



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 28 Márta 2018

Wednesday, 28 March 2018

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

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

The need for the Minister for Education and Skills to provide an update on the building of a permanent structure at Gaelscoil Chionn tSáile, Kinsale, County Cork.

I have also received notice from Senator Fintan Warfield of the following matter:

The need for the Minister for Education and Skills to outline the policy regarding the teaching of LGBT+ aspects of the social, personal and health education, SPHE, and the relationships and sexuality education, RSE, curricula in schools.

I have also received notice from Senator Paudie Coffey of the following matter:

The need for the Minister for Education and Skills to consider providing emergency accommodation for St. Declan's Community College, Kilmacthomas, County Waterford.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Justice and Equality to address concerns of stakeholders regarding the new tendering process for the Garda youth diversion project.

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

The need for the Minister for Transport, Tourism and Sport to provide increased funding to Fáilte Ireland for the Riverfest festival in Limerick.

I have also received notice from Senator Ged Nash of the following matter:

The need for the Minister for Minister for Transport, Tourism and Sport to consider a mechanism where taxi licences can be transferred to family members in the event of the

death of the licence-holder.

Of the matters raised by the Senators suitable for discussion, I have selected those of Senators Lombard, Warfield and Coffey and they will be taken now. Senator Devine had been selected but subsequently withdrew her matter. I regret I had to rule out of order the matter submitted by Senator Byrne on the ground that the Minister has no official responsibility in the matter. Senator Nash may give notice on another day of the matter he wishes to raise.

Commencement Matters

Schools Building Projects Status

Senator Tim Lombard: I welcome the Minister of State to the House. I would like to ask the Minister for Education and Skills for a comprehensive update on when a permanent structure for the Gaelscoil in Kinsale will be built. The school has been working out of prefabs since 2003. In this day and age, that is totally unacceptable. The prefabs have deteriorated rapidly in the past two years. One of the prefabs in the Gaelscoil was abandoned during the winter because of its condition. There was a leaking roof and water came into the toilet and the senior infants' room. In this day and age, it is totally unacceptable to have a school of prefabs in which the senior infants' classroom is abandoned because of the condition of the prefab. We need to get clarity on where the site will be. We need clarity on when the site will be developed.

We probably have two options. We could have a new site, the position of which is to be decided, or we could build on the original site where the prefabs are. The Department is working with Cork County Council on locating a site. The issue is urgent. An exceptionally expensive regime has been put in place to maintain a school of prefabs. We have seen that this year with one prefab being abandoned. We really need to see two things now. We need clarity on what the Department proposes to do. Does it propose to build on the original site where the prefabs are or will it work with the local authority to find another site to get zoned and built? That is the first step. We need clarity on where the site will be and when it will happen.

The other thing we need rapidly is a major financial programme to ensure the prefabs are brought into proper nick. It is a huge issue for us. The electrical, engineering and roofing contractors that are required to keep the school up and running is an expensive regime for the school. It has to be recognised. The board of management and particularly the parents' association have been trying to work with everyone to ensure the conditions in the school are appropriate. They are doing a fantastic job. We need the Department to help the school board of management with finances. It is unbelievable to think we have been waiting five, six or seven years to get the school up and running. There have been major improvements in schools throughout the country. Unfortunately this one has lagged behind. To have a school of prefabs is unacceptable. Clarity on the site is required. Financial support is required to help the board of management to ensure the conditions in the school can be improved.

Will the Minister of State talk to the Minister, Deputy Bruton, about the issue? There needs to be a meeting. The Department needs to meet with the school. There has to be a concerted effort at the local authority to find a suitable site and it must be fast-tracked. The site is the key to solving the issue.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Pat Breen): I thank Senator Lombard for raising this very important issue. It is an issue I am familiar with as a Dáil Member. I have seen these prefabricated buildings. If they are old, they are too warm in the summer and too cold in the winter while school authorities experience many problems with leaking roofs, etc. They cause many problems. The Minister for Education and Skills rang me last night and asked me to take the debate on his behalf as he has urgent business to attend to this morning. I will convey sentiments and issues raised by the Senator to him. I asked him on behalf of the Department of Education and Skills to clarify the position in respect of the development of permanent accommodation for Gaelscoil Chionn tSáile, Kinsale. The Gaelscoil is a primary co-educational all-Irish school. It is currently located in temporary accommodation and a project to provide for a new permanent school building is included in the Department's six-year capital programme.

