCP over recent years. This programme was established in 2002 to have a significant positive impact on retention levels in primary and secondary schools and the number of pupils who successfully complete the senior cycle or equivalent. All the studies show that the SCP programme has had very positive results, that more people are completing both the junior and leaving certificates and that more people are seeing through their time in primary school, which is positive.

There have been cuts to these programmes in recent years, however, which are having a direct impact on the services that the programme co-ordinators are in place to provide. At the moment, surveys of SPCs are taking place throughout the State which seek to ascertain the impact these budget cuts have had to date in the running of individual programmes. Some of the initial feedback I have seen reveals trends in the following areas: reductions to or cutting of specific supports and interventions, reductions to project workers hours, redundancies, instances of project workers and local co-ordinators finding themselves forced to take unpaid leave to maintain service provision within the allocated budget. Also, programme co-ordinators note that preventative interventions have suffered as a result of cutbacks to funding while the demand for administrative procedures has increased exponentially since the SCP was reassigned to the Child and Family Agency support called Tusla. In recent years, SCPs have been requested to desist from offering counselling by the funding agency. However, crisis situations have arisen in schools, particularly threatened suicide, where SCP has been requested by schools to provide counselling urgently. There seems to be very real issues of concern. I am sure that many co-ordinators of SCPs from across the State have been in contact with the Minister's office to express their concern about budget cutbacks.

The reason I tabled this motion is twofold. First, I wanted to get information from the Minister about the levels of funding which have gone into SCP programmes in Waterford city and county over the past three years so that we can look at the trends and at where cuts have taken place. Second, I wanted to impress upon him the impact such cuts have had on the SCP programmes. If we want to maintain the very successful figures the SCPs have been part of achieving in retaining people in primary education, then we need to maintain the levels of funding. If we cut back on funding we may drift backwards in terms of the success of the projects and programmes.

I appeal to the Minister to listen to what the co-ordinators who work on the ground have said. I hope he is in a position to make a statement on his future intentions for this programme, and that of the Government, to fund these programmes into the future.

Minister for Children and Youth Affairs (Deputy James Reilly) (Deputy James Reilly): The school completion programme aims to retain young people in the formal education system to completion of senior cycle and to generally improve the school attendance, participation

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and retention of its target cohort. It is a targeted intervention aimed at those school communities, identified through the DEIS action plan for educational inclusion run by the Department of Education and Skills. It involves 124 locally managed projects and related initiatives operating across 470 primary and 224 post-primary schools to provide targeted supports to approximately 36,000 children and young people.

Since 1 January 2014, the Child and Family Agency has operational responsibility for the school completion programme, including the allocation of funds to local projects. In 2014, an allocation of €24.756 million has been provided for the school completion programme.

The programme is one of three service strands within the continuum of the education welfare service being implemented by Tusla, the Child and Family Agency, to support children, their families and schools. The other service strands are the home-school-community liaison scheme and the Educational Welfare Service.

Three school completion programme projects operate across Waterford city and county, namely, Waterford SCP which encompasses Ballybeg Community Education Project, Na Siúire SCP and Dungarvan SCP. Between the three projects, they were allocated €775,380 for the academic year 2011-12, €724,933 in 2012-13, €698,904 in 2013-14, and €635,000 in 2014-15.

The agency has approved local projects' school retention plans for the 2014-15 academic year. The amount provided for 2014-15 for the school completion programme takes account of the savings requirements in the comprehensive review of expenditure 2012-14. The first two instalments of the 2014-15 funding have issued to local projects, with a third instalment planned for May 2015.

The estimate for the Child and Family Agency for 2015 is €635 million which is a 4.3% increase on its 2014 allocation. My Department has recently issued a performance statement to the agency under section 45 of the Child and Family Agency Act 2013. This includes my priorities for consideration in the development of the agency's 2015 business plan.

The business plan will set out the agency's proposed activities, programmes and priorities for 2015, including provision for the school completion programme in light of the moneys available. I have advised the agency of my commitment to ensuring that there is no diminution in the school completion programme services.

A review of the school completion programme is under way. It is being carried out by the ESRI and will include a review of the governance and delivery structures of the programme. The review will assist in identifying the reforms necessary to consolidate the programme on a sustainable footing for the future.

The review will, among other things, examine the structures of the school completion programme, and how they can best support an integrated approach to address early school leaving. It will analyse the interventions provided and make recommendations for evidence-informed supports designed to secure the best educational outcomes for young people.

The review will capture the views of a range of stakeholders, including staff and all those involved in the organisation and administration of the school completion programme. It includes a survey to gather the views of project co-ordinators and chairpersons of the 124 local school completion programme projects throughout the country, case studies of projects involving staff and participating schools and interviews with national stakeholders who have a direct interest

in the programme.

Preliminary information gathered on the programme indicates that the school completion programme encompasses a broad and diverse range of measures and interventions that have been developed by local projects over the years. The review will aim to capture learning from the most successful of these. Another aim is to ensure that available funds are targeted at those services that provide the greatest contribution to good educational outcomes for children and young people at risk of educational disadvantage. The review is expected to be completed shortly.

Senator David Cullinane: It is laudable for the Minister to advise the agency of his commitment to ensure there is no reduction in school completion programme services. The problem with his statement is that co-ordinators on the ground have said budget cuts have had an impact on services. The figures outlined by him clearly demonstrate that there has been a significant cutback in funding to these programmes in Waterford city and county. In the academic year of 2011-12 funding amounted to €775,380 but in the current year it is €635,475. That means there has been a cut in funding of over €130,000 which must have an impact on service provision. Only so much savings can be made in the overall overheads in terms of staff costs, rent, etc. When there is that level of cutbacks in funding it is the front-line services which suffer the most. That is the information that I have received from people who work on the ground.

I accept that there is a review under way. I hope the review goes well. Whatever about structural reforms that may be recommended, the Minister also needs to be conscious of the need to maintain levels of funding. He must ensure that, whatever structural changes the agency and he may put in place, the co-ordinators and programmes on the ground are in a financial position to provide the services that people need so that these projects continue to be successful into the future. I imagine that is what the Minister wants to see as well.

Deputy James Reilly: I am pleased that the Senator has acknowledged that these programmes work and have an impact. Of course they do not work in all cases and that is why I pointed out, in my main response to him, that we are continually reviewing to see whether we are getting the desired outcomes from our inputs. Where things are working well we want to see those replicated in other areas. Where things are not working then it is not sensible to continue with them. We need to put in place the policies, structures and services that result in the outcomes we want which is more children completing their secondary education. That is our aim because education is a great determinant of how well one does in life in terms of employment prospects and living standards.

Yes, owing to the fiscal crisis that we had to endure, which is one this Government inherited, there had to be some cuts made. I am happy to say that the cuts in regard to my Department have ceased and this year its budget has been increased. We have not closed any schools in the region. We have built more schools and added services in those schools. As the Senator will be aware, his party in the North of Ireland has closed over 100 schools in the past number of years.

Sitting suspended at 11.20 a.m. and resumed at noon.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Thirty-fourth Amendment

of the Constitution (Marriage Equality) Bill 2015 – Second Stage, to be taken at 1.15 p.m., with the contributions of group spokespersons not to exceed 12 minutes and those of all other Senators not to exceed eight minutes; and No. 2, motion re Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015, to be discussed in conjunction with the Second Stage debate but not to be taken until the Report and Final Stages of the Bill have concluded.

Senator Darragh O'Brien: I noted with interest yesterday and this morning the remarks of the Minister of State, Deputy Kathleen Lynch, on the Government announcement of free general practitioner care for over 70s. It would be welcome if we knew when it was going to happen and if we did not have a scenario like the free GP care for children aged under six, which was announced over two years ago but which still has not actually materialised. Is this something the Government intends to keep re-announcing? The Minister of State, Deputy Lynch, said this morning that there was no agreement with GPs either on children aged under six or people aged over 70.

I would have thought the priority for the Government was to ensure that those who require medical cards and treatment get them as opposed to promising things that will never happen in future. As the Leas-Chathaoirleach remarked yesterday, there are still people over 70 who are having their medical cards removed. There are still children with serious illnesses who cannot get the treatment they require. There is still a situation in Dublin where there are no early intervention teams for children with special needs who require needs assessment and occupational therapy. Since June 2012, not one child has been added to the waiting list for needs assessment.

What is the position with free GP care for children aged under six? Is there a date for this to start, or are we to have it announced again in the pre-election budget in October with a view to getting it up and running before the general election? What is the position with the over 70s free GP care that the Government is referring to?

This situation needs to be cleared up once and for all. It has been announced on several occasions. With that in mind, I will provide assistance to the relevant Minister, whether the Minister for Health, Deputy Varadkar, or one of his Ministers of State, by proposing that the Minister, Deputy Varadkar, come to the House today and give an update on the position of free GP care for children under six and Government plans for over 70s free GP care. I propose that amendment to the Order of Business and that an hour be set aside for that debate.

Senator Denis Landy: I welcome the announcement yesterday by the Minister for Education and Skills, Deputy Jan O'Sullivan, of the provision of 2.5 hours per week for up to 1,000 children who suffer from Down's syndrome. This issue has been going on for many years. I protested with the families of children with Down's syndrome outside this building last summer. I am pleased that the Minister has recognised the situation and provided the necessary hours to help alleviate the difficulties.

Everyone acknowledges that it is not the complete package but it will help to alleviate the issues. It has been broadly welcomed by Down Syndrome Ireland.

I also welcome the Tánaiste's announcement that the Cabinet yesterday approved a settlement for the Waterford Crystal workers who have struggled for eight years to get payment for the pension scheme that went into thin air when the company closed down. The average payment per worker will be a lump sum of €40,000 plus a pension per annum. It is important that

the settlement has included the spouses of many of the workers who have died since the company closed eight years ago. After a long and protracted campaign, in which I participated on behalf of the people in my town of Carrick-on-Suir and the surrounding areas of Rathgormack, Tullahought and places like that, the people who worked in Waterford Crystal for many years have at last got a settlement.

I am heartened by comments made by the Minister, Deputy Howlin, a number of weeks ago regarding town councils. He said that the decision which accounted for a significant decrease in the number of councillors is one of the biggest regrets of the coalition's term of office.

Senator Mark Daly: Is this the one the Senator voted for?

An Leas-Chathaoirleach: Senator Landy is going in the right direction and Senators should give him a chance.

Senator Mark Daly: If only he voted the way he talks, we would be grand.

An Leas-Chathaoirleach: Senator Landy, without interruption. He has a minute to finish.

Senator Denis Landy: I was very vocal in this Chamber on the matter. I probably spoke longer than other Senators who suddenly got an interest in it when they discovered that some of these people who had been town councillors are now county councillors and have a vote in the next Seanad election.

Senator Mark Daly: Did the Senator vote with them? He did.

Senator Darragh O'Brien: We will check that.

Senator Denis Landy: I was always of the opinion-----

Senator Mark Daly: The vote is what counts. Talk is cheap.

An Leas-Chathaoirleach: Senator Landy, without interruption.

Senator Denis Landy: I was always of the opinion and still hold the opinion that town councils should never have been abolished.

Senator David Norris: Hear, hear. No need to divide on that.

Senator Mark Daly: Can Senator Landy point out which way he voted?

An Leas-Chathaoirleach: Let Senator Landy conclude. We are running out of time and have a very busy day ahead. I have to give the Senator another minute now because he has been interrupted twice.

Senator Denis Landy: I refer to people who worked in that service and in particular I want to mention Ms Helen Phelan who will retire from Carrick-on-Suir Town Council after 47 years' service.

Senator Mark Daly: Is that the town council that the Senator's Government abolished?

Senator Denis Landy: That is the type of person I am talking about.

I am delighted to be the first person in the Seanad today to welcome the retirement of Henry

Shefflin, announced at noon. As a Tipperary man, I can say that he was the greatest hurler that ever graced the hurling field. As his former Kilkenny colleague, Michael Kavanagh, said this morning, he was a slow burner and did not get his first medal until playing on the under-21 team and he actually started on the intermediate team. He is a little bit like the Government, a slow burner, burning the dead wood of the previous Administration.

Senator Mark Daly: It is burning stuff all right - mostly bridges.

An Leas-Chathaoirleach: I call Senator van Turnhout. Perhaps we might get back to real issues, notwithstanding the great-----

Senator Denis Landy: It is a big issue where I come from.

Senator Jillian van Turnhout: I concur with Senator Landy on the announcement by the Minister for Education and Skills of the two and a half resource hours for children with Down's syndrome. I question the continuing need for an assessment and I ask the Minister for Education and Skills to reconsider that. Why do we need a child with mild Down's syndrome to go through an assessment procedure? However, it is very welcome. I sincerely congratulate the parents and Down Syndrome Ireland who advocated on behalf of these children. As I so often say, children's rights are parents' rights because it is so often parents who advocate on behalf of their children.

I welcome the announcement that Diageo is stepping down from the Stop Out-of-Control Drinking campaign. It is an overdue announcement. I do not think it had a role on the board of the campaign. I have remaining questions over the secretariat and the names collected to date. Who owns those names? That may be a question for the Data Protection Commissioner. I concur with the Minister, Deputy Varadkar, who on the announcement of Diageo's withdrawal said, "I don't think it's appropriate that the drinks industry should be actively involved in campaigns around public health for the obvious reason". I agree with him on this point. Alcohol Focus Scotland has stated: "The industry uses partnership working to gain public support and credibility for ineffective policy measures, whilst at the same time misrepresenting and distorting evidence on effective regulatory interventions."

An advertisement has recently been placed by Drinkaware. It is hiring a small team for its ambitious strategic plan. Critical to that is its new focus on education. One of the roles advertised is an education programme manager for developing Drinkaware's education programme targeted at young people, parents and teachers. It wants to work and develop an education programme for delivery as part of the SPHE curriculum in secondary schools. This curriculum has recently been revised and the HSE has given input on alcohol related harm. There is no role for the drinks industry in our schools. Drinkaware is funded by the drinks industry. It is reprehensible that it even considers going into our schools to educate our young people on drink. Would we allow representatives of manufacturers of other products to go into schools and educate them on why they should have less of the product? I find it reprehensible.

I ask the Leader to ask the Minister for Education and Skills if she or her officials have been approached by Drinkaware. I hope we get a categorical "No" that Drinkaware has no role in our schools.

An Leas-Chathaoirleach: I call Senator Naughton.

Senator Hildegard Naughton: I wish to raise-----

Senator David Norris: I accept your ruling, a Leas Chathaoirligh.

An Leas-Chathaoirleach: Even though she is seated on this side-----

Senator David Norris: She is seated on the side of God.

An Leas-Chathaoirleach: -----she is seen as in opposition.

Senator David Norris: Really? She is in opposition? My God almighty.

An Leas-Chathaoirleach: That is the grouping system.

Senator Hildegard Naughton: I wish to raise some positive news on the jobs front for Galway and the west. This comes soon after Apple's major jobs announcement for Athenry. IDT911, a data protection company, will establish its European headquarters in Galway, creating 60 jobs in the area. This company credited its move to the very good pool of talented graduates available locally and also due to the support it got from State agencies, such as IDA Ireland. This new jobs announcement comes as a Deloitte report stated that 7,000 ICT jobs in Ireland remain open. Its study, Tech Trends 2015: The fusion of business and IT, stated that an absence of skilled individuals was of significant concern in the tech sector. That such a large number of jobs remain available is of some concern. I ask the Leader to arrange a debate on the matter with the Minister for Jobs, Enterprise and Innovation, Deputy Bruton.

Senator David Norris: I think I have heard everything now after this ruling that a Member from Fine Gael, the main Government party, is a member of the Opposition. "Ha, ha, ha" is all I can say.

An Leas-Chathaoirleach: Senator van Turnhout was-----

Senator David Norris: A Fine Gael Member is not a member of the Opposition until and unless he or she applies to be and leaves Fine Gael. It is complete nonsense-----

An Leas-Chathaoirleach: Senator, you are-----

Senator David Norris: -----to say that Fine Gael is the Opposition - that the bloody Government-----

An Leas-Chathaoirleach: Senator Norris is misunderstanding me. The Opposition speaker was Senator van Turnhout, who is in a grouping that has been there for four years.

Senator David Norris: But you said that Senator Naughton was. Anyway I forgave the Leas-Chathaoirleach. It does not matter a damn.

An Leas-Chathaoirleach: No. I said I could not call two Opposition-----

Senator David Norris: It just highlights that the Order of Business is becoming increasingly a nonsense. Look at us here. There are half a dozen Fine Gael and Labour Senators, an Independent and two Opposition Members. It is a complete nonsense. We experimented with it, but the time has come to review the matter again.

I strongly welcome the announcement by the Association of Catholic Priests that it will not take a position on the referendum. This is a mature, balanced and humane approach and one I wish the hierarchy would also adopt. On the other hand, they are a great advantage to the "Yes"

campaign because they appear more and more like episodes of “Fr. Ted” every time they open their mouths.

I agree with what has been said about Down’s syndrome. It has always seemed to me obscene that there should be a test for mild Down’s syndrome and then children who are not as disadvantaged are punished for having greater talent. This is utterly wrong, undemocratic and discriminatory.

Finally, with regard to Waterford Crystal, like Senator Landy I was one of those who brought this matter up regularly and I welcome what has happened, but it shows an extraordinary contrast between the way in which Waterford Glass workers are rightly treated in a situation where both the company and the pension fund went bust and Aer Lingus-----

Senator Darragh O’Brien: Hear, hear.

Senator David Norris: -----where the company is thriving-----

Senator Darragh O’Brien: Hear, hear.

Senator David Norris: -----and should sustain a situation where people are properly compensated by their pensions. To hack off 60% of someone’s pension when they reach their declining years is an obscenity. I do not think the State should stand over this. We have a 25% holding in Aer Lingus and we should step up to the mark and look after those people. If not, I hope the case goes to the European Court of Human Rights.

Senator Darragh O’Brien: Well said.

Senator Colm Burke: I, too, welcome the announcement yesterday by the Minister for Education and Skills, Deputy Jan O’Sullivan, on children with Down’s syndrome. It is something that is long overdue. It is a matter on which the association has canvassed and lobbied over a number of years. It is money that will be well spent in catering for those children.

In the context of children, I am somewhat concerned about the HIQA report on access to social workers by children who are at risk in the Cork region. HIQA issued a report that was carried out last October which revealed that approximately 1,000 referrals are waiting for a social worker to be assigned. I am involved in a facility which has 45 children who have dropped out of the education system and we only receive a total of €47,500 from the Department of Education and Skills. We fall between two stools where, on the one hand, the Department of Children and Youth Affairs states it is not its responsibility but, on the other, the Department of Education and Skills states it is not its responsibility. We must deal with the situation. The response from Tusla this morning was to the effect that it is currently recruiting an extra 193 social workers.

Senator Darragh O’Brien: That is nonsense.

Senator Colm Burke: That is something which must be expedited and addressed.

Senator Darragh O’Brien: The Government should be ashamed of itself.

Senator Colm Burke: We cannot ignore the HIQA report. I would welcome a statement from the Minister in that regard and to ensure that a timeline is put in place for when the recruitment will be completed in order that the existing 1,000 referrals can be addressed.

In fairness to Tusla, it has outlined that priority cases are being addressed, in the sense that

the children most at risk are dealt with immediately, but that does not deal with the backlog of referrals that need to be urgently reviewed. It is important that a timeline is put in place for the appointment of social workers and that an adequate number is recruited especially in the Cork region. I would welcome a statement from the Minister on the matter.

Senator Diarmuid Wilson: I second the amendment to the Order of Business proposed by my leader, Senator Darragh O'Brien. I concur with my colleague, Senator Denis Landy, who quoted what the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, stated recently on town councils. I welcome the conversion of the Minister, Deputy Howlin, and the Labour Party, although not all members of the Labour Party, because Senator Landy was an advocate for the retention of town councils in this Chamber, as were many colleagues on this side of the House also. I would like to see those comments put into legislation for the next local government elections. People are only now beginning to realise the result of the loss of town councillors to their towns as they have nobody to make representations on their behalf. That has imposed a heavy workload on the reduced number of county councillors who have been elected to represent towns in addition to the wider catchment areas. I very much welcome the Minister's comments, even though it is a case of closing the stable door after the horse has bolted.

I wish to briefly comment on and commend the Seanad Public Consultation Committee on its hearing last Monday on farm safety.

Senator Paul Coughlan: Hear, hear.

Senator Diarmuid Wilson: I was present for the entire four and a half hours, as were many Members on the other side of the House, and indeed the Leader. It was an excellent opportunity for 14 different organisations to outline the concerns and proposals they have on farm safety. I wish to mention one young man in particular from County Monaghan, a neighbouring county of my own, Patrick Duffy, who made an excellent presentation and has proposals for the education sector by way of a board game he has developed. It was an excellent opportunity for the general public to come to their Chamber and outline to their representatives in this House concerns on farm safety.

Senator Marie Moloney: I add my voice to those who have welcomed the announcement by the Minister for Education and Skills, Deputy Jan O'Sullivan, yesterday on people with Down's syndrome. That is something I never agreed with from the very beginning and many of my colleagues felt the same. We always felt what happened was unjust and wrong. That is the reason we have continually lobbied the Minister to make provision in schools for children with Down's syndrome. Thankfully, she has listened and moved in the right direction. We could do with some more hours but it is a step in the right direction.