Officials in the Department have engaged with Cork County Council officials under the memorandum of understanding for the acquisition of schools sites with a view to identifying and acquiring a suitable site to accommodate a permanent school building for Gaelscoil Chionn tSáile. Under the memorandum, local authorities assist the Department with the process of identifying and acquiring sites for the development of school accommodation. The first step in this process is the identification of suitable sites by the local authority. The identified sites are then technically assessed on a joint basis by officials from the local authority and the Department's professional and technical staff. The Senator will appreciate the importance of a thorough appraisal of site options at this point to ensure the achievement of value for money and to minimise the potential of any issues arising during the planning and development stages.

In the case of Gaelscoil Chionn tSáile, further to assessment of options, the Department identified a potentially suitable site and made offers to acquire land for the school as far back as 2016. However an acquisition was not achieved at that time because after lengthy negotiations, ultimately agreement was not reached. That happens from time to time, particularly given the price of land. Matters have progressed in the meantime. The site on which the school is currently located in temporary accommodation was zoned for community-educational use in the Bandon-Kinsale municipal district local area plan adopted in August 2017. Specific reference was made within the local area plan to the fact that the Gaelscoil is currently operating in a prefabricated building and is in need of a purpose-built unit. The local area plan further states: "The site at Cappagh is zoned for educational use and allows for expansion at this facility."

Cork County Council, on behalf of the Department, is currently engaging with the landowner to progress matters. The Department's objective is to acquire a suitable site for the school as quickly as possible and it is working in conjunction with the council to meet that objective. It is difficult to indicate a timeline for the completion of the acquisition of a site for the school, as it is dependent on the outcome of current negotiations and on the complexity of the conveyancing process. However, I assure the Senator that the acquisition of a site for this school is a priority for the Department and officials are working to progress matters as quickly as possible. Once a site has been acquired, the project can progress to architectural planning. The Minister has taken a special interest in this case because the Senator has met him on a number of occasions and constantly reminds him of the urgent need for the school. I will convey his sincere concerns about the school to the Minister. I know what it is like for students to be housed in outdated accommodated that needs to be upgraded. Officials have been in contact with the school authorities to arrange a meeting with a view to updating the school on the progress with regard to the site acquisition.

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Senator Tim Lombard: I thank the Minister of State for his comprehensive response to the issue. He has exceptional knowledge of it based on his own experience in County Clare. I welcome the statement that departmental officials will meet the school authorities over the Easter period. That will be an important step forward. I welcome the meeting and, hopefully, the update will help to move the project forward.

An Cathaoirleach: I have no doubt the Senator will be turning the sod there soon.

School Curriculum

Senator Fintan Warfield: I welcome the Minister of State to the House. As he may know, calls for inclusive and robust relationships and sexuality education, RSE, and social, personal and health education, SPHE, curricula have been made for some time. It has come to the fore in recent months, having been reflected in the ancillary recommendations of the Citizens' Assembly and Joint Committee on the Eighth Amendment of the Constitution and it is the top priority of the LGBTI+ youth strategy for which 4,000 respondents made a similar call. It has become apparent that the current model is not fit for purpose. The *ad hoc* nature of SPHE and RSE is failing to fully equip young people with positive and informed outlooks on their sexual health, self-care, body image, relationships, gender identity, contraception, consent and sexuality. For young people, who are learning how to have relationships and going through their formative years, the value of teaching positive ideals to them will shape their outlooks throughout their lives. This is not the case when elements are excluded. When LGBTQI young people or young people with disabilities are excluded from these conversations, they are forced to attempt to piece together an informed, but potentially distorted, view of relationships and sexuality from a one-size-fits-all model that is delivered in a heterosexual and able-bodied context in the hope of staying safe. When consent is excluded from the conversation, we fail to teach young people how to respect another's boundaries or give confidence in asserting their own.

I have worked with Senators Grace O'Sullivan and Lynn Ruane on this issue for almost a year, meeting a variety of different teachers, students, groups and organisations to understand how we could bring about robust and inclusive curricula. First, there is a major obstacle in legislation, namely the Education Act 1998, which determines that ethos-based schools can essentially derogate from certain aspects of a curriculum that they believe contravene the "characteristic spirit" of a school. While the Department has issued circulars stating that schools are required to teach "all aspects of family planning, STIs and sexual orientations", they also should also uphold the ethos of the school. The issue is that this creates a grey area and many schools either act with indifference, omission or direct defiance of this circular, leaving teachers too afraid or vulnerable to suggest inclusive elements. This is a constant theme.