Another issue that has come to my attention is a funding scheme under the community and voluntary support section of the Department of the Environment, Community and Local Government, which is administered by Pobal. Last year, the support scheme for national organisations omitted 23 health and disability organisations from funding under the scheme. Bridging funding was put in place but it will expire in June of this year. At present, the organisations do not know where they stand and if they will receive funding for the coming year. Could the Leader organise a debate in the House with the Minister so that we can get clarification for the organisations in order that they will know where they stand?

Senator James Heffernan: I echo the comments made by Senator Landy. Today, we have witnessed the retirement of one of the greats of Irish sport. Nobody in any code will match the feats of Henry Shefflin. It is incumbent on the State to devise an honours system for people who have represented their counties or country at the highest level of sport. Henry Shefflin is a legendary figure. He won the player of the year award three times. He has ten all-star awards and all-Ireland medals to beat the band. I do not think he will be matched. While he was a fantastically gifted and skilful player, he did break a few hurleys along the way.

That leads me to calling for a debate on the situation regarding the ash dieback disease, which is a matter I raised in the Seanad many moons ago with a previous Minister. Neither the Government nor clubs and county organisations grasp the scale of the ash dieback disease and the potential it has for hurleys, hurley makers and the native ash species. I am aware of some hurley makers who are importing ash from Scandinavia. Ash dieback has become a major problem across Europe. I know of other hurley makers as well who manufacture hurleys in Poland. I congratulate the Minister of State, Deputy Aodhán Ó Ríordáin, on organising the PolskaÉire festival this week, which was a tremendous success in showing solidarity and celebrating the positive impact Polish people have had on Irish society. Last night, I was very happy to take part in a football match involving an Oireachtas selection against a Polish selection.

Senator Darragh O'Brien: I am sure the Senator was. Senator Gilroy also played.

Senator Denis Landy: We heard Senator Heffernan did it.

Senator James Heffernan: It was not me.

An Leas-Chathaoirleach: A group from St. Patrick's De La Salle school in Kilkenny is in the Gallery. The school principal, Brian Cody, was to be here today but is unavailable for obvious reasons. I will let Senator O'Neill explain why and make a comment.

Senator Pat O'Neill: I would like to be associated with the Leas-Chathaoirleach's remarks welcoming St. Patrick's De La Salle. I thank Senators Landy and Heffernan for their kind comments about Henry Shefflin. It is great to see a Tipperary man acknowledging a Kilkenny man at last. Well done.

Senator Denis Landy: Absolutely - 100%.

Senator Pat O'Neill: Hopefully, some of these young people will don the black and amber at a future date. Henry Shefflin is a role model for any young person in Ireland through his longevity and example. Any person should model himself or herself on what he has achieved in sport. It is not about whether one is good at sport but dedication in one's life to one's work and interests. I encourage everybody to do as much as possible and I congratulate Henry Shefflin on what has been a magnificent career in the GAA.

Although the newspapers have reported that the price of crude oil had decreased to \$50 per barrel, the oil companies said they could not reduce prices because they had forward bought. However, in the past three weeks, the price of petrol and diesel has increased by almost 20 cent per litre because the euro has weakened against the dollar. This is a consumer affairs issue and I do not know what Department it comes under, but I would like a debate on how consumers are being affected by this and other consumer issues. What is happening in the oil industry is a rip-off.

An Leas-Chathaoirleach: As a proud Cork man, I confess that while Henry Shefflin often broke our hearts, he is probably one of the finest sports people the country has ever seen. I wish him luck in retirement.

Senator Paul Bradford: While I did not hear Senator Landy's observation on town councils and local government, I heard Senator Wilson's intervention. Following reported comments at the Labour Party conference, or perhaps on the margins of the conference, by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, and the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, that there was a possibility that town councils would be reintroduced, I had a Commencement debate here on 5 March. Although the Minister, Deputy Alan Kelly, was unable to attend, the Minister of State, Deputy Tom Hayes, who replied on his behalf, made it very clear that there are no plans in place to reverse the decision to abolish town councils. His script indicated that a review might be put in place, and I would welcome such a review. However, we would not want to put the cart before the horse. All of those here who have worked very closely with local authorities at county and sub-county level recognise that the new structures are posing major challenges, some of which cannot be met, because some of the areas are so big that the concept of "local" has been removed from local government. I ask the Minister to establish the review at the earliest possible date. No Minister or Government should be afraid to concede that it probably was a mistake to abolish the town councils in the format in which it happened.

The Leader might facilitate a debate here on local government structures. While local government can very much be the driving force in the regeneration of our towns and villages in rural Ireland, the structures, as newly constituted, may not be ideal. While I hear from some councils that the municipal districts are working, other councillors are serving municipal districts 40 to 80 miles long, and the concept of local representation has disappeared. The Leas-Chathaoirleach knows this from his area, west Cork. I would like to discuss local government structures and see if they need tweaking. They will need major reform. In towns where urban councils had worked well, the local population is already beginning to notice the difference. Although some of the town councils did not cover themselves in glory, others worked very effectively and the baby has been thrown out with the bath water. Although we are only 12 months from the local elections, it is time to examine how we can plan for the best future for local government.

Senator Mary Moran: I welcome yesterday evening's announcement by the Minister for Education and Skills, Deputy Jan O'Sullivan, that the Government has agreed to allocate additional resources to schools to support children with Down's syndrome who are not already being supported through the National Council for Special Education, NCSE, annual allocation process. I was delighted with yesterday's announcement. Like many of my colleagues, I have long pushed for support to be available to children who are not provided for. These interim allocations will provide an additional 2.5 hours per week, pending the introduction of the new allocation model for children with special educational needs. I hope the interim measures and the introduction of the new allocation model will provide the necessary support and assistance more fairly for children with Down's syndrome. I regret that they have had to go through so many hoops to reach the decision. I hope the new model will be announced very soon. It is going through a pilot scheme. I hope clarity will be brought on further additional hours for children with Down's syndrome.

I would like to highlight the Hope Foundation's SHE IS campaign, which was launched earlier this month. The campaign aims to fight gender discrimination and demonstrate solidar-

ity on a global basis. Powerful women across Ireland have lent their voices to the campaign to highlight the gender imbalance in India and around the world. We have progressed by leaps and bounds in recent decades to rectify the gender imbalances that existed in many countries. Unfortunately, this task will require our vigilance and attention for some time to come. Countries such as India remain dangerous places in the 21st century. In 2012, the United Nations cited India as the most dangerous place in the world in which to be born a girl. It is upsetting to hear that 47% of girls in India are married before they reach the age of 18. More than 75,000 people have engaged with the Hope Foundation's SHE IS campaign and I urge my Oireachtas colleagues to support the campaign and bring further awareness to the serious gender inequality in developing countries. We have an opportunity and a platform to generate a discussion and highlight these important issues.

Senator David Cullinane: I raise the issue of water charges and Irish Water. Over recent days, we found out that very important meetings took place between very senior Irish Water staff and the then Minister for the Environment, Community and Local Government, former Deputy Phil Hogan, at which no minutes were taken, which seems incredible given the major issues that were being discussed. Sinn Féin has called for an Oireachtas inquiry into the fact that these minutes were not taken. For many people, Irish Water has become synonymous with everything that is wrong with the Government. It has involved cronyism, political manipulation of State boards and threats against people who cannot afford to pay. It is another charge and tax on struggling families. Over the weekend, we heard that there were no records or minutes of a meeting that took place between the former Minister and the chairman of Bord Gáis, at which very important issues were discussed.

Senator Catherine Noone: How many meetings has Sinn Féin held?

Senator David Cullinane: Many people would be very surprised at this and given the level of crisis the Government has got itself into as a result of the introduction of water charges and the establishment of Irish Water, I am very surprised that the minutes of those meetings were not taken or that they are not available to the public and public representatives. Again, this is another reason to scrap Irish Water in its current form, to scrap water charges and to go back to the drawing board. I do not think the Government has the confidence and support of the majority of citizens in this State. Yesterday, it seemed to be stumbling from one crisis to the next on this issue. Given the revelation that no records of certain meetings exist, the matter merits statements in this House on Irish Water and water services and I again call for this debate in the near future.

Senator Paul Coughlan: I agree wholeheartedly with the comments of Senator Wilson regarding the meeting of the Seanad Public Consultation Committee that was held on Monday under the chairmanship of the Leas-Chathaoirleach. It was most useful, timely and comprehensive. All the submissions were extremely worthwhile and the contributions on the day were excellent. I agree with the Leas-Chathaoirleach in singling out the young man from Ballybay who was brilliant. I am very hopeful for the future. Many very useful proposals came forward that day which, no doubt, will be incorporated in the report. I believe it is the Leader's intention that we will have the opportunity for a debate in this House when the report is published. The Leader might indicate when it is hoped this will be available.

Senator Mary Ann O'Brien: I support Senator van Turnhout's welcome of the announcement by the director of Diageo, David Smith, that he will be stepping down from the board of the Stop Out-of-Control Drinking campaign. I mirror the Senator's words. The drinks industry

has no place in effecting attitudes in schools or public attitudes on alcohol. This applies overall not just to the Stop Out-of-Control Drinking campaign but any future work we do around this area. We will be working on this area shortly.

I mirror the previous comments of Senators in respect of the welcome announcement by the Minister for Education and Skills this morning that 2.5 hours will be given to children with Down's syndrome. Again, I struggle with the thought of children with Down's syndrome being assessed or doing examinations to be accepted, because a child either has it or not. I know there are different levels of it. I look forward to 2.5 hours becoming four or 4.5 hours, which are the sort of hours we should be looking at. We have achieved the minimum at the moment.

I would like us to think about having a debate on vending machines in schools. Most Senators might have read an article by Kevin Dundon, the celebrity chef, in last week's edition of the *Sunday Independent*. I am talking about secondary schools, the education of our young people and their health and well-being, both mental and physical. We are talking about obesity and the future health of our youth. The HSE said it would welcome a ban on junk food in schools. However, a spokesperson for the HSE said it was a matter for the Department of Education and Skills. In the article, Mr. Dundon said:

Every school is almost a culprit of vending machines but I think there are other ways that schools can acquire revenue. It's not only causing overweight and obesity problems but it's giving hardship to teachers because sugar makes children hyper, more aggressive, lessens their ability to concentrate and makes them more disruptive in class.

When I was thinking about speaking this morning, I smiled to myself and thought that Senators should see how they would get on if they tried attending a committee meeting for three hours and then debating here for four hours after having a bottle of Coca-Cola and a couple of sugary bars. They would have a headache, their blood sugar levels would be on the ground and they would be cross and useless because their brains would be run down. That is what we are doing to our people. This is about education. It is not about a lot of money because it is far easier to make a child a healthier lunch than to give them money to go to the local delicatessen or, worse, stick it in a vending machine. We need the Minister for Education and Skills to come to the House to talk about this because it is small beer and a no-brainer. We are allowing our young people to get into terrible habits early on.

An Leas-Chathaoirleach: I call Senator Kelly. My apologies as he should have been called earlier but he was hiding down there so I did not spot him.

Senator John Kelly: I support Senator Heffernan's point about the sustainability of rural post offices. I come from a family of three generations that have run a small post office in rural Ireland. I have also seen the letters that are being sent out by the Department of Social Protection encouraging people to move their pensions and social welfare payments from the post office to the banks for the purposes of so-called convenience when the reality is that it is only in order that it can get greater access to people's bank accounts.

We talk a lot in this House about the decline in rural Ireland and tend continually to blame the Government. Rural Ireland to some degree is in the hands of the people living there. Where there is a small post office, there is invariably a small shop. The postmaster-cum-shopkeeper depends on the people of rural Ireland using their shop for convenience purposes such as getting a loaf of bread, the pint of milk and a few groceries. I know it is very difficult to expect people

not to go to Aldi, Tesco and Lidl but if they only contributed a small bit to the rural shop with the rural post office, they would be more viable. People should not be threatened by letters that come from the Department of Social Protection telling them to do what I have just described, and they should support the local post office. That will ensure its viability in the future.

Senator Rónán Mullen: The announcement by the Minister for Education and Skills of extra resources for children with so-called mild Down's syndrome is very welcome, as others have said. There are many situations where children have disabilities that call on our special care and attention. It is fair to say that children with Down's syndrome in particular have a very special place in the hearts of Irish people and this country given the great memories we have of the Special Olympics. In respect of the ongoing debate about the needs of children with disabilities, people in Ireland want this country to set a standard in the resources it provides. Like others, I note that what has been offered is also mild in that it is just 2.5 hours of resource teaching per week per child. The chief executive of Down Syndrome Ireland, Pat Clarke, said that regardless of the level of severity of Down's syndrome, what is needed is between five and eight resource hours. I hope that this does not act as a delaying tactic in respect of the introduction of a new teaching resource model. There is concern as people know about the need for a medical diagnosis before resources can be allocated. I hope this bit of good news does not delay the greater amount of good news that is needed in terms of the provision made not just for children with Down's syndrome but others.

I note the announcement this morning from the Broadcasting Authority of Ireland, BAI, that its new guidelines on the coverage of the forthcoming referenda are in force as of today. Along with a number of colleagues from the Houses of the Oireachtas, I attended a very good briefing by the authority this morning. It is clear that it is very intent on encouraging the broadcast media to ensure a fair playing field in the forthcoming referenda debates. Much more credit is due to the former MEP, Patricia McKenna, and Anthony Coughlan for bringing their court cases which more than anything else have brought a measure of respect for balance into the way the media deal with referenda and elections. From my engagement with the BAI this morning and in respect of broadcasters who up to now have been involved in some very soft-focus presentations of lifestyle issues in a way that really is intended to generate public sympathy for one side of the argument, it is not clear whether the BAI has the teeth to deal with that kind of subtle bias that continues to be a part of our media's coverage of various social issues. It is incumbent on all of us in the Oireachtas to ensure that the debate will be fair. We must call out anyone in the media, particularly tax-funded broadcasters, who in any way abuse their position so as to advance one side or the other in the forthcoming referendum. It is really important that issues are not pushed down people's throats. It is really important that every voter is equally respected and that people are well served by their broadcast and print media in reaching an informed decision. We must have a debate in which all sides of the argument are properly ventilated and there is equal respect for all views. Plus, there must be no subtle or unsubtle pushing of agendas by journalists.

Senator Michael Mullins: As a proud Galway hurling supporter, I join with colleagues here in congratulating and wishing every good luck and success to Henry Shefflin, who has announced his retirement. He broke our hearts on many occasions and we have all marvelled at his amazing skills. We should thank him for the amount of enjoyment that he brought to so many people during his long and illustrious sporting career.

I welcome the announcement made yesterday by the Minister for Education and Skills of additional resource teacher support for children with Down's syndrome. The economy is be-

ginning to pick up and more resources are becoming available. I hope that those resources will be targeted at children with special needs and people with disabilities. It is wrong that parents and service providers have had so little certainty down through the years and have had to constantly fight for the minimum resources. I urge the Government to ensure that as resources become available they are targeted at people with special needs.

I ask the Leader to organise a debate in the near future on the excessive variable mortgage rates charged by Irish banks. The matter has been mentioned in this House before. We should invite the Minister of State or Minister for Finance here to discuss the matter. It is one of the biggest issues facing Irish consumers, particularly young people trying to organise a mortgage to buy their first home. Variable interest rates are 1.79% higher than the eurozone average, which means Irish consumers are paying €1.2 billion more than they should, representing an overpayment of €3,300 per annum or €275 per month. We must ask ourselves why a Belgian or German borrower can get a long-term fixed-rate mortgage at 3% while an Irish person trying to organise a variable-rate mortgage must pay 4.5%. As we know, all eurozone banks are subject to the same refinancing rate of 0.55%. This matter needs to be inquired about. Mr. Brian Hayes, MEP, has highlighted the fact that the Competition and Consumer Protection Commission has refused to investigate the matter. What more significant issue faces Irish consumers than the cost of banking? I call on the agency to reconsider its position and ask it to investigate why Irish banks charge so much more than their eurozone counterparts. We should also have a full, frank and open discussion with the Minister for Finance on the matter in this House.

Senator Thomas Byrne: I want to raise the issue of the dramatic cuts being made to Leader funding. When the European multi-annual financial framework and CAP reform package were passed, the Taoiseach and the Minister for Agriculture, Food and the Marine could not wait to tell us that it was a great deal for Ireland and Europe at the time. The fruits of that rotten, disastrous deal that this Government negotiated with Europe are now apparent. It is proposed to cut Leader funding for County Meath by 46%. Leader money was used to fund festivals and many community halls and centres throughout my county, but that funding has been cut in half, which is disastrous. Shame on Government representatives who have issued press releases the length and breadth of this country welcoming this funding. The announcement about Leader funding means devastation for many rural groups, communities, festivals, parish centres and community halls that depend on this money. They depend very badly on Leader funding, and many groups had hoped to avail of it. This rotten deal was signed by the Taoiseach and the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney. They could not wait to have tea in the parlour in Germany and in the offices in Brussels. Their view was that any deal would do. They did not fight for us hard enough and the cut in funding is the result. My county will now receive only half the money, and in some counties like Cork there has been a cut of 72%. That is the reality. That is the result of the disastrous, polite and too-respectful negotiations that took place in Europe. When this Government came to power it was mostly concerned about pleasing Angela Merkel and its European counterparts instead of fighting hard for this country. It has failed to fight hard, and the result is now to be seen.

Senator Catherine Noone: I wholeheartedly support Senator Mary Ann O'Brien's call to ban vending machines. I have highlighted the matter on numerous occasions in the past. I find it hard to believe, in a country in which one in four children is either overweight or obese, that the *status quo* is that we have vending machines laden with sweets in schools. They have the potential to create bad habits for children at an early age which they will continue throughout their lives. It is refreshing to hear statements on the matter from a woman who owns a choco-

late company. In a way she is down on sugar, but she appreciates that vending machines in schools are totally unacceptable. I join her in her call for the Minister to come here to debate the issue. What is the Government doing to alleviate childhood obesity if we are willing to leave vending machines laden with sweets in schools? It beggars belief.

On a more positive note, I strongly welcome the new ESRI report that predicts a growth in GNP of 4.1% in 2015 and 3.5% in 2016. According to the report, the increased level of economic activity should see unemployment rates falling to less than 10% by the end of 2015, for the first time since 2008. The unemployment rate is envisaged to drop even further, to 8.4%, in 2016, which is 1.5% less than at the end of last month. Moreover, it is predicted that public finances will be boosted by exports and investment, particularly on the consumer spending front. As a result, the budget deficit should decline to 2.3% of GDP this year, with a further reduction to 0.3% in 2016.

The report also states that an estimated 16,000 new housing units will be built this year, an increase of 5,000 from 2014. While the report paints an overall positive economic picture for the coming years, it also puts on record concerns about the mortgage lending restrictions introduced by the Central Bank. I have previously voiced my concern about these restrictions and welcomed the subsequent amendment to the restrictions for first-time buyers. Nevertheless, today's ESRI report warns that these restrictions may depress housing prices, which it has reported are undervalued by 10%. Potentially, this means less incentive to construct houses and, therefore, fewer properties and rising rental rates.

Senator Darragh O'Brien: The Senator should table a Commencement matter on the subject.

Senator Catherine Noone: The report continued:

The research concludes that the impact of the measures will be contractionary suggesting that, while house price inflation may be reduced due to these new measures, this reduction may come at the expense of fewer houses being supplied and fewer mortgage loans being extended.

Senator Mark Daly: I support my colleague Senator Darragh O'Brien in his views on the issue of medical cards. I also share his view on the Government's continued perverse policy of withdrawing medical cards from the elderly and children who are in need of assistance but who happen to be over the age of six years while giving them to the sons and daughters of millionaires who are under the age of six. It is probably the most disgraceful policy to ever be pursued by a government. I support the call for a debate in that regard.

I seek a debate on medicine. I also seek a debate on the alleged draft report on Portlaoise hospital and the attempt by the HSE to silence critics in the report and to have it edited and changed. The matter deserves the attention of this House and probably the Oireachtas Joint Committee on Health and Children.

Senator Colm Burke: The failures happened when the Senator's party was in office.

An Leas-Chathaoirleach: Senator Daly, please, without interruption.

Senator Darragh O'Brien: Senator Burke told us HIQA had published a report, instead of saying he was disappointed. He is like an observer.

Senator Mark Daly: If Senator Burke thinks it is okay for the HSE-----

An Leas-Chathaoirleach: Senator Burke can see that he has set off a bomb again.

Senator Mark Daly: If Senator Colm Burke thinks it is okay for the HSE to attempt to silence HIQA, which is critical-----

An Leas-Chathaoirleach: I urge Senator Daly to address the Chair.

Senator Mark Daly: If the Government is only looking for praise, then it should look to its own press department, because that is the only place it will get praised.

An Leas-Chathaoirleach: I advise the Senator that it is inappropriate to talk to another Senator across the floor.

Senator Mark Daly: If the Government wants critical analysis and wants HIQA to do its job, which it is doing-----

Senator Colm Burke: From 2002 to 2010, Fianna Fáil did nothing. Absolutely nothing.

Senator Mark Daly: -----then it should look at the report and have it published unedited.

An Leas-Chathaoirleach: Senator Burke should not draw problems onto me.

Senator Colm Burke: If the report is true he does not want to hear it.

Senator Mark Daly: The Government did not promise censorship, but rather openness and transparency, which it is not providing. This report is a crystallisation of that policy.

An Leas-Chathaoirleach: Is the Senator looking for a debate?

Senator Mark Daly: I am looking for a debate on that. Senator Burke would like to show up and defend his-----

An Leas-Chathaoirleach: Senator Daly, you are here a long time. It is inappropriate to address another Senator. You speak through the Chair or not.

Senator Mark Daly: Will the Leas-Chathaoirleach ask Senator Burke-----

An Leas-Chathaoirleach: I chastised Senator Burke for interrupting you. You do not have to engage for two minutes with the other Senator. If you have an issue for the Leader, please address it.

Senator Mark Daly: Perhaps the Leader would ask, when the debate is held on the report that is being suppressed by the HSE, that the Minister would attend the House in order that we can have a full, open and transparent debate on the contents of the unedited report.

I pay tribute to Henry Shefflin on his retirement. I am from a county which has not fallen
1 o'clock to his masterful skills and can praise him fulsomely and wholly. We never lost an all-Ireland hurling final and have a clear track record of winning one out of one. We then retired and concentrated on football. Maybe some counties should do the same.

Senator Maurice Cummins: I appreciate those comments.

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Senator Mark Daly: We have won the Christy Ring cup and other competitions. It will come as news to the Government that I want to thank and praise it and I ask the Leader to give me some indulgence in this regard.

Senator Maurice Cummins: The Leader has no say in it at all.

Senator Mark Daly: The Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, who is a former Senator, will come to Kerry tomorrow and we will give him a full welcome. He will visit the Valentia marine rescue co-ordination centre. The Members opposite-----

An Leas-Chathaoirleach: That is not a matter for the Order of Business.

Senator Mark Daly: It was a matter that was raised here many times on the Order of Business. There were attempts by both Governments to close it. A previous Fianna Fáil Minister attempted to have it shut down and the local community and a national campaign, in which Mick O'Connell was involved-----

An Leas-Chathaoirleach: The Senator is well over the time.

Senator Mark Daly: We managed to keep it open. I praise all involved.

Senator Maurice Cummins: I assure Senator O'Brien that the system for those aged under six and over 70 will be up and running before the end of the year. The Senator referred to fampridine yesterday. The HSE received an application for the inclusion of fampridine in the General Medical Services and community drugs schemes. The application was considered in line with the procedures and timescales agreed by the Department of Health and the HSE with the Irish Pharmaceutical Healthcare Association for the assessment of new medicines. In accordance with these procedures, the National Centre for Pharmacoeconomics conducted an evaluation of fampridine and concluded that the manufacturer was unable to demonstrate sufficient effectiveness and a fair price for fampridine in the Irish health care setting. It was unable to recommend the reimbursement of the product. On foot of this the HSE decided that it was not in a position to add the drug to the list of reimbursable items supplied under the GMS and other community drug systems and schemes.

It was open to the supplier to submit a new application to the HSE for the inclusion of fampridine in the community drugs schemes, incorporating new evidence which would demonstrate the cost-effectiveness of the drug by offering it at a reduced price, or both. The revised application was received by the HSE in July 2014. It has since engaged with the company, seeking an improved commercial offering. These engagements have been completed and the HSE is now considering their outcome. The HSE has also had discussions with clinical experts on this drug, the outcome of which is also being considered.

Senator Darragh O'Brien: I thank the Leader.

Senator Maurice Cummins: Senator Landy and many others welcomed the extra 2.5 hours for children with Down's syndrome. It is a step in the right direction, as many stated. It is a first step and it is to be hoped the hours will be increased.

Senator Landy also welcomed the agreement at Cabinet on the situation of Waterford Crystal workers. As he correctly pointed out, it has been an anxious six-year wait for them in Waterford and the south east for the €180 million pension package agreed by the Cabinet and introduced

by the Minister, Deputy Burton. A key part of the package will see lump sum payments based on time served with the company, as opposed to being linked to the Waterford Crystal staff and factory pension scheme. This increases the lump sum costs by €4 million to €45 million. Workers will get €1,200 per year in pensionable company service on top of their pensions.

As was signalled, there will also be provision for the next-of-kin of deceased workers who were originally denied entitlements when the firm and its pension fund became insolvent. The total cost of the package will be funded through the Department of Social Protection. The deal was hammered out after talks began in December between the trade union Unite, Government officials and the consultants Mercer, under the Labour Relations Commission chairman, Kieran Mulvey. The settlement will bring long overdue peace of mind to the workers and their families. It is to be hoped that the payments will begin in very early course.

Senators Landy, Bradford and Wilson referred to town councils. As Senator Bradford pointed out, it was stated in a reply to him a couple of weeks ago that there are no plans in place to restore town councils at this stage, but there was a possibility that a review could be initiated. We will have to wait.

Senators van Turnhout and Mary Ann O'Brien referred to Diageo stepping down from the Stop Out-of-Control Drinking campaign, something which was welcomed by quite a number of Members. They also highlighted that there should be no role for drinks companies in public health matters and schools.

Senator Naughton welcomed the recent job announcements from Apple and IDT in Galway, but also pointed out the skills deficit in some areas and the need to address that. I will bring the matter to the attention of the Minister, Deputy Bruton, and it is to be hoped he can address it. I also welcome the 50 Sun Life jobs announced in my city today, which will be welcomed by everybody in Waterford.

Senator Norris raised the question of Commencement debates and the changes we have initiated. They have been working quite well but I see his point. We needed 12 for a quorum, which reduced to six after a short period. Twenty-three people spoke. People are coming in at the end of debates when they are practically over, and they drag on. We will have to examine the situation. We had Commencement debates and the Order of Business changed to allow people to be present for the Order of Business. People contribute but do not remain in the Chamber. A number of people who raise matters on the Order of Business do not have the courtesy to wait for a reply. We have to look at ourselves when we talk about Seanad reform and the system within the House. Senator Norris also referred to Waterford Crystal workers and made comparisons with Aer Lingus. They are two very different matters.

Senator Burke referred to waiting list backlogs and the need to recruit social workers. He said a timeline should be put in place. I agree with him and will endeavour to have the Minister come to the House to address that matter.

Senator Diarmuid Wilson raised the matter of town councils, which I have addressed. There is no doubt the workload of county councillors has increased significantly since the abolition of the town councils.

Senator Diarmuid Wilson: True.

Senator Maurice Cummins: That additional work is being carried out without additional

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resources and additional allowances for councillors. That issue should be taken into consideration. If it was any other walk of life there would be uproar in respect of the increased workload for councillors. It is practically a full-time job at present. I note the Senator's points in respect of the Seanad Public Consultation Committee and thank him for his presence. Like some other Members, he was in attendance for the entire session. Senator Paul Coghlan also asked a question in respect of that issue. We would hope to have the report published within a number of weeks and to have the Minister come in for a debate on its contents and recommendations.

Senator Marie Moloney mentioned the community and voluntary support scheme and the 23 organisations excluded last year. I suggest she table that issue for a Commencement debate with a view to getting answers from the relevant Minister.

Yesterday, Senator James Heffernan raised the matter of rural post offices and the letter that issued to a customer from the Department of Social Protection. I have secured a debate, as requested by the Senator, for Thursday, 2 April 2015, immediately following the Order of Business, where we can discuss the letter that issued in respect of paying people's pensions into banks and so on. The Senator also raised the issue of ash dieback disease. We had a debate on the issue about two years ago but I will investigate the possibility of having another debate on that matter. The Senator welcomed the PolskaÉire festival which was held on Sunday last and was a great success. I think solidarity will be suspended on Sunday next when we play Poland in the European Cup game.

Senator Pat O'Neill and other Senators mentioned Henry Shefflin's retirement. Being from Mullinavat, which is close to my own city, he was certainly a thorn in our side for many years. We all wish him well in his retirement. He is a wonderful sportsman.

Senator O'Neill expressed concern at the price of petrol and diesel and asked that the issue be examined by consumer affairs and that the Minister be invited here to discuss the matter. I will try to arrange that debate.

Senator Paul Bradford raised the issue of town councils and local government structures. I am sure we will have further debates on that issue.

Senator Mary Moran highlighted the Hope Foundation's campaign on gender equality, called SHE IS. It is to be recommended.

Senator David Cullinane raised the matter of Irish Water and Bord Gáis. That matter was raised by Senator Gerard P. Craughwell yesterday and responded to. On the issue of whether the Government has the confidence and support of the majority of citizens in the State, that issue will be decided by the people of the State next year in a general election, a State which the party of which the Senator is a member refused to recognise for many years until recently.

Senator Paul Coghlan raised the issue of farm safety. I have outlined when that report will come before the House.

Senators Mary Ann O'Brien and Catherine Noone raised the matter of vending machines and the whole question of overweight and obesity. I hope Members will not take up Senator Mary Ann O'Brien's suggestion of a sugar fix before the Order of Business; they are bad enough already. I take the point in respect of vending machines.

Senator John Kelly raised the issue of rural post offices. As I have said, the letter from the

Department of Social Protection will be dealt with on 2 April 2015.

Senator Rónán Mullen raised the issue of balance during the referendum campaign. I can assure him there will be fairness and balance in this House and that is all I can answer for.

Senator Michael Mullins highlighted the variable mortgage rates being charged by Irish banks and the excessive charges at the expense of the consumer. I will endeavour to have the Minister for Finance come to the House to address that matter and the whole area of banking. A debate on that matter is overdue.

Senator Thomas Byrne mentioned the cuts to Leader funding. I accept there have been cuts to Leader funding but increased funding has been provided for the LEOs throughout the length and breadth of the country and much more money will be coming through local authorities.

Senator Catherine Noone raised the ESRI report and the good news on employment and the economy.

Senator Mark Daly raised the issue of medical cards, and called for a debate on the HIQA report which he said is being suppressed by the HSE. The latter matter was raised by Senator Whelan yesterday to which I gave a comprehensive reply.

An Leas-Chathaoirleach: Senator Darragh O'Brien has proposed an amendment to the Order of Business: "That a one hour debate with the Minister for Health to update the House on the proposals to provide free GP care to those under six years and over 70 years of age be taken today." Is the amendment being pressed?

Senator Darragh O'Brien: Yes.

Amendment put:

The Seanad divided: Tá, 13; Níl, 24.	
Tá	Níl
Byrne, Thomas.	Bacik, Ivana.
Craughwell, Gerard P.	Burke, Colm.
Crown, John.	Coghlan, Eamonn.
Daly, Mark.	Coghlan, Paul.
Leyden, Terry.	Comiskey, Michael.
Mooney, Paschal.	Conway, Martin.
Mullen, Rónán.	Cummins, Maurice.
Norris, David.	D'Arcy, Jim.
Ó Murchú, Labhrás.	Hayden, Aideen.
O'Brien, Darragh.	Higgins, Lorraine.
Power, Averil.	Kelly, John.
Walsh, Jim.	Landy, Denis.
Wilson, Diarmuid.	Moloney, Marie.
	Moran, Mary.
	Mulcahy, Tony.
	Mullins, Michael.

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	Naughton, Hildegard.
	Noone, Catherine.
	O'Brien, Mary Ann.
	O'Neill, Pat.
	Sheahan, Tom.
	van Turnhout, Jillian.
	Whelan, John.
	Zappone, Katherine.

Tellers: Tá, Senators Paschal Mooney and Diarmuid Wilson; Níl, Senators Paul Coghlan and Aideen Hayden.

Amendment declared lost.

Order of Business agreed to.

**An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Comhionannas Pósta)
2015: An Dara Céim**

Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015: Second Stage

Acting Chairman (Senator Jillian van Turnhout): We move on to the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 - Second Stage. No. 2, motion pursuant to section 23 of the Referendum Act 1994 in regard to the proposal to amend the Constitution, which is contained in the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015, will be debated in conjunction with Second Stage of the Bill but will not be moved until Fifth Stage is concluded.

Tairgeadh an cheist: “Go léifear an Bille an Dara hUair anois.”

Question proposed: “That the Bill be now read a Second Time.”

Minister for Justice and Equality (Deputy Frances Fitzgerald): I am honoured to introduce the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 into Seanad Éireann. The Bill sets out the proposed constitutional amendment on the issue of marriage equality to be put to the people in the referendum on 22 May 2015. If the referendum is approved by the people, couples will have a right to marry without distinction as to their sex.

The Government agreed on 5 November 2013 that a referendum should be held in the first half of 2015 on the question of enabling same-sex couples to marry. The Government's decision was in response to the report of the Constitutional Convention. The convention's third

report, “Amending the Constitution to provide for same-sex marriage”, issued in June 2013, recommended that an amendment be made to the Constitution to provide for same-sex marriage. Obviously, I would like to acknowledge the contribution to these deliberations of the Senators who were members of the convention.

The Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 was published on 21 January 2015 following Government agreement on the proposed wording. The Government has since agreed, on 3 March 2015, the general scheme of the marriage Bill 2015, which sets out the legislative changes that will be undertaken if the referendum is passed by the people. That scheme was circulated by me to Senators on 9 March 2015. The proposals provided for in the general scheme are, of course, conditional on the decision of the electorate on the referendum.

The Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 provides that, if the referendum is passed, a new section will be inserted after section 3 of Article 41 of the Constitution. That section, Article 41.4, if approved by the people, will contain the following wording: “Marriage may be contracted in accordance with law by two persons without distinction as to their sex.” No other amendments would arise in respect of Article 41. The wording is intended to give a right to marry to couples without distinction as to their sex. If the wording is approved by the people, there will be a corresponding obligation and requirement on the State to respect and vindicate that right in its legislation. Therefore, it would not be open to the State to maintain in being legislation which prohibits the marriage of same-sex couples. Legislation would have to be enacted to enable marriages to take place between same-sex couples.

I propose to outline the rationale behind the wording proposed for the thirty-fourth amendment. The first element of the wording, “Marriage may be contracted,” draws on the precedent of Article 41, which recognises marriage as an institution. The wording confirms that the right being proposed in the constitutional amendment relates to the issue of access to the institution of marriage. The decision to use the term “contracted” is for the following reasons. It is the term already used in Article 41.3 in regard to marriage. Furthermore, the term confirms that what is at issue is civil marriage, which is a contract between two persons in the eyes of the State. The phrase “in accordance with law” has been included in the proposed wording to confirm that marriage would continue, as at present, to be regulated by statute and by common law. The phrase “without distinction as to their sex” reflects language already used in Article 16 of the Constitution. Articles 16.1.1° and 16.1.2° use the phrase “without distinction of sex” with regard to the eligibility of citizens for membership of the Dáil and the right of every citizen to vote for members of Dáil Éireann. The wording proposed for the thirty-fourth amendment builds on the language of that precedent to provide for a couple, regardless of their sex, to be eligible to marry.

There has been some commentary on the decision to use the term “sex” rather than “gender” in the wording of the proposed amendment. The reason the term “sex” has been used is that it is the term already used in the Constitution. Furthermore, the barriers which prevent persons from marrying under Irish law are impediments relating to a person’s sex rather than to a person’s gender.

The Irish wording of the amendment was changed on Committee Stage in the Dáil in the interests of further clarity. The view of the Oireachtas translation service and of the other language experts that I consulted was that the concerns expressed regarding the proposed wording were unfounded. However, the Government considered it important that the electorate should

have absolute confidence in the wording proposed for the amendment in both English and Irish. As a result, the Government decided to propose a more literal translation of the English wording. The amended wording, as agreed on Committee Stage in Dáil Éireann and based on the recommendation of the Oireachtas translation service, is as follows: “Féadfaidh beirt, gan beann ar a ngnéas, conradh pósta a dhéanamh de réir dlí.” This wording essentially can be translated into English as: “Two persons, regardless of their sex, can contract a marriage in accordance with law”.

Senator David Norris: Bravo. Well done.

Deputy Frances Fitzgerald: What does the proposed constitutional amendment seek to achieve? What are the people being asked to decide in the referendum on 22 May? The people will be asked to decide upon a simple question, namely, who should have the right to marry in the eyes of the State. The answer to that question will determine whether or not the institution of marriage should be opened to same-sex couples on the same basis as opposite-sex couples. The people will decide if all couples who wish to marry should be able to do so. They will determine whether marriage should be reserved for heterosexual couples. The people will have the opportunity to decide whether the Constitution should contain a right to marriage equality.

Who are the same-sex couples that will be affected by the answer to these questions? They are our children, our grandchildren, our siblings, our friends, our colleagues, our neighbours and our fellow citizens. Many waited years to gain the public recognition of their relationships represented by civil partnerships. Many are now waiting again and hoping to be in a position soon to make the deepest commitment to a life partner, namely, to be able to marry him or her.

Marriage is important to us as a society. It is the foundation of many of our families. It is the public expression of a profound commitment to another human being. The referendum, if passed, would not affect existing marriages in any way. Neither would it have any impact on heterosexual marriages into the future. The proposed constitutional amendment would not re-define marriage. What the amendment would do, if approved by the people, would be to enable an additional group of people - same-sex couples who cannot marry at present - to have the right to marry. The existing structure underpinning civil marriage would remain in place. Marriages would continue to be registered in the same manner as at present. The same conditions would continue to apply. Each person entering a marriage, for instance, would have, as at present, to give full, free and informed consent. The legal consequences accruing for the couple would be the same for a same-sex married couple as for a heterosexual couple. Marriage and the family would continue to be protected, as they are at present, by Article 41 of the Constitution.

Furthermore, the proposed constitutional amendment would not have any impact on religious marriage, as the amendment relates exclusively to the issue of civil marriage. Religious marriages would continue to be regulated by the respective religious denominations. The right of religious denominations to manage their own affairs is enshrined in Article 44.5 of the Constitution. This right is reflected in the legislation governing the registration of marriage. Section 51(3)(c) of the Civil Registration Act 2004 stipulates that a religious solemniser shall not solemnise a marriage except in accordance with a form of ceremony which has been recognised by the religious body of which he or she is a member. The general scheme of the marriage Bill, which I placed on the website of the Department of Justice and Equality and circulated to Oireachtas Members on 9 March last, confirms that nothing in the legislation which would be introduced into the Oireachtas if the referendum were passed would oblige: a religious body to recognise a particular form of marriage ceremony; or a religious solemniser to solemnise a

marriage in accordance with a form of ceremony which is not recognised by that religious body. If the referendum were approved, those getting married in religious ceremonies would continue to do so in the same manner as at present.

I will say this again because it is critically important. There would be no implications for religious marriages. Of course, if a religious denomination were to choose to solemnise same-sex marriages, it would be free to do so. Nonetheless, the changes resulting from the referendum, if carried, would be exclusively to civil marriages - marriages in the eyes of the State.

Civil marriage is a legal contract between two persons, intended to be for life, which changes their status towards one another in the eyes of the State. It has implications for taxation, social welfare, property and succession. It has the protection of the Constitution. On what basis can we argue that some couples should get the legal and financial benefits that accrue from civil marriage but that these should be denied to others? On what basis can we argue that two persons should be prevented for the duration of their lives from making a lifetime's commitment to one another? On what basis can we continue to allow same-sex couples to be locked out of a union which has the protection of the Constitution?

Marriage has evolved with the norms of each age. The concept of marriage based on equality would have been unimaginable to our ancestors. Consider how different marriage was for women in times gone by. For centuries, women lost any independent legal existence once they got married. It was not until the Married Women's Property Act in 1870 that married women got the right to hold their earnings in their own right. Prior to the mid-19th century, it was common for marriages to be arranged. Married couples lived with parents, siblings and other relatives in larger family groups.

Even in our own lifetimes, marriage has changed fundamentally for women. A woman who got married 60 years ago would not have been able to sue in her own right. She was not entitled to sit on a jury. She was prevented by the marriage bar from continuing to hold a job in many areas of the public sector, right up until the 1970s in this country. The marriage of the 1950s was one in which it was routine for the woman to be the homemaker and the man the provider. However, today our understanding of marriage is very different. We expect now, on entering marriage, for it to be a relationship of equals. We consider it normal for a married couple to live together with their children rather than as part of a larger family group. However, the current concept of marriage as a relationship of equals, intending to fulfil both parties, has only been the norm for the past two generations.

Preventing couples from getting married because of their sexual orientation increasingly jars with our sense of fairness. For more and more people in our society, this issue at stake is one of equality.

When the Civil Partnership and Certain Rights and Obligations of Cohabitants Act was passed in 2010, it represented an important step forward in the public recognition of the relationships of same-sex couples. Significant changes were made then to legislation on taxation, social welfare and succession to enable civil partners to have rights which were equal to those of married couples in many areas. Civil partnership has been a successful mechanism through which many same-sex couples have made publicly binding commitments to one another. Some 1,467 couples had entered civil partnership by June 2014.

However, the tide of history internationally has shown that civil partnership is now viewed

in many countries as a staging post along the path to full equality for same-sex couples rather than a final destination in itself. An increasing number of countries are giving same-sex couples the right to marry. The Netherlands was the first country to pass a law, in 2001, enabling same-sex couples to marry. Since then, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, France, Brazil, Uruguay, New Zealand, Luxembourg, Finland, England, Wales and Scotland have all given same-sex couples the right to marry. It is possible for same-sex couples to marry in 37 US states. The US Supreme Court is currently considering whether or not that right should be extended across all US states. This month, the Slovenian Parliament approved a law in favour of marriage equality. More and more countries are choosing to extend the right of marry to same-sex couples, seeing it as an issue of equal rights for all.

Many same-sex couples themselves have indicated that while civil partnership has been welcome as an arrangement for its time, it is no substitute for marriage. They wish to participate as full citizens in all of the institutions available to others in the society. They wish to enjoy the same rights to marry as are now available in many countries. They wish their relationships to enjoy the same public recognition and respect as those of heterosexual couples. For them, it is an issue of equality.

For our society, it is also an issue of equality. We will have to decide whether or not we open up the institution of marriage, in the interests of equality, to same-sex couples as well as to heterosexual couples. We will have to decide if marriage should be defined against the prism of the past or a vibrant institution embedded in the modernity of the 21st century.

I was moved by the debate in the Dáil. I felt that we were at a privileged moment in our history when the manifold possibilities of the future were before us. I was reminded of Maya Angelou's famous poem *On the Pulse of Morning*, which urges us to embrace the possibilities of the new morning and to take the path of change:

Lift up your hearts
Each new hour holds new chances
For new beginnings. ...
The horizon leans forward,
Offering you space to place new steps of change.
Here, on the pulse of this fine day
You may have the courage

Once in a generation, people get the chance to make a life-changing decision which will have the effect of defining the priorities of that society. This is a moment when our society gets the chance to take a momentous decision. Ireland will be the first country to decide the issue of marriage equality in a referendum. It is the finest expression of our democracy that the decision will be a decision of the many rather than of the few.

Senator Averil Power: Fianna Fáil strongly supports the legislation before the House today. We held a vote at our Ard-Fheis in 2012 where our members endorsed equal marriage for same-sex couples. They also voted in favour of equal adoption rights for same-sex couples.

As a republican party, we believe in equality for all citizens, be they male or female, black or white, gay or straight. It is a core principle of our party and it is one that was reiterated earlier this week when we held our own event to launch a programme of events to commemorate 1916. It is particularly fitting that this legislation is progressing now in advance of the centenary of the Easter Rising next year. As a people, we now have an opportunity to genuinely bring through the ideals of our founding fathers in the Proclamation and ensure that we deliver a society that treats “all of the children of the nation equally”. For that reason, we support the referendum.

My party’s director of elections, Deputy Niall Collins, has already undertaken a national tour organising public meetings around the country. For my own part, I am knocking on doors five times a week in my area and helping groups, such as Marriage Equality and Yes Equality, doing canvassing training to ensure that there is a ground war on this as well. It is very important that people get an opportunity to interact with those who are campaigning for a “Yes” vote, to ask us questions and to understand for themselves what the campaign is really about. Unfortunately, much of that gets lost in the media coverage because of the restrictive rules based on the way the Coughlan judgment has been applied, which results in a situation in which there is a 50:50 debate on everything-----

Senator David Norris: That is absolute nonsense.

Senator Averil Power: -----regardless of whether it is reflective of where anyone stands on an issue. In spite of the fact that all political parties, major children’s rights organisations, human rights organisations, trade unions, medical organisations and every type of civil society group are in favour, media debates look as though it is an issue on which people are equally divided. People constantly tell me that makes the issue confusing for them. They come away from watching those programmes with nothing more than a headache and they are no more enlightened about the subject matter of the debate than they were previously. That is a serious issue, particularly from a public service broadcasting point of view. Public service broadcasters have a responsibility to enlighten people, to explain what referendums are about and not to leave people in a fog caused by ridiculous, contentious debates that do not help anyone. A door-to-door campaign is very important.

Let us be clear: the question before us in the referendum is incredibly simple. The Bill is between two and three lines long. I include the Title. There is a one-line question, which is whether two adults who love each other and are committed to spending the rest of their lives together should be able to get married, be they male and female, female and female or male and male. Love is the same regardless of gender. It is precisely because the question is so simple that the “No” side is deliberately trying to muddy the waters and confuse people - because they know Irish people are warm, understanding, empathetic people who do not like to see other members of society suffer for no good reason. When people are asked a straight question as to whether they think two committed adults in love with each other should be able to marry, the response is overwhelmingly “Yes.”

I was part of the Constitutional Convention where the issue was discussed. We heard all the arguments on both sides over the course of two days, and at the end of the process the citizen members voted overwhelmingly in favour of marriage equality. It was a very emotional experience, because citizens who had come to the process not convinced - who said to me on the Saturday morning that they believed in equal rights for people but were not sure about marriage and were not convinced it was necessary - by Sunday afternoon, when the vote was announced, were in tears along with the rest of us, and we all hugged each other. It was such an emotional

response, because they had listened to lesbian and gay people affected by this and they had seen the human side of it and the impact that discrimination and a denial of the right to marry have on people and their families. They had listened to incredibly articulate young people who had been brought up by lesbian parents. Any parent would have been proud to have those two people stand up and reflect their family and their upbringing. After the two young people spoke, the lady beside me turned to me and said “Oh my God. How could we justify this?”. The two young people clearly said they had amazing parents and a great upbringing, with the same home environment as everyone else, yet society does not treat them the same. They said the only unhappiness they had as children was being treated differently by the State when they were clearly brought up in a loving and very supportive environment.

It is because people overwhelmingly respond positively when the question put to them is the one on the ballot paper - namely, whether two adults should be able to marry - that the “No” lobby is deliberately trying to confuse the situation and make the referendum about other issues. They claim the referendum is on adoption, which is a completely unrelated and entirely separate issue, one in which I have a considerable personal interest, as the Minister is aware. However, it has absolutely nothing to do with the referendum.

Senator Martin Conway: Hear, hear.

Senator Averil Power: As things stand, gay people can adopt. As of today, they can only do so as individuals, which only penalises the children, because when a couple adopts and only one of the parents has a legal relationship with the child, that is damaging for the child because it does not give him or her a legal connection and support from the second parent. Under the family law Bill that is currently going through the House, by this time next week all cohabiting couples and people in civil partnerships will be able to adopt. The argument is a complete red herring. Regardless of whether people vote “Yes” or “No” in the referendum, same-sex partners will be able to adopt. It is important to look at the experience we have from fostering, as gay couples have been fostering very successfully for many years and providing a loving and supportive environment for children from very difficult circumstances whose earlier lives were very difficult, and giving them a second chance.

While people get obsessed with adoption, it is important to point out that only a handful of children are adopted in Ireland currently. In fact, it is probably not enough. Last year there were 112 adoptions, of which almost 100 were by family members involving step-parents or other relatives. It is most disingenuous that certain groups try to portray the referendum as being about issues such as adoption. Moreover, the important point is that regardless of whether people vote “Yes” or “No”, children are being brought up in same-sex families. Many gay people have children of their own from previous relationships, from a time when they were not comfortable coming out and ended up marrying someone of the opposite sex and going through the torment and pain of marital breakdown before setting up a second relationship. They have children and they are acting as parents. Voting “No” in the referendum just denies those children the protection and support they need. This is not about a referendum about notional children that might be created on 23 May; it is a referendum about real families that exist and that deserve support. No child should be discriminated against because of his or her family environment. Every child deserves the same support. Moreover, research shows that the most important thing from a child development point of view is that children are brought up in a happy and stable home. It does not matter whether that is by a single parent, by step-parents, by a widow, grandparents or two mothers or fathers. The most important thing is that a child is cared for and supported.

The kind of prejudice we see against families headed by same-sex couples is precisely the type of prejudice that was previously visited on single parents - women who were shamed because they left violent situations before we had divorce in this country. They walked away because it was safer for themselves and for their children, but they were ashamed because of an ideology in this country that said one had to stay with one's husband no matter what, and their children were discriminated against as a result. That is precisely the same type of judgmentalism and discrimination that is experienced by same-sex families. It is also the same type of attitude that led to adopted people such as me – there are approximately 60,000 or 70,000 of us in this country - being forcibly separated from our mothers. My mother and many others got pregnant when they were not married, and Irish society made a judgment that one was better off being with any married couple than with one's own mother. It is the same people who now talk about mothers and fathers who argued for a long time in this country that one was far better off with anyone else than one's biological mother because they did not think one's biological mother was worthy.

Senator Martin Conway: Senator Power is dead right.

Senator Averil Power: Those judgments have done untold damage to us as a society. They have done untold damage to families in the past and they have done untold damage to children. It is time we put all of that prejudice behind us and ensured that all families, regardless of their shape, get equal support and recognition.

I wish to deal with one other red herring, namely, assisted human reproduction, AHR. Again, the “No” campaigners are trying to make the referendum about human reproduction and whether people should be able to conceive through sperm donation or surrogacy. They do not like to acknowledge the fact that AHR is mainly used by heterosexual couples, because it does not suit their argument, or that one does not have to be married to use it, which means that it is entirely irrelevant in a debate on marriage equality. Such people also ignore the fact that the legislation is addressing those issues. I do not agree with anonymous donation or commercial surrogacy and I am pleased the Government is outlawing both of those practices. It is correct that it do so.

The referendum is not about any of those issues; what it is simply about is equality. It is about equal respect and equal support. Gay men and women aspire to get married for the exact same reason as everyone else. They hope to find someone they love and want to spend the rest of their lives with. They wish to express that love and commitment in front of their friends and family and they want to share in the joys and overcome the challenges of married life. As a married woman I am a firm believer in marriage. I believe it is good not just for couples but also for families and the wider society. It is very positive that Ireland still has one of the highest marriage rates in the world. Divorce did not ruin marriage and neither will opening up marriage to a wider group of people. If my gay friends get married it will not affect my marriage or anyone else's one bit, but it will make them happier. It will also send out a very positive message to young gay people in particular who are struggling to come to terms with their sexual orientation despite all the progress that has, thankfully, been made in recent years in LGBT equality.

Many young lesbian and gay teenagers still struggle when they realise they are gay. They worry about being rejected by their families and concerned they will not have the same opportunities in life as their heterosexual siblings. They fear being lonely, not able to marry, settle down and grow old with someone they care about. As a result, gay teenagers are much more

likely to be depressed and even suicidal than their straight peers. We have an opportunity on 22 May to send them and the rest of our lesbian and gay citizens a strong message of love and solidarity by voting “Yes”.

Senator Martin Conway: I welcome the Minister for Justice and Equality to the House. Twice this week, I have stood up to agree wholeheartedly with Senator Power. That is the way politics should be in this country. I appreciated her testimonial and contribution on what is a ground-breaking Bill. The referendum which will follow this will be ground-breaking too. I have no doubt the Minister is very proud to put this legislation through the Houses and to see a successful referendum result. I can remember as a young fellow admiring the work she did when she was involved in the Council for the Status of Women. It was the same way that I admired Senator Norris in the late 1980s when he took Ireland to the European Court of Human Rights over the fact that homosexuality was still a criminal offence and won. As a result, in 1993 a Fianna Fáil female Minister - another important point to note - decriminalised homosexuality. Now we have a female justice Minister presiding over the most important referendum we will have in this country in a long time, notwithstanding the importance of the 2012 children’s referendum. What this referendum will do for equality will put Ireland on the world stage. As has been pointed out, we will be the first country to pass this legislation by a referendum of the people as opposed to the few, which will make a very profound statement. Obviously, we have much work to do between now and then and it is important to ensure we win.

There are people like some of us in the House who are dedicated to equality and will be campaigning for a “Yes” vote. There are others, for their own reasons, who will be voting “No”. There are people who will be influenced by the campaign, how it is conducted and will certainly form a significant portion of voters. The people who will ensure this referendum gets over the line will know people in their own families, their social circles or at work who are gay but are being denied the basic equality of the right to marry.

I look at our workplace here and the leaders we have. I have already spoken about Senator Norris, the first openly gay Member of the Oireachtas, who campaigned tirelessly for equality. I am sure he will be delighted when he sees this referendum getting over the line. There is our other colleague, Senator Zappone, the first female gay Member of the Oireachtas. She achieved much in her career before she came into the Oireachtas. She was a leader in society and continues to be one as a Member of Seanad Éireann. We have had our colleague Senator Eamonn Coughlan’s powerful testimonial over the past several weeks of the journey he, his son and his family have had to make in this regard. If people are not moved by these stories and experiences, I do not know what will persuade them.

In the other House, we had the Minister for Health, Deputy Varadkar, the first senior Minister to come out and openly discuss his sexuality, something which must have been very difficult. Those of us who know the Minister know him to be a very fine, capable public representative and a leader in society but also a very private person. I have known Leo Varadkar for the past 25 years and know he is a private person who protects his privacy. However, he felt a duty to other people, particularly the young person he listened to on “Liveline”, who felt he had no choice but to leave the country. Leo did the right thing and we are all extremely proud of what he did. I heard the interview he did with Miriam O’Callaghan live and it was exceptionally moving. Deputy Jerry Buttimer, another leader and great character, is doing enormous work to get this referendum over the line. There are Deputies Dominic Hannigan and John Lyons, two amazing people and representatives.

I am also most proud of Pat Carey, the former Minister of State. He was someone who I admired as he was prepared to go on television and late-night radio in the dying days of the last Government when many Ministers ran for cover to explain, as best he could, the reasons certain decisions were made. While I did not always agree with him, I always admired him.

If my workplace, the Houses of the Oireachtas, is anything to go by, I have no doubt the decency shown by gay Members is reflected in every other workplace. My message to the people is if one wants straight politics vote gay. Any of the gay people I know are as straight as one will get.

Senator David Norris: I will be putting that in my manifesto for the next election.

Senator Martin Conway: With that in mind, I wish the Minister well in this endeavour. Obviously the waters will be muddied by people who have the cheek and the ignorance to connect children with this issue. This has nothing to do with children. That will be dealt with by other Bills going through the Houses. It is unfair that, as in similar referendums, a little issue is picked and developed to confuse and to frighten people to make them go back to a default position of conservatism and being careful. That is wrong. We have a message to ensure the record is corrected in that regard. I have no doubt that will be done.

I am sure the Minister will address the issues raised by Senator Power and other Members on Committee Stage. I wish the Minister well with this ground-breaking legislation which will certainly be one of the defining Bills of this Administration and will define its legacy. I fear if a “No” vote were to succeed what it could do to the equality agenda. We cannot let that happen. It is as simple as that.

Senator Katherine Zappone: This is a Bill about my life. This is a Bill that will profoundly impact on my life, one way or the other. As a married woman, I share much in common with my Seanad colleagues who are married. Those of us who are married, possibly the majority, signed a civil law document with our spouse in the presence of specially chosen witnesses to declare and to register our legal married status. Once signed, we bound ourselves in law, as well as in love, to cherish and support each other, regardless of poverty or riches, of sickness or health, of failure or achievement, and to love with fidelity and trust until death.

As a married woman, however, I am also in the minority of one in this Chamber. My marriage, while legally valid in Canada where it was contracted and legally valid throughout 18 countries and 37 states in the USA, is denied recognition in Irish law because I am married to another woman. At present in Ireland, those who, like me, belong to a minority social group because of our sexual identity are banned from accessing the institution of civil marriage purely because of who we are and our difference in sexual identity from the heterosexual majority. Lesbian women and gay men cannot marry the person they choose to love. Heterosexual women and men can marry, divorce and remarry the person they choose to love, even though the intense involuntary emotional attraction and desire of forever love are no different for opposite or same-sex couples. That is why I say this Bill is about my life and the lives of others who share a minority status with me. We only want what the majority already has - the freedom, the right and the choice to marry the person we love. The fact that our freedom, our right and our choice are denied and the civil institution of marriage is banned for us means that there is no equality between heterosexual and lesbian and gay people.

Once enacted, a question will be put to the people and it will be on marriage equality. The

people will have the power to cast off a wounding oppression experienced by many Irish citizens for decades. They will have the power to affirm, once and for all, in our foundation legal document that homosexual identity is normal in being human. The people will have the power to affirm that lesbian and gay people reside within the norms of humanity, not outside it and, as such, we should be free to marry the person of our choosing, just like the majority. The people will have the power to banish inequality between the majority and a minority. That does not happen very often; perhaps once in a lifetime. When the people - our people, my people - go to polling stations on 22 May, they will have an opportunity to decide on our core values. It is not often that we, the people, get to make such decisions and the process tells us a lot about who we are and what we aspire to be. In a republic it is the people and their will that are sovereign and at no time is this more visible than at key constitutional moments when our core values and institutions are revisited. Jefferson said this should be done every generation and now it is the turn of this generation in Ireland to decide whether we should perpetuate a legacy of the past, which foreclosed human possibilities, or whether we should open our hearts and minds to a more positive future which will value love as a bedrock of civilised society. The question, the text as we have it in the Bill, is not about a narrow sectional interest; rather, it goes to the heart of who we are as a people, who we aspire to be and what we owe to one another. By adding this text and saying “Yes” the people will not be altering radically the family or its relationship with the State. The family which is protected by Article 41 of the Constitution will still be the family based on marriage subsequent to the referendum, although this is something which also needs to be changed. However, by voting “Yes” the people will be saying they value the family as a place, a setting and a relational context in which human beings who love one another can grow and nourish each other or, as Martin Buber, the Jewish philosopher, stated: “We become ourselves in relation.” Becoming who we are in relation - this is the prime point - is not something that is sex or gender-specific. Love has no regard for sex or gender. If we are faithful to this positive image of the family as a relational context in which we grow and nourish each other and, as such, an institution protected by the Constitution as the fundamental unit group of society, it follows that there ought to be no sex or gender-specific barrier to entry to the family or marriage on which it is based. Love should be the only ticket to entry.

My argument for a “Yes” vote is rooted in valuing the family as such. As Gráinne Healy, chair of Marriage Equality, said recently, “Yes is pro-family.” The time is right to open our restrictive laws on marriage in order that all citizens will be treated equally with respect to marriage. The Constitution upholds equality in Article 40.1 when it states all citizens shall, as human persons, be held equal before the law. Amartya Sen, the great contemporary political philosopher and economist, argues that a society characterised as equal must provide people with economic and social freedoms “to lead the lives we have reason to value.” A society filled with substantive equality for all means that each one of us is free to choose the life we wish to live and, in my case and those of all others whose identity resides within a sexual minority, that we ought to be free to live with our sexual identity with integrity and without unwarranted interference by the majority.

What about children? Saying “Yes” to equality in the referendum will mean that the Irish children of lesbian and gay couples will be recognised and protected as family by the Constitution. Saying “Yes” to equality will mean that the Irish children of lesbian and gay couples will have equal status, like the Irish children of heterosexual couples. No one has a right to a child. The best interests of children can only be supported by parents who love and nourish them. It is love which is at the heart of the matter and the protection of the rights and best interests of all children which the Constitution should uphold.

Do children have a right to a mother and a father? I had an extraordinary mother and father. I cannot imagine growing up in my life without a mother and a father because I had them. As I often say, I was so blessed that by the time of their passing four long years ago I had no unfinished business with them. However, when I remember them as extraordinary parents, is it because I am remembering their gender? It is not. I have memories of my mother standing on the sidelines at my baseball games and of saying I had a proud Irish heritage and of my father being present at my speech tournaments and telling me to believe in myself. I remember that they were always there. I remember when, at the age of 33 years, I finally told them about my sexual identity and that Ann Louise Gilligan was my beloved life partner in a letter which travelled from Dublin to Seattle, their response was a letter back which began with the words “Dear daughters”. I had parents who loved and nurtured me to be the woman I am today and it had little, if anything, to do with their gender. Furthermore, when some people argue that children have a right to a mother and a father, are they talking about lesbian and gay children, too? Are they saying lesbian and gay children at five, ten or 15 years of age have the right to a mother and a father, but, by the way, this necessarily means that they do not have a right to marry the person they choose to love? Furthermore, these lesbian and gay children grow up. Can we really split apart the natural cycle of life? If every child absolutely has the right to be raised by a mother and a father, as an adult lesbian woman, I am precluded from having children all around me as I grow older. Is it natural that only heterosexuals should have the gift of adult children in their older years, especially in the later older years when there are additional vulnerabilities? It seems to be the most natural thing in the world to look to your children for companionship and care. These are some of what one could call the unintended consequences of insisting on the absolute right of a child to be raised by a mother and a father. In saying “Yes” on 22 May it will be a time to embrace all adult and child citizens of the Irish nation equally. As the Minister said, the horizon leans forward.

Senator Ivana Bacik: It will be hard to follow that. I welcome the Minister, Deputy Fitzgerald, to the House and I congratulate her on bringing forward this Bill and on her fine and powerful speech in support of it. The applause spoke for itself, as indeed did the applause for my colleague, Senator Zappone, following her passionate and moving speech, delivered, as always, with her customary eloquence.

I welcome those in the Visitors Gallery who have worked so hard for this day and for the referendum to be held and passed. We all very much hope it will be. I pay tribute to my colleague, Senator Norris, who has worked so hard for so many years on equality issues, particularly for gay and lesbian people.

It is a proud moment and I am proud indeed that this Government has finally brought forward the referendum on marriage equality. I am proud of my party, the Labour Party, and of the strong role we have played over many years in seeking to make progress on equality issues for same-sex couples, lesbian and gay people. I am proud of our partners in government in Fine Gael who have been so positive and progressive on this legislation.

It is historic. As the Minister said, Ireland will be the first country to decide the issue of marriage equality through a referendum of the people in a national jurisdiction. This is important and it is a once-in-a-generation opportunity. Indeed, marriage equality is the civil rights issue of this generation. I believe that and I know it has been said before.

What is this referendum, now a little over eight weeks away, about? The key issue is that of equality and the equal right to marry for gay and straight couples. I see it as marking a final step

in the journey towards equality for our lesbian and gay brothers, sisters, friends and colleagues.

Significant progress has already been made in Ireland towards equality for gay people, but only after a late start. Homosexuality was only decriminalised in this jurisdiction in 1993, some 22 years ago. Since then, we have passed legislation prohibiting discrimination on grounds of sexuality, recognising civil partnerships - that was in 2010 - and making provision for rights of children within gay families through the legislation currently passing through the Oireachtas, the Children and Family Relationships Bill. Members of this House also initiated the Employment Equality (Amendment) Bill, which will redress the issue of discrimination in schools for lesbian and gay teachers.

Equality in marriage remains the final step in that journey to equality. Throughout the world the issue of marriage equality has been gaining momentum in recent years. As others have said, since same-sex marriage was first legalised in the Netherlands in 2001 we have seen 18 countries worldwide and 37 US states legalising marriage equality and recognising marriage as an equal entity for lesbian, gay and straight couples. The US Supreme Court will rule on the issue in some months time, but only following over 60 judgments across American courts that have already recognised the right to marry for gay couples.

At the Constitutional Convention in 2013, a 79% majority voted in favour of marriage equality. Things have certainly moved on since 2006, when I appeared as one of the legal team for Senator Zappone and her partner, her wife, Ann Louise Gilligan, in their courageous case seeking recognition in Ireland of their Canadian marriage and, as a consequence, the right to marry for gay couples in Ireland. At that point, civil partnership had not been legalised. Only a small number of US states had by that time recognised marriage equality. The case failed in the High Court because the judge ruled in December 2006 that the traditional definition of marriage was confined to opposite-sex couples. She said: "The definition of marriage to date has always been understood as being opposite sex marriage." Even then, this decision lacked logic. It ignored the nature of the right to marry and the changing nature of the institution of marriage, to which the Minister referred so clearly. An argument that marriage must be confined to heterosexual couples because it was ever so amounts to circular and illogical reasoning. The truth is the definition or meaning of marriage is not fixed in any society. It has changed and evolved over time.

No doubt Éamon de Valera and the drafters of the Constitution in 1937 only thought of opposite-sex couples when they thought of marriage, although it is not defined in the Constitution. However, their understanding of marriage and our understanding of marriage are rather different because there have been so many changes over the years. The Minister spoke of the legal changes in Ireland and that at one time a woman upon marriage was the property of her husband. We should not forget that until 1990 a married man was regarded as legally incapable of raping his wife because she had given herself up to him.

Senator Mary M. White: That change was thanks to Charles Haughey and the then Minister for Justice.

Senator Ivana Bacik: As we know, an important change was made. Until the passage of the divorce referendum in 1995 our understanding of marriage was that it was not possible legally to end a civil marriage. In the United States, interracial marriage was banned until 1967, which saw the landmark case of *Loving v. Virginia*. Our understandings of marriage have changed significantly and substantially over the years. Tradition alone cannot form a rational

basis for law. It is utterly irrational to deny gay couples the right to marry only because marriage was always thought of in the past as something only engaged in by opposite-sex couples. Tradition is not a rational basis to deny the right to marry to our gay brothers, sisters, friends and relatives.

Is there any rational basis for the opposition to the referendum, the question of the right to marry or marriage equality? I have been involved in various debates and meetings on the issue, including public meetings and so on. I have heard a great deal of moral posturing from those who oppose the referendum. The posturing has tended to focus on the issue of children. Others have already referred to this. They have tended to refer to a rather glib slogan that children have the right to a father and mother and that somehow this justifies an opposition to marriage equality.

Let us try to dissect this argument. In reality, the argument being made against the referendum is that the ability of an opposite-sex couple to biologically procreate is a justifiable ground of distinction to legally distinguish between gay and straight couples. Again, this lacks logic. The ability to procreate is not a key ingredient of marriage. No one has ever argued that an opposite-sex marriage is invalid because a husband and wife are physically incapable of having children, too old to have children or because they do not wish to have children. Nor has the State ever required that a heterosexual couple should prove their parenting ability before they marry or have children. We do not prohibit convicted child abusers or domestic abusers from entering marriage. It would be profoundly illogical, unjust and discriminatory to impose a different standard on same-sex couples to the standard to which we currently hold heterosexual couples. As others have said, having heard the testimony of those living in Ireland today who have been brought up in gay families by gay parents, one understands what the empirical research so clearly shows, that is to say, as far as children are concerned it is the quality of parenting that counts and not the sexuality of the parents.

I have argued and I will continue to argue for the next eight weeks that there is no logical basis for limiting the right to marry the person of one's choice to the right to marry only a person of one's choice who happens to be of the opposite sex.

The only way to justify a State intervention in limiting the right to marry is where a choice of partner might involve potential harm. For example, we have standard rules on consanguinity which will remain. In other words, the State prohibits siblings from marrying each other. No one, even the most vocal opponents of this referendum, has argued that any harm will be caused to anyone, particularly to any married couple, simply because an adult will be allowed to marry the person he or she loves who happens to be of the same sex. No heterosexual couple has argued that their right to marry or their marriage is somehow devalued if the people vote "Yes" on 22 May. If anything, expanding the categories of persons who can marry without changing the nature of marriage itself, as this will do if the referendum is passed, will in fact enable a reaffirming and strengthening of the institution of marriage. It emphasises the priority and importance that we place on this institution.

I am very taken with the comments of Martha Nussbaum, the distinguished US professor, to the effect that marriage is not a trivial matter. She has said it is a key to the pursuit of happiness, something people aspire to and keep on aspiring to even when their experience has been far from happy. She was referring to people who have married a number of times. She has stated:

To be told "You cannot get married" is thus to be excluded from one of the defining ritu-

als of the American life cycle.

That is not only confined to America.

As we all know, the institution of marriage has persisted through societies and through changed times and understandings. As human beings, gay and straight, we all seek the same things that marriage represents, love, companionship, intimacy, mutual trust and responsibility. That is why it is time to take the final step on the journey to full equality with our gay sisters and brothers by voting “Yes” on 22 May.

I support the Minister 120%, if that is possible. I know those of us who support this measure will work as hard as we can to ensure this referendum is passed on 22 May.

Senator David Norris: This is an important day and I commend the Minister and my colleagues in Seanad Éireann on their powerful and emotional speeches, but I wish to give a signal of warning. The atmosphere in the House today is almost such that the referendum has been passed. It has not been passed. In my opinion, it is in the balance. It is not by any means certain that this referendum will be passed. It is up to us to ensure it is passed, but it is in the balance. The margin is going to be very much less because of dishonest people like the Iona Institute and one or two of our colleagues who have successfully created an atmosphere of fear and confusion, muddled the waters and lied about children, adoption and so on.

I am glad the Minister in her speech nailed two specific issues, one of which is the Irish wording of the Constitution. This has now been firmly knocked on the head. Let no one raise this hare again. The second issue is about religious marriages, which is utter and total rubbish. The reverse is true. The situation as currently exists is religious discrimination in that groups such as the Unitarian church that are prepared to marry people legally are not allowed by law to do so. What we are doing is fighting against religious discrimination. My question to the Minister is where are the posters and the radio advertisements? This may not be possible because of the McKenna judgment, which is a farce and a nonsense and needs to be re-examined. While Patricia McKenna is a friend and colleague of mine, the judgment of the court was a complete horse's ass. It is nonsense, when there are 90% of people going one way and 10% going the other way, to give them 50% each. It is highly dangerous and undemocratic. The issue needs to be re-examined and, if necessary, a change should be made to the Constitution.

These two points were among a number of others made by a self-important, pompous little squirt called Bruce Arnold-----

Acting Chairman (Senator Jillian van Turnhout): The Senator is not allowed to name individuals in the Chamber.

Senator David Norris: I withdraw the name of Bruce Arnold from the record. This man has written articles in all of the national newspapers, all of which are rubbish but create an atmosphere of doubt and need to be answered definitively and authoritatively. In this pompous tirade circulated to the media this man states that same-sex marriage will be self-evidently void *ab initio*, from the outset, by virtue of the fact that the couple cannot have children, which is wrong. The claim is incorrect. Infertility is not a grounds for nullity in Irish law. That is lie No. 1 nailed.

On his second claim that the amendment will leave people free to marry within prohibited degrees of relationship by rendering section 2(2)(e) of the Civil Registration Act 2004 unconsti-

tutional, this again, as a matter of law, is wrong. Section 2(2)(e) of the 2004 Act, provides that there is an impediment to marriage if both parties are of the same sex. This is not the provision that establishes prohibited degrees of relationship. These prohibitions are set out in other statutes. That is lie No. 2 nailed.

On his third claim that the amendment would create a personal right to contract a same-sex marriage in a religious ceremony and that exemptions for religious denominations would be impossible, unconstitutional and in breach of the ECHR, this, again, is nonsense and rubbish. Any attempt to force religious denominations to marry people in church would come up against Article 44.2.5° of the Constitution which provides that: “Every religious denomination shall have the right to manage its own affairs, own, acquire or administer property, movable and immovable, and maintain institutions for religious and charitable purposes.” That is lie No. 3 nailed.

On his fourth claim that the amendment would make it impossible for civil marriages to be solemnised in churches, the amendment of the Constitution to legalise divorce did not require religious denominations opposed to divorce to solemnise marriages between divorcees. While divorce has been introduced, there is no compulsion on the churches to marry divorced couples. I do not see why they should not do so. As a practising Christian and one of the few people who goes to church every Sunday, I take exception to the fact that churches will not give even a blessing to the marriages of divorced people. As I have said previously, they bless atom bombs, tractors and goldfish. How do they know when they are blessing the goldfish that they are not lesbian? It would not burst them to bless a couple of lesbian women or gay men. I would have thought that it would be in the Christian tradition to bless love rather than instruments of war or agriculture. Thank God for the hierarchy of the church. They are our best weapon.

Senator Mary M. White: Hear, hear.

Senator David Norris: They are like episodes of “Father Ted” when they come out and bleat about marriage because it is an institution about which they know sweet damn all.

On the fifth claim that impotence or non-consummation could no longer be a ground for annulling a marriage, this is not the case. Non-consummation only renders a marriage voidable. In other words, it can be voided. It does not automatically void it. There are a series of options that the Oireachtas can, and probably will, take to amend this situation.

On the sixth claim that if the amendment is passed adultery could no longer be a ground for a judicial separation, this is nonsense. Of course it can. However, some tinkering may be required in this regard further down the line. For example, the definition could be extended to include a broader range of sexual conduct, as has already happened in New York, New Jersey, British Columbia, South Carolina and Louisiana. That is another lie nailed.

The seventh claim, that separating procreation from marriage and family would transfer ultimate responsibility for the care of children to the State, may have some validity. Why the hell should this not be the case? Does this person remember the Kilkenny incest case or the numerous unsavoury, unspeakable, phosphorescent cases of abuse within families? How can anybody maintain that those families were the correct place for children to be reared? Of course the State should be the final arbiter in this regard. Of course it should have the final responsibility for children.

If, and it is a big “if”, we get this through, I will celebrate because I have been campaigning on these issues for the best part of 40 or 50 years. It will be great to be able to sign my name

as David Norris, homosexual (retired). Many years ago when the issue of homosexuality was being discussed, one of the opponents of gay rights said that we would be looking for gay marriage next. My response at the time was: “Great, any further suggestions?” I made a note of it. As stated by Senator Bacik, marriage is not fixed; it never has been fixed. It only became a sacrament of the Roman Catholic Church in the mid-16th century. It only entered British domestic law in the mid-18th century. I remember a case for criminal conversation being heard and damages awarded for the alienation of sexual services from a man by his wife because she had sex with another person. In my lifetime, women were property; they were chattels. Numerous other examples have been given.

The media and various other people have propped up a couple of gay men who are against marriage. Again, this is a farce. I asked *Gay Community News* to carry out a survey on this issue. The result was that 94% of gay men are enthusiastically in support of it, 4% are against it and 2% do not know. That is the reality. Why do the media not reflect the reality? I have not been asked to appear on this issue on any radio or television show despite that this is a subject about which I know a great deal. Why is that? Why are only disgruntled, malcontent, unrepresentative gay people interviewed? Where is the equality in that?

I took issue with RTE in relation to an interview on its “Drivetime” show with a business woman, who argued her case against passage of the referendum, and more power to her. She was followed by a journalist about whom I was very suspicious. I was right. She was a Trojan horse, although RTE denied it. She put forward all the arguments for voting against the referendum and then said that despite doing so, she would be voting “Yes”. That is how she got it in. That is not equality. That is not equal treatment.

I mentioned changes to marriage. I am an Anglican. I remember that in previous years I disliked marriage intensely because of the continual bleating in the marriage service to “I thee worship with my body”. All of that is gone out of it. Women had to promise to obey their husbands but they do not have to do this any more.

If the amendment is passed, I doubt very much that the next morning heterosexual married couples will wake up in bed and look at each other and say, “Oh, Irene, I feel so much less married to you this morning”. If they do, to hell with them. If their marriage is that weak, I have no sympathy whatever with them. I point to Scandinavia, where in the aftermath of legalising gay marriage it led to an increase in heterosexual marriage. The bishops and the proponents of marriage should be enthusiastically welcoming this and stating, “At last here we are, you have listened to us”, because 30 or 40 years ago they were bellyaching about sexual promiscuity and all the fun gay people were having. There was a dog in the manger attitude about it. Now, they have turned around and when gay people want to get married, they tell them they cannot touch marriage because that is for them and only for them.

I support marriage equality. I very much doubt I will get married myself, but if there is anybody out there with qualifications in nursing and cookery and a large farm at Tipperary, here I am. My number is on the Oireachtas website. I support this strongly because as a liberal, and I am not ashamed to say I am a liberal, I believe in the greatest range of choices for every citizen. I am thrilled to say my heart lifted when I listened to the speeches of the Minister and my colleagues in Seanad Éireann.

Senator Hildegard Naughton: I welcome the Minister to the House and commend Senators on their very powerful speeches and true words. It is very important to place this issue in

its context. It is not, and nor should it be, a polemical or ideological context but rather a very personal one. The letter on the front page of the *Sunday Independent* last weekend was very poignant. It was from a 60 year old gay man who was never able to come out. This inability was due to the fear that his parents lives would be difficult in religious Ireland. We can all understand the difficulty of the situation in which he found himself. His parents have passed on without knowing their true son, or his fear and the challenges and loneliness of his life. The most stirring part of the letter is in his admission that he will cry if the referendum is passed, and not that he will shed a tear but that in all likelihood he will do so alone without anyone to share his joy. This detail of his life very much upset me. It also illustrates our opportunity to change so many citizens' lives for the better.

It is true that our State and society in so many ways have conspired to silence this man, and this is profoundly saddening. This is the context in which we should approach the debate, the fact that thousands of our fellow citizens have, since the establishment of the State, been treated as unequal citizens and shunned, silenced and even abused. Thankfully, recent years have seen a change in attitudes to those in a minority, be it sexual or otherwise. Our history of institutional abuse of those who were somehow thought different should be a valuable lesson as we approach this decision. We can no longer let fear and disapproval be the motivating factors in our social policy.

I will examine the arguments against equal marriage. Who has the right to define marriage? There are any number of organisations which seem to be absolute in their belief. I cannot understand such certainty. The first recorded marriage contracts in existence pre-date Jesus by approximately 600 years. The concept of marriage thousands of years ago is a far cry from what it is today. What we are considering is civil marriage. The churches can continue to define marriage for themselves and their followers long after this referendum, whatever the outcome. Importantly, the passing of the referendum, if it happens, will not require any church to perform such a ceremony.

We often hear the repeated argument that only a marriage between a woman and a man has any reproductive possibility and therefore should have the protection of a special status. To suggest marriage is all about procreation utterly ignores the modern reality. For some it is about children, but for some it is not. Additionally, some opposite-sex couples who wish to do so will never be able to have children due to infertility. Some opposite-sex couples are long beyond the possibility in years when they marry. The logical conclusion to the reproductive argument is that all couples would have to be fertility tested before marriage and infertile couples and those of advanced years would not be allowed to marry. Of course we will never hear this argument being made, and there is no compunction to reproduce to get married. However it would seem gay people have to be able to reproduce to marry. It is a double standard. An Irish marriage licence is not conditional upon having children. The Irish Supreme Court in *McGee v. Attorney General* upheld a married couple's right to use contraception to prevent them having children if they so wished.

The argument that equal marriage would deprive children of the right to a mother and a father is not one which stands up to scrutiny. Many children do not have a mother or a father. Gay people have children and can foster children. Single gay people can, and do, adopt. Unmarried people and single heterosexual people have children all the time. This referendum will not change this one bit, and to suggest it will is disingenuous to say the least.

I will deal with a particular suggestion which arose at the weekend that a conscience clause

should be built into the legislation to allow for the refusal of goods and services to gay couples getting married. The Catholic Archbishop of Dublin has since said he is not calling for such a provision and I am glad to hear it. The suggestion is now a live issue and must be dealt with. We live in a republic which values, as I do, religious freedom. This religious freedom does not translate into allowing anyone to refuse to provide goods or services to a fellow citizen. Citizens can have whatever religious belief they want and practice that faith freely. Our Constitution rightly mandates such freedom. What one cannot do is impose this belief on others and make them suffer because of it. What such a conscience clause would amount to is bare discrimination against gay people under the cloak of religious freedom. If it was suggested that a mixed-race couple, or any other minority, would be so treated there would be outrage. I find any suggestion that such a clause be inserted ill-thought-out and deeply offensive. It lacks any understanding of what a true republic constitutes and should and will be rejected out of hand.

On the Houses of the Oireachtas website is a selection of famous parliamentary speeches given over the decades. One was given by the great Irishman, Senator W.B. Yeats, on 11 June 1925 during the course of a debate on divorce. He perfectly summed up the reasons no such conscience clause should never be inserted, or why no religious view should ever come to dictate social policy. He stated: “Once you attempt legislation upon religious grounds you open the way for every kind of intolerance and for every kind of religious persecution.” His view was defeated on that day, to society’s cost in years to come.

I use the terms “marriage equality” or “equal marriage” rather than “gay marriage” or “same-sex marriage” for a very particular reason. Our gay citizens are not looking for any special or separate form of marriage. Our gay citizens do not want to change marriage but rather to share in it. They want to love, share, protect and experience marriage just like everyone else. They want to be equal and be treated as equal citizens and they deserve it.

Senator Mary M. White: It gives me great pleasure to welcome the Minister, Deputy Frances Fitzgerald, on this auspicious occasion. As Minister for Justice and Equality she is leading the referendum. I am thrilled and honoured as an elected Member of Seanad Éireann and as a Christian to speak on the Bill. I commend the Minister on finally bringing the matter to the House. I look forward to voting “Yes” in the referendum on 22 May.

The referendum will ask the Irish people to consider whether Article 41 of the Constitution should be amended to allow couples to marry without distinction as to their sex. As it stands, same-sex couples do not have equal status under our Constitution. The proposed 34th amendment of the Constitution will change that and will guarantee constitutional equality for couples regardless of sexual orientation. It is a once in a lifetime opportunity for the people to act as legislators for future generations and to do something that will be for the benefit of all society in the long run. A chill runs down my spine with the emotion and significance of this occasion. It is just wonderful to be able to speak here on the importance of this.

I am proud to remind my colleagues that Fianna Fáil has played a leading role in legislating for key issues in the lesbian, gay, bisexual and transgender community guided by the fundamental principles of equality among citizens and of the aspiration, as I said yesterday, of the visionary leaders of the 1916 revolution that we treat every citizen as equal. It has taken us a long time. A number of those who have spoken about this Bill today have said the same. It has taken 100 years to treat human beings equally. Fianna Fáil decriminalised homosexual acts in 1993 and, as a Fianna Fáil Senator, I had the honour to participate here in the debate leading to the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. We have

given the lead. It is important to put on the record here today the achievement of my party and its contribution to society.

This referendum is fundamentally different because at the heart of the legal process we are initiating for human beings the most basic emotion about which Senator Zappone spoke beautifully today, that is, love. All human beings are entitled to be loved. It is the most basic human instinct. Before anything else, we all want to be loved. It is giving the entitlement to the gay and lesbian people here today. Senator Zappone spoke so eloquently about her father and mother. I, too, was brought up with a sense of justice and equality. I am proud of how I was brought up, that my natural instinct is to fight for justice for the people.

Contrary to the perception that it will have a negative effect, I believe the referendum allows a celebration, expansion and strengthening of marriage as an institution. Those of us who support this Bill are not seeking to diminish marriage. We are seeking to open it up and allow more people to be part of it, and thus strengthen it. We seek to promote and define commitment and, what is important, allow more people to celebrate that commitment in front of their family, friends and communities in a civil and legal way. The fact is that loving committed relationships between two consenting adults should be treated equally regardless of gender or sexual orientation. Same-sex couples should be allowed to share the same responsibilities, obligation and respect that marriage provides.

One issue which needs to be clarified is that this referendum is not about adoption or surrogacy. The attempt by the No side to bring adoption and surrogacy into the debate is an attempt to confuse voters and muddy the waters. Adoption and surrogacy are complex issues that merit informed debate. They should not be used to cloud or confuse. I support my colleague, Senator Norris, when he stated that it is vital that these facts are communicated to the citizens. There must be a passionate campaign on how right it is to pass this referendum. In that regard, I hope the referendum commission will get the adequate resources and communicative skills to engage properly with the public. That is critical. If the Government does not fight to achieve this referendum being passed, it will not happen. Every issue must be addressed. If it remains under the radar, it will never happen or the result could be very tight and cause more confusion.

The past several years have seen significant progress in the development of anti-discriminatory laws for lesbian, gay, bisexual and transgender persons across all of Europe. As of 1 January 2015, 17 countries and certain sub-national jurisdictions across the globe allow same-sex couples to marry. Ireland's referendum vote is significant in that it is the first time any country has held a referendum to permit marriage equality. That is a tremendous achievement as well.

My vision for Ireland has always been one where all citizens are equal regardless of age, skin colour, sexual orientation, background or religious beliefs. As I stated yesterday, according to the aspirations of the leaders in the 1916 Proclamation for a republic, we will not be a true republic until all our citizens have equal rights.

I, again, congratulate the Minister. She is brilliant, and I hope she will be the future leader of Fine Gael.

Senator Eamonn Coghlan: I welcome the Minister to the House and thank her for bringing forward this Bill. I was somewhat overwhelmed by the response I received from family, friends, people throughout Ireland and people from far afield when I told my personal story as the parent of a gay son on a recent radio interview to the media and at a presentation I made

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down the country recently. Many said, “Fair play to you, Eamonn”, but this was not about me. This really was not about my son. This was about civil rights.

I heard parents’ stories about sons or daughters when they came out, and how those parents dealt with the situations with which they were faced. The first and most important thing they did was to embrace them with their love and care which gave them all the support necessary for the future.

I have heard people say to me that Ireland needs a wake-up, Ireland must move on and this is not Ireland of the 1800s and the 1900s where traditions and values were much different than they are now. They say Ireland is a dynamic country, with a younger generation who think much differently than their parents and grandparents. This generation’s attitude towards the lesbian and gay community is completely different and is wholly accepted in this modern Ireland.

I also heard a couple of sad stories. One, in particular, was of how the parents of a girl who came out disowned her because she was a lesbian. Where was their love for their daughter, who has now been adopted by the godmother?

This referendum is all about equality. It is all about civil rights. It is all about granting equal rights to all citizens of Ireland to marry who they love regardless of their sexual orientation, and is it not great to think that Ireland will be the first country in the world to hold a popular vote on marriage equality? Other countries and states in the United States have passed legislation in this regard, but this will go to the people of Ireland to decide.

It has been a long journey for the lesbian and gay community’s rights, ever since the decriminalisation of homosexuality in 1993 and the introduction of civil partnership in 2011, but this referendum will be monumental in Ireland. When passed, it will show how modern Ireland is.

It is only in recent weeks that I myself have begun to question what is marriage. Marriage is a unique legal status, conferred and recognised by governments throughout the world. Marriage brings obligations, rights and protections. In confirming that a person and his or her partner love each other, marriage is the ultimate expression of love and commitment. No other word has that power and no other word can provide that protection.

In Ireland, the family based on marriage is protected by the Constitution from attack and must be guarded with special care. That applies to the marriage of heterosexuals, a man and a woman. It does not apply to man and man or woman and woman. The Civil Partnership Act 2010 had cross-party support. However, this referendum on marriage equality is required to alter the Supreme Court definition of marriage, currently between a man and a woman, to ensure it cannot be changed by the Supreme Court in the future. Governments referred to the Constitutional Convention on the issue and it voted overwhelmingly for the change in the Constitution that “marriage may be contracted in accordance with law by two persons without distinction as to their sex”.

There are 160 statutory differences between civil partnership and civil marriage. Some of them have already been dealt with - taxation and financial affairs, for example. However, many other inequalities remain and they must be addressed. Passing this referendum will help that. It is about how the Government should treat citizens and how the laws on marriage should be enforced. People who oppose this have nothing to fear. It will not affect their lives in any way. It will not affect marriage between a man and a woman. People will have to separate in their

minds religious and civil marriage ceremonies. This referendum is not about the people who may want to vote “No”. It is about their friends, their family, their neighbours and people in their community. It is about giving citizens in the lesbian and gay community their civil rights. It is about their freedom to marry the one they love and giving them similar legal protection and family security to that of a married man and woman today, to love, cherish and protect each other.

My comments last week have already been a life-changing experience for my family. For my son in particular, I notice the relief from the burden borne and the guilt. I notice that the feeling that he is different has been completely removed from him. His happiness grows visibly with every passing hour because now he knows that he is who he is, that he was born this way and that he is 100% accepted by his mom, his dad, his family and his community. Only one challenge remains not for my son, but for our community, namely, for the people to decide on 22 May in this referendum to give people their civil rights, to allow them to marry and to allow them to be recognised as human beings. They deserve the right to equality and the right to love.

Senator Mary Ann O’Brien: I will not take eight minutes, but I could not but stand up today to say a few words on this historic day. I listened with great interest to the Minister’s speech and to some of the wonderful speeches of my colleagues, particularly Senator Zappone, who is one of my greatest friends of all time and someone I admire greatly. Taking a serious point made by Senator Norris, today is but one day on this journey and 22 May is what I have my eye on. I will make a very short speech, but I want to hear from the Minister later today and later this week that the Government and the Cabinet have a clear eye on 22 May.

The Government and the country cannot stand up for human rights and civil rights and not support gay marriage. It is as simple as that. It is black and white. We are about human rights and civil rights in Ireland. We can give out about other nations in the world where terrible things are happening, but this is within our grasp. Listening to Senator Norris, it is not enough just to vote. We need to speak. We need to share with our constituents and our friends.

I speak about this with my friends at weekends and in the evenings, at dinner. To clarify, as other speakers have, this legislation is very simple and it has nothing to do with children or with heterosexual marriage. This is just about the right of girls and girls, ladies and ladies, women and women, boys and boys or men and men to get married. It is about our friends, our colleagues, our brothers, our sisters, our nieces, our nephews, our children, and our grandchildren. What I know for sure is that, for those who are listening and thinking this has nothing to do with them, it does, because at some stage in their life this will appear as someone they love and care for. Stealing some words-----

Acting Chairman (Senator Hildegard Naughton): Could Senator O’Brien move closer to the microphone?

Senator Mary Ann O’Brien: I beg the Acting Chair’s pardon. Love has no regard for sex or gender. Happiness cannot be captured. It cannot be bought, it cannot be owned, and it cannot be earned. It cannot be worn, it cannot be travelled to and it cannot be consumed. Happiness is the spiritual experience of living a human life openly, with love, with the one whom one loves, with grace and with gratitude. They are some words from an American called Denis Waitley, to which I have added. We need to listen to those words, we need to offer those to all our Irish citizens and we need to vote “Yes” on 22 May.

Senator John Crown: I thank the Minister for her commitment to meaningful and important social reform legislation and to this amendment. It will enable us to hold our heads high. At the risk of being complacent, I am one of the people who believes the referendum will pass and will pass easily. I do not believe it will be that terribly divisive, as there is a broad national consensus in favour of this equality measure, and I will not use these few moments - it will be less than eight minutes - as a polemic to try to sway the waverers.

It is important that we understand the nature of equality. Equality equals equality, not partial equality. Some people who are coming on board with this do not quite understand this and they need to understand it. Some well-meaning people have talked about exemptions or drop-out clauses as part of the legislation, the referendum or our constitutional position. They need to understand that they are suggesting that equality in this context will be somewhat less than full equality; it will be a grudging degree of partial equality which is bestowed out of some personal philosophical largesse or beneficence, but not out of any actual sense of justice. Equality is not something any person would grant, it is a reality and it is one I hope we will acknowledge in the context of this Bill.

People sometimes get upset if one uses historical parallels, but there was a historical parallel for a theoretical equality that was less than full equality, namely, that which occurred in the United States in the years following the civil war, and it could be argued, in some aspects of American life in the south until the 1950s, 1960s and 1970s. This was the concept of “separate but equal”, the idea that the constitution guaranteed the equality of the races but individual states were allowed to pass laws that stated that development, services, social integration and so on could all be limited and given to different racial groups allegedly equally, but dispensed in different premises, through different administrations, through different budgets, etc. We now know that was not in fact full equality, but some sort of hybrid partial equality. Those who state they are in favour of the reform this referendum will bring but who want an opt-out clause are committing themselves to something less than full equality. If one believes in equality, one believes in full equality. We are now stating that citizens, regardless of their orientation, will have exactly equal rights to marriage and may not be discriminated against because of their orientation in terms of any aspect of fulfilling their right to achieve a marriage status.

I understand the religious opt-outs. My own belief is that we should have separate mandatory civil marriages for everybody with the option of having one's wedding solemnified liturgically, if that is the wish of the individual. I do not think it should act as a surrogate for the role of the State in what should be a State-supervised process. The referendum means, other than that, no one who is involved in civil, commercial and social discourse may, in any sense, discriminate against a person, in any way, purely because they disapprove of their sexual orientation or personal marital relationships. It just will not fly. That sounds harsh for people who have grown up their entire life in the warm embrace of a particular religious feeling. They might say, “I do not approve of homosexuality, I do not want to be complicit in it and perhaps my soul is being compromised if I in some sense facilitate something which I think is wrong.” Those people must understand that they are wrong and it is just not the way it is going to be. If one really had that belief then they should vote “No” and some people will vote “No”. I believe and hope the referendum will be passed and the “No” vote will be defeated. Once the referendum is passed it will be the law of the land and will be part of our culture of civil rights. It is not something which in any sense becomes optional. It is something which must be embraced and respected in every way be it printing, making cakes, renting halls, acting as a singer at a wedding, etc. We, as a society, will frown on anybody who says “I won't do this because I don't

like your orientation or the kind of marriage you are having.” That is not the way it is going to be. I am sorry if I sound hardline. My advice to people is to think of an alternative line of work if that is the way they want to treat this situation.

Let us remember that people felt just as philosophically committed to the notion of the separation of races. Until comparatively recently, such separation was considered entirely appropriate for different religions. I will not quote any individual religions here. We are often accused of bashing my own mother church of catholicism. In fact, catholicism was one of the earliest churches to buy into outlawing slavery, which is to its credit, when other religions continued to use it as a justification for slavery and other discriminatory practices. Many people believed, and I could read out quotes but I will not, that it was God’s pre-ordained plan that the races should remain separate. As one famous legislator in Arizona, United States, said “If God wanted the races mixed why did He put some of them in Africa, some of them in Asia and some of them in Europe. He did it for a purpose to keep us apart.” This was the kind of ethical thinking that people had, that separation was based on a rational concept of rights, limited rights and the idea that some people were entitled to more rights than others.

I support the legislation and will support the referendum being passed. As an aside, I keep thinking that if everybody understood science a bit better, a lot of problems would go away. There are still a lot of people who believe that sexual orientation is some kind of a soft lifestyle choice in the same way as smoking, playing cricket or something like that. It is not. It is a very intrinsic and biologically determined part of what people are. It is not something that people opt in or opt out of; it is what they are. In any sense, discriminating against people because of what they are is assuming the same licence that one can discriminate against the people based on any part of what they are, be it their height, physical ability or race.

I am not saying that people who oppose this legislation are not right-minded but they are mistaken. I believe that most right-minded, well-informed people who think this issue through will lend their support to the issue. I urge every person to look into their soul and remember what we are passing. This is not something that we, as heterosexuals, are granting out of a sense of *noblesse oblige* to the poor benighted homosexuals. It is not that. We are acknowledging an existing full right. This is not something we are granting. This is something that is there which we are just recognising. The people need to recognise it for all its ramifications.

Senator Aileen Hayden: I welcome the Minister to the House on this historic occasion. I wish to congratulate my colleague, Senator Zappone, on what is probably one of the most incredible speeches I have ever heard, particularly in this House.

I fully support marriage equality and the thirty-fourth amendment of the Constitution. This is an issue of human rights and equality. Everyone has a right to marry and to found a family which is enshrined in the Universal Declaration of Human Rights and International Convention on Civil and Political Rights. In international law and the Irish Constitution, the family is regarded as the natural and fundamental group unit of society. It is entitled to protection by society and the State.

Marriage comes with rights, responsibilities and benefits. Marriage is a cultural institution. It is a very important part of an individual’s cultural and human rights. As the Minister pointed out earlier, marriage is an institution that has gone through many iterations in Irish society. In fact, going back a number of centuries women, in particular, under Brehon law had more rights than we sometimes remember. One can argue that marriage is an institution that has had a

number of ups and downs historically. For most people, marriage is a major life step and is a celebration of a deep and binding commitment to the person they love which Senator Zappone stated very eloquently. We can no longer exclude people from this important life step on the basis of gender or sexual orientation. The denial of the right to marry is a form of discrimination which we, as lawmakers, must do everything in our power to eliminate.

Extending civil marriage to all couples, regardless of gender, underpins wider equality and inclusion in Irish society. We must promote this referendum to the fullest of our abilities. We must ensure that we achieve a strong turnout and a positive result in May.

I do not accept some of the commentary in the media that suggests that people in political parties should stay out of this debate. I do not believe that is a correct assessment of Irish political reality. Nobody who has an interest in this referendum, whether they are involved in political life or civil society, should stay away from taking an active and participative role in this referendum.

Archbishop Diarmuid Martin recently called for a legal conscience clause. It would allow private businesses that are opposed to marriage equality to refuse goods and services where it would be contrary to their religious beliefs. To allow such a clause would be State-mandated discrimination. If we are to support marriage equality there can be no distinction between couples who choose to marry. I was glad to hear the Tánaiste reject the suggestion. I will also reject any attempt to extend conscientious objection to private business owners.

For those to whom marriage is available, it is too easy to take it for granted. For those fighting for the right to marry and a legal recognition of their relationship, this referendum means the world. Just 22 years ago, in 1993, Ireland finally decriminalised homosexual activity. Ireland has come a long way, in leaps and bounds, to become a more inclusive and accepting society. In 2010, we enacted the civil partnership Act which was the first legal recognition of same-sex relationships. It was a major step forward in recognising the value of same-sex relationships and provided more legal stability to same-sex couples. Unfortunately, the legislation stopped short of giving them true equality. There are over 150 statutory differences between civil partnership and civil marriage. Although there has been progress to close the gap, the only true way to eliminate the separate but equal attitude is to open civil marriage to include all people, regardless of gender.

Yesterday, we debated a Bill to extend the guardianship and adoption rights of same-sex couples and which recognises the value of family relationships, regardless of sex. The Bill is designed to modernise family law and reflect the reality of modern family relationships in Ireland. With or without this referendum, or the Children and Family Relationships Bill, there are loving and committed same-sex couples who are choosing to start families and raise children. To deny these families the option of marriage is to ignore the social reality that exists.

Article 41 of the Constitution of Ireland gives extensive protection to families based on marriage. Those families enjoy a special elevated status under the Constitution. The distinction between families based on marriage and those who are not married, is significant. There is a whole class of people who will never achieve the stability and protection, offered by the Constitution, without this amendment. If this referendum is passed it will allow all people in loving and committed relationships the option of civil marriage and the enjoyment of this family protection by the State and society. As I pointed out yesterday, there are other families who are excluded from the constitutional recognition that is afforded to families based on marriage

but that is an issue for another day.

If this referendum passes, Ireland will be the first country in the world to open marriage to same-sex couples by popular vote. Furthermore, this amendment to the Constitution had its origins as an issue considered by the Constitutional Convention, of which I was a member. The citizens of the convention supported marriage equality and passed this recommendation to Government, which duly considered the recommendation and set in motion this referendum to amend the Constitution.

Like Senator Bacik, I am very proud of the role the Labour Party has played in bringing this issue to the fore, and not just this issue but, more generally, the issues of gay and transgender rights. In April 2013, I voted to support the amendment. I stand here now to restate this support and to urge the people of Ireland to do the same on Friday, 22 May. This referendum will make history. It is time to take a stand for equality, for human rights and for an Ireland free from discrimination.

Earlier, the Minister pointed out the number of countries that have extended the right to marry to same-sex couples. When I heard her read that list, I thought to myself that we are moving, as a world society, in the right direction. I was then drawn up short to remember that there are a number of countries in the world, which I will not name, where being gay is something that is now a criminal act, punishable in some cases by death. We do not, as a human society, consistently move in the one direction. However, I want this country to be among those that are named and listed as being prepared to stand up and be counted, and move in the right direction.

Senator Kathryn Reilly: I welcome the Minister to the House and lend my support to this legislation and to the referendum. Two weeks ago I had the privilege of sharing the stage at our party Ard-Fheis with a spokesperson for LGBT equality, Sinead Murray. She shared her story with us of how, last year, her brother asked the father of the woman he loved for permission to take her hand in marriage. She then asked the people of Ireland for permission for her to marry the woman she loves. I thought that message and the way she posed that question was really powerful. Today, I am reiterating that request and asking the citizens of Ireland and those who will be eligible to vote in this referendum to vote “Yes” and to give permission to our fellow citizens across Ireland to marry the person they love.

As I said, I am delighted that this Bill is before us today. It has been a long road and it is much overdue but it is brilliant to see it here before us. As all Senators have said this afternoon, all citizens must enjoy full equality of rights and opportunities under the law, regardless of their background, including sexual orientation or gender. I do not think anything less can be tolerated in a modern, progressive and inclusive society.

Sinn Féin recognises that societal attitudes, the ban on the donation of blood, gender recognition, adoption, transphobic and homophobic bullying, the reporting of domestic and sexual violence, as well as marriage and employment equality, are a few of the areas of life where LGBT people suffer inequality and isolation. Senator Power mentioned the higher rates of depression, self-harm and suicide that are directly attributable to the social conditioning, stigma and social isolation that has existed. I am heartened to see that Ireland is edging closer to ensuring that all of its citizens are equal. The time has come for full marriage equality for all. Put very simply, it is very much a human rights and equality issue. Loving, committed relationships between two consenting adults should be treated equally, regardless of gender or sexual orientation. All couples should be allowed to share the same responsibilities, obligations and respect

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that marriage provides, and this should be enshrined in the Constitution. We need to make clear to young people who are having difficulty coming to terms with their sexuality that we support them and that their choices are legitimate, and as legitimate as those made by any other citizen around them, whether gay or straight.

As was mentioned, the referendum was called and supported by citizens at the Constitutional Convention so this is very much the people's referendum. It will be about protecting our families, neighbours and friends. On 22 May we should take pride in entering the ballot box to extend equality to our neighbours, friends, colleagues and family members. We are given that opportunity to make sure those citizens are being treated equally.

A point I want to touch on is one mentioned by many Senators. People already committed to loving and happy marriages should not feel that marriage equality for same-sex couples is going to devalue or undermine their marriage. Rather, they should feel secure about their marriage and marriage equality. However, if it is insecurity about marriage which is driving opposition to the marriage equality referendum, that is an issue people themselves need to address. How are we to make any sense of the idea that legal marriage between John and Frank could have any negative impact on a legal marriage between Joe and Mary, much less undermine the marriage between Joe and Mary? Currently, if people want to have a civil marriage under law, they do not have to show they are good people. Felons, people who are not paying child support, people with a record of domestic violence or emotional abuse, drug abusers, rapists, murderers - all of these can marry if they choose, and they are found to have the constitutional right to do so once they are doing it with someone of the opposite sex.

To go back to the claim that legalising same-sex marriage will undermine the effort to defend or protect traditional marriage, if there are sections of society that want to defend traditional marriage, there are particular policies they can pursue to make sure it is protected, whether that is family leave, counselling, marital counselling, mental health treatment, strengthening laws against domestic violence, enforcing better employment counselling or financial support for those under stress during the present economic crisis. These are the issues they should support and work on. Such measures have a clear relationship with the stress and strains facing traditional marriage. However, the prohibition on same-sex marriage does not. If we were to study heterosexual divorce, we would be very unlikely to find a single case in which the parties felt their divorce was caused by the availability of marriage to same-sex couples.

I want to reiterate that same-sex couples are not second class citizens. They want to get married for reasons that are the same as those of heterosexual couples - to express love and commitment, to gain sanctification for the union, to obtain benefits and, often, to have or raise children. The argument in favour is very straightforward. If two people want to make a marital commitment, they should be permitted to do so. Excluding one class of citizens from the benefits and dignity of that commitment demeans them and, I think, insults their dignity as people. Whatever we do, or whatever the State does, should be done on the basis of equality. Basic principles of humanity and dignity ask us to stop viewing same-sex marriage as a source of desecration of traditional marriage but, instead, to understand that the human purposes of those who seek marriage are the same for both gay and straight people.

We must be very active in the coming months out at the doors. We cannot take anything for granted, especially in terms of turnout. I will be knocking on doors and will be active. I very much welcome this legislation and the referendum. I look forward, in a number of months, hopefully, to seeing family, friends and colleagues finally having their marriages recognised.

Senator Thomas Byrne: I and my party give our full support to this referendum. I am proud to stand here as a Fianna Fáil Senator, given our track record on the issue of equality for gay people over the years. This has been a journey not just for our party but for society as a whole, and that needs to be recognised at all times.

Homosexuality was decriminalised after our colleague's case some time ago, and Ms Máire Geoghegan-Quinn took the decision to then implement that decision. Of course, she had to do that, but it could have been left to one side like many other important issues have been left to one side over many years. She dealt with it. There was a lot of talk about the Taoiseach, Deputy Enda Kenny, visiting the PantiBar recently but, if I remember correctly, the then Taoiseach, Mr. Bertie Ahern, visited the same premises when it was under a different name just before the 2007 election, and that certainly was very progressive. I was proud to support the Civil Partnership Act in this House. At that time, the then Minister, Mr. Dermot Ahern, rejected very strongly this so-called conscience clause, and, indeed, I also reject that today and I will go into some of the reasons for that.

I will be fully supporting the Bill. I believe it is absolutely necessary and important that we do that and that equality is given. I think the Irish people will support it as well, as the surveys are showing. People are complaining about certain politicians not canvassing but, from what I can see, there is more canvassing going on in this referendum than has ever gone on in a referendum. For other referenda, we usually talk about the canvassing we did but it might be more talk than action. In this referendum, people are out knocking on doors, and I certainly will be too. I would caution against denigrating "No" campaigners, although not many people are doing this. Looking at the history of this issue, we can go back to 2008 when President Barack Obama was officially opposed to marriage equality which is not that long ago. We can go back to 1996 when the US brought in the Defense of Marriage Act, which defines marriage in a certain way. There is a journey under way and it is not correct for people to suggest they have always been in favour of this. Ten years ago, polls in the US showed a majority against this but that has changed and 50% or so are now in favour of marriage equality. Society has been on a journey.

Perhaps there are people who have lost out and people who feel they have suffered over the past number of years because this was not available, and maybe they have. However, Irish society has been moving in a general direction on this issue and it continues to do so. That is the case if one looks at the history of what my party has done on this over many years. It can be fairly described as a journey.

I refer briefly to conscience clauses, which are very dangerous. Senator Crown spoke about the separate but equal status in the south of the United States under the Dred Scott rules. They were very dangerous because, as Senator Crown said, they were very firmly based on the Bible and on the social order. If we are to enshrine religious grounds for discrimination in law, it simply could not be confined to gay people because then it would just be a "turn the gay away" law and it would be shown up for what it was. It would involve all sorts of religious objections. Not many religions are looking for that currently. Archbishop Martin apparently qualified what he said last week. I was surprised he looked for it because it really is very dangerous. The idea that any citizen would be turned away in the normal course of business from a service would be abhorrent.

I was particularly shocked at the printers in Drogheda, who I know. They are generally very decent people and they have done printing for me. However, the idea that they turned away a

long-standing customer because they did not agree with civil partnership was shocking. I think the case in Northern Ireland was slightly different but what has happened there with the gay cake row is that it has prompted the DUP to try to bring in a conscience clause. I do not know whether it will pass but there certainly will be huge pressure from religious conservatives in the North of Ireland because these laws are being passed all across America, including in Indiana. Georgia passed these so-called religious freedom laws in that past week. They are very dangerous because they are not about religious freedom but about bringing back discrimination which existed in the United States in the past under the guise of a religious justification.

I say all of this as a practising Catholic, although it is not particularly relevant. My church should be very careful about looking for, and think very carefully about the consequences of, this. However, we must legislate for society as a whole and not for any particular religions. The religious institution of marriage is separate and it is a matter of my faith which does not need to be protected by law. I think it is protected in the legislation going through.

There has been huge provocation in the Northern Ireland cake row, whether intentionally or unintentionally, which has rallied the troops in contrast to the issue in Drogheda which has actually generated a huge amount of support and has shown up the dangers of this type of discrimination under religious guises. I would ask people to think very carefully about the consequences of the action and the hurt they are inflicting and to look at other aspects of their businesses. Are they promoting other things which may well be immoral under some religious code? The Bible does not mention gay marriage and, over the years, justifications for slavery have been given based on the Bible. It depends on the mores of the time which in this country and across the world are that there should be marriage equality. Those mores are very important. I mention the Latin phrase *vox populi, vox dei*, the voice of the people is the voice of God, and I think the voice of people will speak on civil marriage.

However, let us be very careful about conscience clauses. I am very proud that Fianna Fáil has opposed them because we are often asked what we did when in government. When in government in this case, the party strenuously opposed them. I hope they will not happen and that people will learn lessons from what happened in Drogheda and recognise the serious hurt caused. Some people think their religious rights are being lost because of this but I reject that entirely as somebody who practices my religion. I do not see that as an issue at all. For example, I am sure it is a moral issue for lawyers to defend rapists but they do the job they are required to do without judging. It is not a particularly nice thing to have to do.

I heard a ridiculous argument on the radio that one could possibly allow some sort of extreme religion - I will not even mention one because I am not sure it would be allowed - to ban women from driving and, therefore, a petrol station owner could ban women from getting petrol but that we would only allow that if there was another petrol station in the area. This was discussed on national radio the other day and it was just bonkers. The radio station should not allow these people on. Maybe that is undemocratic but it is bonkers. I really felt they had lost the argument, if there ever was one, when I heard that one might force people not to discriminate if there was only one petrol station. It is lunacy. Let us stand up for equality for all the citizens of this nation.

Senator Colm Burke: I welcome the Minister and thank her for a very comprehensive overview on this amendment of the Constitution. No constitution is written in stone and it is important that we start from there. This is the 34th amendment of the Constitution. There has been a very small number of amendments when one thinks of the lifetime of this Constitution.

As my colleague, Senator Byrne, said, society has changed and we need to adapt. We are doing that by bringing forward this legislation and holding this referendum.

Marriage is a contract and a commitment. If two people of the same sex are prepared to make that commitment, why should we stand in their way and prevent them from making that commitment and from entering into that contract? By voting “No” in this referendum, that is what we will be doing and that is why it is so important we bring about the changes which are required in the Constitution to allow same-sex marriage.

We should not force on others what has been in the Constitution for some time. Why should we now decide we are against a change when that change will not affect us directly? Voting against that change will affect many people who want to enter into that commitment and contract.

There have been changes over the years. At one time we prevented women from sitting on juries and from going back to work in the Civil Service when they got married. When we made that change, it made a difference in the sense that women were able to make a contribution to society and continue in jobs at which they were very good. I came across an example in obstetrics and gynaecology. All the patients were female but because of the marriage ban, only six out of 100 medical consultants were female. We prevented people from continuing to make a contribution by imposing a marriage ban which prevented women returning to work in the Civil Service once they got married. The Minister has already set out quite clearly the countries that have changed, including the Netherlands, Sweden, New Zealand and Canada. Why should we not also have this change? Why should we continue to prevent people from entering into commitments into which they want to enter?

The change we are discussing also has implications from the point of view of taxation, social welfare and succession. However, it will not affect other people who are not involved or who do not want enter into this commitment. We are talking about people who are gay or lesbian who feel they are prevented from living life normally. By introducing this constitutional amendment we will allow them to get on with their lives, as they want to live.

Some of my colleagues have referred to this. We should not take this referendum for granted. We all have a part to play in bringing about this change and we all have a part to play in explaining the change we are proposing. It is important that we encourage people to come out and vote “Yes” in this referendum. It is an important milestone in the history of the State that this change takes place. It is important that the referendum is passed. I fully support the Minister in her work in the area. Before entering government we gave a commitment that we would hold a referendum. We gave a commitment regarding the Convention on the Constitution which then voted overwhelmingly in favour of holding a referendum and bringing about the change in the law and the Constitution. It deserves our support. I welcome the work that has been done and I welcome the result that I hope we will have on 23 May.

Senator Jillian van Turnhout: I warmly welcome the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015, which sets out the wording of the amendment that will be put to the people in a referendum on 22 May 2015. If passed, the amendment will allow two people to enter into civil marriage without distinction as to their sex. For me this is a simple question - one of equality, fairness and civil rights. It is very important that we distinguish what is hoped will be a new right to civil marriage from that of religious marriage. Civil marriage will be a relationship between two people, irrespective of their sexual orientation that

is sanctioned and licensed by the State. In the same way as religious institutions are not obliged to remarry divorced couples, they will not be forced to marry same-sex couples, should civil marriage be extended to lesbians and gay men.

I was married in the Catholic Church and I have no sense whatsoever that my marriage to my husband will be in any manner, shape or form altered or undermined by the extension of civil marriage to same-sex couples. I welcome the decision by the Association of Catholic Priests not to take a position on the same-sex marriage referendum on 22 May and its recommendation to priests not to direct parishioners to vote either “Yes” or “No”. I also welcome the Minister’s confirmation that there will be no conscience clause about which my colleagues have spoken eloquently.

This is about ensuring equality and parity of legal treatment. Comparing the census figures for 2006 and 2011 shows a 100% increase in the number of same-sex couples. The 2011 census recorded 230 same-sex couples with children. Indeed we are talking about 7% of the Irish people based on national and international surveys.

I welcome the impact the Children and Family Relationships Bill 2015 will have in reforming, modernising and bringing legal clarity to many aspects of Irish family law, particularly to diverse parenting situations and diverse family forms including for the children of same-sex couples. That Bill, which we will continue to debate tomorrow, is very welcome.

I stand here in a very privileged position because I do not see this as a dramatic change. It has no impact on my life or on what I do. Along with many other people I am very supportive of the amendment. I want to be clear and unequivocal in my support. Senator Byrne was right to mention the journey. I do not know when I made a conscious decision that I supported it. For me this is very much about equality, fairness and civil rights.

As many Senators will know, my husband is Dutch and as the Minister outlined, the Dutch Parliament was the first parliament to take such a decision in 2001. I hope the Irish people will be the first to vote “Yes” in a public referendum. As I said, this vote has no impact on my life but I am very conscious that it will have a disproportionate impact on our gay and lesbian friends and that is wrong, because it is about equality. Whatever the decision, we need to ensure that it is about equality.

I want that what I have with my husband is available to my good friend, Senator Zappone, and her partner, Ann Louise Gilligan, who were married in Canada, and that before the eyes of this State all marriages are equal. It is simple. For me it is not dramatic or massive but I know the impact it will have on individual lives.

I cannot imagine what it would have been like if I had not got married in Ireland. Let us say I had got married in the Netherlands and for some reason my marriage was not recognised here. I cannot imagine what that would be like. It makes me realise the privilege I have and that is why I will certainly not only be voting “Yes”, but I will be actively campaigning for a “Yes” vote. Changes to our Constitution have legal importance but they also have an important resonance across our society and it reflects us as a society. I want to ensure we really are an equal society.

In ending I wish to quote from the Minister’s speech earlier when she said, “We will have to decide if marriage should be defined against the prism of the past or a vibrant institution embedded in the modernity of the 21st century.” I hope the people will vote “Yes”. I thank the

Minister for introducing the Bill to give the people an opportunity to have their say.

Senator Gerard P. Craughwell: The Minister's day is coming to an end given that I am on my feet. I welcome the Minister and congratulate her on bringing before the House the Bill to put a referendum on marriage equality to the people in May. The legislation has been a long time coming and we might not have been here today but for the courage and conviction of Senator Zappone and her partner Ann Louise Gilligan, who began this campaign with their legal case for equality rights more than a decade ago.

In welcoming the Bill, I acknowledge the role of a small non-profit organisation set up almost eight years ago to campaign on the issue. I congratulate the board and staff of Marriage Equality for the dignified and effective way they grew a small grassroots advocacy organisation into what is now a huge national campaign. Equality has support from every sector of society - from trade unions to teachers, from lawyers to doctors, and from civil society to sporting personalities and more.

GLEN, the Irish Council for Civil Liberties and Amnesty International are all part of this coalition of support for what is essentially a civil, social, political and human right. It is a right that should exist without opposition in any civilised country. Why should there be no opposition? It is because both the "No" and "Yes" sides of this debate are supporting the same thing. They are both supporting marriage. They are both in favour of legally and socially recognising a couple's love and commitment for each other. They both value the contribution that marriage makes to the very foundations of our society, how it stabilises and regulates, and how it provides social and legal structures with rights and responsibilities. There is no ideological difference between the "No" and "Yes" sides in this debate when it comes to marriage. They both value it, they both want it, they want it for themselves and for their families. In supporting the Bill and in voting "Yes" in the referendum we are, in effect, asking for more marriage, not less marriage. That could be a slogan in itself. We are simply extending the right to marry to everyone who wishes to avail of it. For the life of me I cannot understand how anyone would object to this.

We have to remember that nobody owns civil marriage. It is a legal, political and human right which has universal recognition the world over, a right which has been extended to same-sex couples in 19 jurisdictions with more being added every year. The logic for widening the marriage net to include same-sex couples is premised not only on giving the same rights to every taxpayer but withholding the right to marriage stigmatises gay people and worst still, invites discrimination against them. We should no longer tolerate discrimination against any group in society, much less our brothers, sisters, daughters, sons, mothers and fathers. We should no longer discriminate against work colleagues, service providers, service users, fellow Members of this esteemed House, constituents, neighbours and friends who together make up this small minority of Irish society.

Opponents of marriage equality say that extending marriage to same-sex couples changes the definition of marriage. I agree with them. It changes the definition of marriage by widening and extending it. It has been widened and extended for centuries. Marriage is not a static institution. If it had remained the same and had never been redefined, women would still be their husband's property - I have got to be careful about that, I have to go home for my dinner this evening. Inter-faith and inter-race marriages would still be prohibited and women would not have equality that they enjoy today.

Some of us will remember when women had to give up their public sector jobs on marrying. That is how marriage was defined up to the 1970s. Last year, 97 year old Ms Maureen Cronin received a hidden hero award for her defiance of the marriage ban when she carried on teaching in Limerick for a full year without pay in the 1970s but it was not easy. She said, “Every inspector ignored me and passed my room while the parents merely tolerated me.” To us, today, this is hardly credible but it serves to show one of the ways in which marriage has been redefined for the better.

We all know that the right to marry is one which many couples no longer choose to avail of. The traditional family, with or without children, has been undergoing dramatic change and today many long-term couples do what would have been unthinkable 50 years ago, they simply live together, raise children together and participate in society as unmarried couples. Even 30 years ago unmarried couples were still considered to be living in sin. Now we have a small minority who actually want to get married. The same people who support marriage seek to oppose this. There is an inherent flaw in their argument - to be in favour of marriage, to be rightly tolerant of those who do not choose to marry but to be against those of the same sex who wish to marry.

There appears to be a groundless fear that extending marriage to same-sex couples will somehow affect opposite-sex couples and their marriages. Professor Lee Baggot, director of the centre for public policy research in the University of Massachusetts, has conducted extensive research in this area. He concludes that no harm will come to marriage by extending it to same-sex couples. There is nothing in this Bill or the passing of the referendum for anybody to be afraid of.

I give the final words of my contribution to Gráinne Healy, the chair of Marriage Equality who puts the case so convincingly when she said:

Attempts have been made to frame this debate as if it is about people with family values versus the rest of us but nothing could be further from the truth. We want a yes in the referendum to gain the freedom to marry because we are family and we value marriage and the security and constitutional protection as uniquely held in Ireland. We are the family values campaign. We value love, we value commitment, we value family security and we are fiercely protective of our children and grandchildren.

These are the family values of the campaign for civil marriage and these are the family values that I am proud to uphold and protect.

There is some talk about opt-out clauses or conscience clauses. I have never heard such tommyrot in all my life. An opt-out clause of any sort is to impose another inequality, another form of discrimination, therefore I urge the Minister to close her ears to such calls and stick with the wonderful Bill she has brought forward and the referendum. I thank the Minister for having the courage to bring this Bill forward. I will do everything I can to support the referendum and canvass for a “Yes” vote.

Senator Fiach Mac Conghail: Cuirim fáilte roimh an Aire. Tá mé go mór i bhfábhair an reifrinn agus an Bhille seo agus go bhféadfaidh beirt gan beann ar a ngnéas conradh pósta a dhéanamh de réir dlí.

There are some things that come through this House on which we may not always be completely sure, issues and Bills where one can see two opposing sides and not be absolute on

where one stands. In the case of the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015 that is not the case. I am unequivocal in my support and would say that this move is long overdue. Ireland as a country has made incredible strides in the past couple of decades. I hope that with this Bill and the subsequent referendum, we amend the Constitution and enshrine in law the equal society we desire and want. As a heterosexual man who represents the status quo, I do not wish to have any greater rights than my homosexual colleagues, lesbian women or gay men.

On 1 February 2014 I invited Panti to take it up as a noble call at the Abbey Theatre, our national theatre. Her words were raw, eloquent, thought provoking and registered with the public in an accessible manner. In many ways she managed to humanise and impart the real life day-to-day challenges faced by gay and lesbian citizens in our country. I recall her using the words “I check myself” when pressing the pedestrian lights and when on a public train. Imagine that shadow following gay and lesbian people in an unequal society as we have today. The support for Panti and her message was clear and strong. The national discourse on this subject was ignited with a fervour not seen before, particularly among young people. The voice of the LGBT community started to come to the force.

As we move towards the referendum it is important to take stock of what is happening. In essence the majority is voting on the allocation of civil rights to a minority. This is a huge responsibility for all of us. If we get it wrong we are left in a country where our population has sent an extremely negative message to those who will continue to be less equal. This should not be taken lightly.

I am firm in my belief that civil marriage should be open to any two people who wish to undertake it regardless of sexual orientation or a gender. Féadfaidh beirt gan beann ar a ngnéas conradh pósta a dhéanamh de réir dlí.

We need to progress to a point where it is no longer reasonable to suggest that gay and lesbian couples should not have access to the same legal options as heterosexual couples. We do not gain anything from exclusion, from keeping anyone or any group down, and I do not believe in a society which allows this to happen or to be perpetuated in 2015. I am uneasy sometimes with the word “tolerance” being used by someone in association with same-sex relationships and unions. In my opinion, there is nothing to tolerate. We should be celebrating our diversity and acknowledging the power of love as Senator Katherine Zappone said earlier
4 o'clock in her eloquent contribution. In all the ways it presents itself we learn from it and we would be lucky to have it. Our children are moving streets ahead of us on this issue. My daughters are not just accepting the LGBT community in our society it is natural order, it is normal. Why would they expect their gay and lesbian peers to be treated any differently. They have grown up in a society that is destigmatising homosexuality, piece by piece, although not at a fast rate. The world they inhabit in this sense is friendlier and more compassionate and I do not doubt that the introduction of civil marriage is an eventuality.

In its policy statement last month, the Irish Human Rights Commission cited its legal position which covers the consideration of “human rights that may be reasonably inferred as being necessary to enable each person to live with dignity and participate in the economic, social or cultural life in the State.”

The commission went on to state clearly that it believes that “the opening of civil marriage to two persons, without distinction as to their sex, is a matter of equality and human rights”.

“Féadfaidh beirt, gan beann ar a ngnéas, conradh pósta a dhéanamh de réir dlí.” It does not come much clearer than this. All people should be welcome to participate fully in the State without, as the Minister, Deputy Varadkar, rightly noted, any exceptions, caveats or conditions.

Those opposed to the referendum often mention concern for the welfare of children. The focus of this concern is completely misdirected, as eloquently mentioned by Senator Zappone’s parents. The children who will be affected by the Bill are the gay and lesbian children and young people growing up. They are listening to adults talking about what they should and should not be entitled to. Although these children and young people do not have a voice in this debate yet, they will be significantly affected by the outcome. The message the vote will send, whether it has a positive or negative outcome, will be a loud and incredibly important signal to the children and young people in our community. A “Yes” vote would send a clear beacon that they should not question whether their feelings are wrong or should be hidden, that they are no different from their peers and that they can hope and aspire to the same life opportunities and choices. Why should our gay and lesbian children be limited from the get-go?

The Seanad deals with difficult issues that affect us as a society and it is rare that we deal with a motion or Bill that has an exclusively positive outcome. The introduction of marriage equality to Ireland would be an extraordinary contribution to our society and would have a far-reaching impact in bringing relief and happiness to the majority of our population. It would send an important message to our younger generation that their sexual orientation does not make them less in our society. There are many negative realities in our world that we cannot control, but we can control this. We can control how we want to appreciate, care for and support our fellow citizens, mothers, fathers, sisters, brothers, uncles, aunts, cousins, sons, daughters and friends. There is nothing to be feared from supporting two people who love each other. Is it not a wider aim of our society to work together and support each other and care for our children, including members of the LGBT community? It seems absurd that in this day and age a person would not have the right to be fully himself or herself, that some members of society would seek to deny their fellow citizens the same opportunities they have. It seems opposite to a democratic society and everything rational.

We are at our best when we are together, when we learn together, work together and care together. What a legacy for the Government, the Minister and this generation to leave to society. What a coming together of the people it would be. I look forward to the opportunity to say “Yes”, all are equal, all are welcome. I hope that on 22 May, love will out. It would be a progressive move that would strengthen our society and, ultimately, our future. A public plebiscite with a majority voting in favour of marriage equality would be the greatest affirmation of love, equality and solidarity in our much too fractured society. “Féadfaidh beirt, gan beann ar a ngnéas, conradh pósta a dhéanamh de réir dlí.”

Senator Rónán Mullen: Yesterday, I criticised the Children and Family Relationships Bill and in my speech I made a number of criticisms of the manner in which the Government is driving it through like an express train. This referendum legislation is going through the Oireachtas in the same way. The sheer haste with which it is going through, the dearth of consideration of the issue in the Dáil, says volumes about the attitude towards the Oireachtas and the public which this Government’s management of the public debate and legislation enabling the referendum exemplifies. I refer to an abuse of the legislative and democratic process, which is all the more egregious when it takes place in the context of a proposed referendum.

Let us begin with the name. The provisions relating to the title of the referendum on the

ballot paper are found in section 24 of the Referendum Act 1994. The title of the referendum on the ballot paper will be by reference to the Short Title of the referendum Bill, the Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015. Calling it the marriage equality referendum is deeply manipulative. It suggests that opponents are somehow against equality and, by extension, against human rights, which is untrue. I wonder how it can be constitutional for the Government to attempt to mislead the public in this way and to drive them into a particular side of the argument by what appears on the ballot paper. Undoubtedly, the Government's choice of title for the referendum is meant to influence the manner in which the media and public refer to it and to influence people at the crucial moment of voting. I repeat, I wonder how it can be constitutional. The Twenty-Ninth Amendment of the Constitution (Judges' Remuneration) Bill 2011 was called the "judges' pay referendum" by the media. Imagine if the Government had entitled it the "saving money by hitting the overpaid judges referendum", or if the referendum on the future of the Seanad had been called the "cutting of the wasteful Senate referendum". How would the Members feel about such titles? Would they regard it as a balanced treatment on the ballot paper?

If the Government has its way, the referendum debate will be reduced to a hijacking of words such as "equality" and "love" to pretend that these things are only found on one side of the debate. If it were about nothing more than public recognition of love between any two people, it would be difficult for any reasonable person to oppose it. Let us be clear about the love and respect due to everybody, gay people included, and respect for people's private lives and loving relationships. However, even a cursory look at this constitutional referendum shows that more than a simple recognition of love is at stake. The Government proposes to change the provisions relating to the family in Article 41 of the Constitution by proposing a new subsection. The campaign website of the group calling itself Marriage Equality states:

[Marriage] represents the ultimate expression of love and commitment between two people, and everyone understands that. No other word has that power, and no other word can provide that protection.

If only it were that simple. However, in the Irish constitutional framework, marriage, and the family founded upon marriage, is not simply about love, although that is essential, as we would all agree, but about the social unit in which children are nurtured, protected and raised as members of our society.

We know children are brought up in all sorts of situations, and we honour those situations and people, and in particular situations we make special provision. However, according to the special rapporteur on child protection, Dr. Geoffrey Shannon, whom I quoted yesterday, two biological parents in a low-conflict marriage is the "gold standard for the upbringing of children". The Minister does not acknowledge this, and nothing in the Children and Family Relationships Bill or this referendum Bill acknowledges or facilitates that reality. If passed, the new provisions will make it virtually impossible for the Oireachtas to require that preference be given to a married man and woman as a core element in determining a child's best interests when making arrangements for adoption because to do so would violate the constitutional guarantee of equality. If the referendum passes, adoption law will be unable to protect a child's natural right to a father and mother where it is practicable. Although it already arises in circumstances, in which we give extra respect and support, it should not be brought about in children's lives. A child should not be deprived, up front and in advance, of the possibility of being brought up by his or her own father and mother or by a father and mother.

If passed, the referendum would mean that it would be unconstitutional to amend the law on assisted human reproduction to secure a child's natural right to a father and mother by restricting access to the relevant services to a married man and woman, as has occurred in other countries. If passed, the referendum would copperfasten the serious flaws and injustices in the Children and Family Relationships Bill, which is going through the House, and put it beyond revision by a future Oireachtas alone. This is the nub of the issue. Children and their rights to the ties of family, kinship, blood, history and identity are essential issues in the referendum. Let us remember the amount of time spent and the sympathy we rightly give to people longing for contact with their genetic and biological parents. Now we are denying certain future children the possibility of this relationship. People such as Dr. Joanna Rose, whose father was a donor and who, she discovered, was the genetic father of many children, have spoken compellingly about the heartache it causes. It is not just a matter of discovering, or being allowed to discover, at some stage who one's genetic mother or father is. It is about much more than that.

The referendum would be a regressive step for the rights of some of the most vulnerable people in our society because it would tie our hands from being able to regulate matters in favour of a child's right to a father and mother wherever it is possible. The core issue in the referendum is whether we put the rights and best interests of children at the centre of policy-making, not off-centre, and whether we give priority to children's best interests, even over and above the issue of public recognition of adult relationships.

Senator Jillian van Turnhout: On a point of order, Senator Mullen has grossly misrepresented the quote of Geoffrey Shannon, who clarified at the Joint Committee on Health and Children that he did not say-----

Senator Jim Walsh: That is not a point of order.

Senator Jillian van Turnhout: It is. One is not allowed mention somebody's name and misquote them in the House. He spoke about all families being entitled to it.

Senator Rónán Mullen: I hope this is not interfering with my time.

Acting Chairman (Senator Marie Moloney): The Senator knows the rules about not referring to people who are outside the House. I do not know whether the Senator quoted or misquoted him, but if he did misquote him I ask him to retract it.

Senator Rónán Mullen: For the record, I have checked directly with Geoffrey Shannon the accuracy of the quotation I have ascribed to him.

Senator Jillian van Turnhout: The Oireachtas Joint Committee and Health and Children-----

Senator Rónán Mullen: What I am coming across-----

Acting Chairman (Senator Marie Moloney): An alternative point of view has been put by another Senator and the record of the House will show this.

Senator Rónán Mullen: What I am coming across in my contact with people is much concern in particular about the value of motherhood. Mothers and fathers are both important, but there is something about motherhood. Our late great poet, Seamus Heaney, knew something about the importance of mothers. Those who voted for Ireland's favourite poem got a sense of it:

When all the others were away at Mass
I was all hers as we peeled potatoes.
They broke the silence, let fall one by one
Like solder weeping off the soldering iron:
Cold comforts set between us, things to share
Gleaming in a bucket of clean water.
And again let fall. Little pleasant splashes
From each other's work would bring us to our senses.
So while the parish priest at her bedside
Went hammer and tongs at the prayers for the dying
And some were responding and some crying
I remembered her head bent towards my head,
Her breath in mine, our fluent dipping knives—
Never closer the whole rest of our lives.

That is what I thought of when the Minister was on the revolution with Maya Angelou, because if the referendum succeeds certain particular children will not get the chance to peel potatoes with their mother. Tragically, it already happens in life, but the Minister will bring about situations where a child will in advance be deprived of that precious special possibility. Just as important is the deprivation of the right of a child.

Senator Ivana Bacik: On a point of order, I take issue with Senator Mullen's personalising of the referendum as the Minister's referendum. To be quite accurate, a referendum is a matter for the people to vote on and no one should attribute it and personalise it in this particular way.

Senator Rónán Mullen: To continue-----

Acting Chairman (Senator Marie Moloney): I draw the Senator's attention to the fact that he has exceeded his time.

Senator Rónán Mullen: I will conclude, as the Acting Chairman will accept I have been interrupted by two non-points of order.

Acting Chairman (Senator Marie Moloney): We are at nine minutes instead of eight.

Senator Rónán Mullen: Has the Acting Chairman allowed for it?

Acting Chairman (Senator Marie Moloney): I have.

Senator Rónán Mullen: Of course children will be loved by whoever brings them into the world, but this is not enough. Justice to children demands that a child's right to a father and mother would never be undermined. I will table amendments in the coming days which will

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seek to reaffirm the right of children to their father and mother, and to respect loving relationships but protect freedom of conscience for service providers and educators and get the balance right. If the Minister is sincere that the referendum-----

Acting Chairman (Senator Marie Moloney): The Senator is pushing it a little bit now. I did allow extra time.

Senator Rónán Mullen: In fairness, the circumstances were trying and it did not happen for any other speaker.

Acting Chairman (Senator Marie Moloney): I was not in the Chair for other speakers so I cannot speak about it, but the Senator is almost two minutes over time.

Senator Rónán Mullen: If the Minister is sincere about her statement that this does not impact negatively on the rights of children, she will accept the amendments. If she does not accept them, we can discuss them further on the hustings.

Acting Chairman (Senator Marie Moloney): Accepting amendments is a matter for Committee Stage as the Senator well knows.

Senator Jim Walsh: In view of the Minister's comments yesterday I will quote comments I made previously, particularly on Senator Norris's Bill which we debated on 16 February 2005:

I have reservations about the Bill and I have spoken privately with the Senator in this regard. It raises issues which will need to be teased out over a period of time, and will need to be done in a sensitive way in the interest of the individuals who find themselves in certain situations and also in the interest of society as a whole. To some extent this represents the challenge to the Government and to all of us in the Houses. On the one hand we must cater for the individual while at the same time ensuring that the well being of society is preserved.

In a similar vein in the debate on the Civil Partnership Bill debate in 2010 I stated:

Existing marriage rights should remain unique to marriage because of its uniquely pro-child nature. It is not discrimination to treat a unique institution such as marriage between a man and a woman in a unique manner.

The proposal to have a referendum to redefine marriage is being framed in terms of equality. Yesterday, a Senator stated it was important to recognise diversity as opposed to sameness and this was said again today. The Senator spoke about diverse family formations, but the same can be said about marriage. Why would we want to have the same model for all unions when the current model recognises the diversity and difference between those types of unions? I was criticised for opposing civil partnership. The reason I did so was because I felt it was too analogous to marriage and would inevitably lead to redefining marriage. Despite assurances given at the time, this has indeed come to pass. Lobby groups in favour of same-sex marriage use civil partnership as a justification for redefining marriage. They argue civil partnership creates a separate but equal situation and that only same-sex marriage will remedy it.

Yesterday, I spoke at length about mothers and fathers. One reason for not having this marriage referendum now is the Supreme Court has yet to rule in the Jordan case, in which the referendum Act itself is under scrutiny. Article 41.1.1° of the Constitution states the State recognises the family as the natural primary and fundamental unit of society. An interesting and thought provoking article by Bruce Arnold was published recently. It covered areas which have

not yet been debated in the House. To some extent I am concerned about the groupthink in the political party structure and the media. It was extraordinary that last week a very large protest was held outside Leinster House by the pro-life campaign highlighting the fact that in the past two months 33 articles had appeared advocating abortion but only one had appeared supporting the pro-life position. This groupthink needs to be challenged. It is not good for society.

Bruce Arnold wrote:

It is the “nature” of life that bestows on marriage its unique character. All living organisms on the surface of the world, and beneath and above that surface, are motivated by simple and basic instincts, the two most important of which are survival and procreation.

He also wrote:

For me the meaning of marriage is a unique accomplishment shared not just with the vast majority of human beings on the planet, but something that is shared also with all living creatures. Their instinct to survive and procreate, sustaining the eternity of their ongoing prevalence, is the primal reason for the existence within the human condition of the union between male and female. In civilised and primitive society we call this marriage. We have done so for centuries. And the grounding is in nature and of nature, bringing men and women together and drawing the roots of their togetherness from various combinations of sexual characteristics.

I accept the force of nature that is fundamental to marriage. I go further, and see it is unique in its embodiment of the second essential purpose in life – pro-creation. And finally I find in it the most precious and lasting part of my life and something I have personally lived in for the whole of that adult life.

No law, no willingness to help other people of the same sex who love each other and wish to declare and make permanent in law that love, by the making of new laws, can be achieved by redefining “marriage”. Such an objective can be achieved in other ways, outside the re-defining of marriage. Moreover there are distinct and valid formulae for so doing, one example recognised being civil partnership. But they do not reach any kind of climax or reality under the term “marriage” which I believe is a unique and inviolable human condition that can only manifest itself in the union between a man and a woman.

I recommend that anybody who has not read the article should do so. One might not agree with everything in it, but it is very thought provoking.

Given how closely linked marriage and family are, if we change our definition and conception of marriage we also change our definition and conception of family. The conception of marriage and family protect the natural relatedness, natural kinship and natural ties between mothers, fathers and their children. Changing marriage removes this protection. The Children and Family Relationships Bill breaks the link between family and marriage. The proposed marriage referendum will further and irreparably undermine the link between marriage and the natural family.

It is not just the Irish Constitution that links marriage and family. Under the European Convention on Human Rights, the right to marry and the right to found a family are a compound right. Men and women have the right to marry and found a family through natural reproduction. This brings me back to the point about the lack of legal architecture and safeguards in the

area of assisted reproduction. The Government is trying to pass the Children and Family Relationships Bill, which is a piecemeal measure that cobbles together a smokescreen of protection for children but which completely fails to regulate the area of assisted reproduction which will come under stress if same-sex marriage is introduced. For example, the Bill does not legislate for the use of surrogacy. These are the questions that Irish voters must ask themselves before they vote to introduce same-sex marriage into the country which has an inadequate system of laws governing assisted reproduction and could become a hub for commercialised assisted reproduction, given the absence of proper regulation in this area. We need clear and strict laws on assisted reproduction and surrogacy before even thinking about redefining marriage.

There are many definitions of marriage, but I would like to put one forward. What is marriage? Marriage unites a man and a woman with each other and any children born from that union. Other reasons for supporting the definition of marriage as being exclusively between a man and a woman is that marriage provides children with access to their genetic, cultural and social heritage. Marriage between men and women is the institution adult society uses to protect the rights of all children through affiliation with both parents. Same-sex marriage will further marginalise gendered language and gendered roles. We see that happening already, including in the Bill we discussed yesterday. Same-sex marriage creates an entitlement to the use of artificial reproductive technology. It also transforms marriage from a gender-based institution to a gender neutral institution within our Constitution. Man-woman marriage is an institution that attaches mothers and fathers to their children. Same-sex marriage transforms marriage into an institution that separates children from at least one of their parents. Same-sex marriage routinely places biological parents on the same legal footing with adults who have no genetic relationship to that child. Same-sex marriage eliminates the legal principle that biology is the primary means of establishing parental rights and responsibility. It also undermines the legal principle that children are entitled to a relationship with both parents.

Conscience has been mentioned in this House by a number of speakers. I note in recent days that the Tánaiste has signalled that the Government does not plan to have any protection or exemptions in place for people in businesses who do not agree with redefining marriage and who do not want to be forced to participate in or endorse same-sex marriage. Only religious ministers will be exempt from participating in same-sex marriages services. The Ashers bakery case is being decided this week by the High Court in Belfast. Surely that case should make the Government stop and think about the conscience implications of redefining marriage. Surely that case and myriad similar cases involving florists, bakers, wedding photographers and wedding location owners, many in the United States, but some here, should make Government take seriously the need for rigorous conscience protections in this legislation. Until such protections are in place, the Irish people will not be able to vote to change marriage.

Acting Chairman (Senator Marie Moloney): The Senator is half a minute over time.

Senator Jim Walsh: Could the Acting Chair give me a little more time?

Acting Chairman (Senator Marie Moloney): The Senator will get just a little bit more.

Senator Jim Walsh: I want to refer to the printer's case in Drogheda and Brendan Eich, Mozilla's new CEO, who had to resign because he made a contribution of \$1,000 to Proposition 8 in California. These are examples of intolerance towards people who have a conscientious position on this issue.

I am seriously concerned about gender ideology in schools. This proposal to redefine marriage has implications for children in schools. In France, for example, the introduction of same-sex marriage has gone hand in hand with teaching gender theory in schools. Gender theory teaches that all gender differences are socially constructed and there are no innate differences between men and women. I could go on at length about that but we do not have the time.

Acting Chairman (Senator Marie Moloney): We do not have the time.

Senator Jim Walsh: I will finish on this, if the Acting Chair does not mind.

Acting Chairman (Senator Marie Moloney): No. I have called other Senators to time and now I have to call Senator Walsh as well.

Senator Jim Walsh: Can I just finish on this point, namely, my concern about gay people, which has not come up yet? I am conscious of the fact that gay people have suffered the stigma and challenges of living in a society that is largely heteronormative. However, my concern is that gay people in same-sex couples are being encouraged to believe that complete sameness is achievable. It is not. There is a fundamental biological difference between same-sex and opposite-sex couples. That difference will remain. Encouraging gay people and same-sex couples to believe that full equivalence and sameness are achievable will cause more harm than good to them. I worry about that, because of the obvious natural differences, which will endure regardless of redefining marriage.

Acting Chairman (Senator Marie Moloney): I thank the Senator. He is now two minutes over time.

Minister for Justice and Equality (Deputy Frances Fitzgerald) (Deputy Frances Fitzgerald): I thank all Senators for this very constructive debate on this important topic. The eloquence and the power of the contributions from Senators here today speaks for itself. I hope it gets a wide audience through a variety of media. I am very struck by the personal nature of many of the contributions and the care of the language. I recognise, of course, the role that many people have played on the path to equality. I recognise the role of political parties, the Labour Party; Fianna Fáil, especially Máire Geoghegan-Quinn; my own party, Fine Gael; and the contribution of so many individuals, including Members of this House, such as Senators David Norris and Katherine Zappone, who gave such a powerful speech here today. It was very moving, and it is those individual stories from around the country, from families of every shape and size, that will begin to impact on this debate as we move forward, when people understand precisely what we are talking about.

I saw a comment on social media today from J.K. Rowling about why one of her characters was gay. She said it was because they are people, just people. Someone else on social media described this as a magical comment. That is very true and it gets to the heart of what we are speaking about. We are all agreed that people will have to make a momentous decision in May and that decision will reveal much about our attitudes as a society. This is just part of the process. As many Senators said here today, we have a campaign that is about to take place. Information will be given out by the Referendum Commission and by many people who get involved in the debate. That debate will confirm how we view the institution of marriage. It will determine whether we regard marriage as an institution open to all couples who wish to enter it or restricted to the union of a man and a woman and it will reveal much about our attitudes to same-sex couples. Will we as a society recognise that they are entitled to equal rights? Our

decision in May will determine the answer to that question.

The Convention on the Constitution provided an opportunity for many Members, drawn themselves from different strands of Irish society, to examine the case for opening marriage to same-sex couples. Many Senators attended those discussions. Having heard the views of a range of experts and interest groups and having examined a wide range of submissions, they were convinced that the time had come for constitutional change. I am struck by what Senator Power said about how people changed their minds when they heard personal stories during that Constitutional Convention. I was also struck by the majority opinion expressed in the convention in favour of constitutional change. It reflects broad agreement across Irish society that it is right that the issue of marriage equality should be put to the people for decision.

The overwhelming demand among same-sex couples is to have the choice whether to marry. I was looking at some research in other countries where there was a choice between registered partnerships and marriage. A very large majority among same-sex couples chose marriage. In the Netherlands, for example, 92% of opposite-sex couples have chosen marriage over registered partnership. Similarly, in the US states of Illinois and Nevada, where both options were available, 99% of opposite-sex couples chose marriage over registered partnerships. The strong preference for marriage confirms the symbolic importance of marriage in our society. It suggests that if given the choice, most same-sex couples would also choose marriage. Again, we must ask ourselves, as a number of Senators put it today, what right we as a society have to deny people access to a right which they truly want.

A number of issues were raised today. Quite a number of Senators commented on the conscience clause. Provisions have been proposed with regard to the protection of religious solemnisers when solemnising marriage. I have already referenced that in the general scheme of the marriage Bill. That makes it clear that if that scheme is brought forward as a Bill, no provision of that Bill would compel a religious body to recognise a particular form of marriage ceremony or a registered religious solemniser to solemnise the marriage in accordance with a formal ceremony that is not recognised by that religious body. That is very clear in the Bill and it is important that we know that.

I will not be departing from the existing policy, underlying equality legislation and the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, of not providing for a general conscience clause. I believe such a clause would go against the ethos of our equality legislation and could open the door to discrimination against same-sex couples by service providers. I believe that same-sex couples have a right, like all people under the other equality grounds, not to experience discrimination when accessing goods and services. We could not stand over a situation in which a service provider might arbitrarily refuse to serve a same-sex couple and whereby the couple in question would have no means of redress.

Reference to the redefinition of marriage has been made several times. If the people approve this referendum, they will not be redefining marriage. Marriage is referred to in Article 41.3 as an institution on which the family is founded and which the State pledges to guard with special care. We are not proposing to change that in this referendum. Article 41.3 of the Constitution specifies the circumstances in which a court may grant a dissolution of marriage. We are not proposing to change that in this referendum either. What we are proposing to change is the current restriction on those who can access marriage as a constitutionally revered and protected institution. At present one group of couples who aspire to marriage, those who are opposite-sex couples, may access it. Those who are same-sex couples cannot access marriage at present.

If the referendum is passed by decision of the people on 22 May, those same-sex couples who may not access marriage at present will be able to access it. We are not proposing to redefine marriage, change the constitutional protection for the institution of marriage or change the marriages of those of our citizens who are married now and whose marriages are protected by the Constitution. I repeat that we are proposing simply that same-sex couples who are not permitted to access marriage at present will be permitted to access it.

There was a comment about the timing of the referendum. The Government announced its intention on 5 November 2013 to hold a referendum in 2015. The Constitutional Convention held its deliberations in April 2013. The general scheme was published on 16 December 2014 and referred to the Oireachtas joint committee for pre-legislative scrutiny. Therefore, there has been a long process in putting this referendum before the people. We have a commission that will do its work as normal over the coming weeks in informing the people about the details of the referendum. The central tenet of the referendum is about allowing this access for same-sex couples. There is nothing as a result of this referendum to stop a Seamus Heaney of the future writing an equally beautiful poem about precious moments spent with his or her parents, regardless of whether the parents were two men, two women or a man and woman. Seamus Heaney has another famous line:

But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up
And hope and history rhyme.

That is relevant as well. I will address the issues about children on Committee Stage of the Children and Family Relationships Bill, where they appropriately belong.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Acting Chairman (Senator Marie Moloney): When is proposed to take Committee Stage?

Senator Ivana Bacik: On Friday, 27 March.

Céim an Choiste ordaithe don Aoine, 27 Márta 2015.

Committee Stage ordered for Friday, 27 March 2015.

Acting Chairman (Senator Marie Moloney): When is proposed to sit again?

Senator Ivana Bacik: Tomorrow morning at 10.30.

The Seanad adjourned at 4.35 p.m. until 10.30 a.m. on Thursday, 26 March 2015.