Furthermore, many teachers do not feel supported, adequately trained or resourced to teach all aspects of SPHE and RSE. They feel that, by and large, schools treat it as a box-ticking exercise and a distraction from core subjects, and do not appreciate its potential. Many teachers have received no formal training and what we are hearing is that the curriculum is *ad hoc* and, in practice, lacks formal characteristics. Not all ethos-based schools confine the SPHE and RSE models to heterosexuality and many work hard to ensure their pupils are informed in an inclusive setting.

Deputy Pat Breen: I thank the Senator for raising the issue. He has another busy day, as he is hosting a meeting with Oireachtas Members about sexual awareness. I apologise for the

absence of the Minister for Education and Skills but he has an urgent meeting elsewhere. He rang me last night to take three Commencement Matters on his behalf. I will get back to him regarding the issue that has been raised.

Section 9(b) of the Education Act 1998 requires schools to provide the curriculum as prescribed by the Department. Currently, that includes the requirement to provide an RSE programme for all students. The RSE programme is delivered in the context of social, personal and health education, SPHE, for students from primary level to the end of junior cycle. A separate RSE programme is in place for senior cycle.

The right of schools to uphold their ethos and characteristic spirit is protected in a number of laws and the Department recognises that RSE will be delivered within the characteristic spirit of the school. The school's RSE policy, which should be developed and reviewed in partnership with parents and, as appropriate, students, should clarify how RSE is to be provided in accordance with the ethos of the school. It remains a requirement, however, that all aspects of the RSE curriculum, including those relating to sexual orientation, contraception and sexually transmitted infections, should be covered.

At post-primary level, all schools are required to provide an RSE programme as part of SPHE for all students from first year to sixth year. Where students are not taking SPHE at senior cycle the RSE programme is still mandatory.

Through RSE, formal opportunities are provided for students to acquire knowledge and understanding of human sexuality. While gender and orientation are not explicitly designated topics in the SPHE syllabuses, those syllabuses provide opportunities for teachers to explore such issues at an age-appropriate level. The topics included are intended to develop in students respect for their own sexuality and the sexuality of others.

The Department's SPHE support service, which is now integrated with the professional development service for teachers, has worked collaboratively with GLEN, BelongTo and the HSE to develop the resource, entitled Growing up Lesbian, Gay, Bisexual and Transgender. This resource is for use by RSE classes at both junior and senior cycle levels. It includes lesson plans which support students to achieve a better understanding of the concepts of gender identity and transgender. The menu of in-service courses and supports offered by the PDST to schools also includes the topics of sexual orientation and homophobic bullying.

Regarding primary curriculum provision, the SPHE course is designed to foster in the child a sense of care and respect for himself, herself and others, an understanding of his or her sexuality, and an appreciation of the dignity of every human being.

As children progress through the SPHE programme, they encounter a wide range of issues. These include substance misuse, relationships, sexuality, child abuse prevention, prejudice and discrimination. The SPHE curriculum is structured in such a way that these issues are not explored in isolation; rather the emphasis is on building a foundation of skills, values, attitudes and understanding relevant to all these issues, with specific information provided where necessary.

I again thank the Senator for raising the issue and I will convey his concerns to the Minister, Deputy Bruton.

Senator Fintan Warfield: I thank the Minister of State for agreeing to convey the senti-

ment. The issues raised here need to be met by Department-led initiatives. I take the opportunity to welcome the Minister, Deputy Harris's, document that specifically references potential reforms to the RSE curriculum as part of the ancillary recommendations to the report of the joint committee. I ask that the Minister would update the House on plans to deliver this.

Will the Minister for Education and Skills investigate the effects of the characteristic spirit clause on SPHE and RSE? Will the Minister assert through a circular or otherwise that RSE must contain aspects that cater for LGBTI students, students with disabilities, modules on consent and all contraceptive options in a more certain way than was done in a Department of Education and Skills circular 0037/2010 to give teachers adequate security?

Deputy Pat Breen: I will convey all the concerns the Senator raised, specifically the areas he covered in the latter part of his contribution.

School Accommodation Provision

Senator Paudie Coffey: I thank the Cathaoirleach for allowing the Commencement matter I have tabled. It is a pressing and urgent matter that needs to be heard by the Minister for Education and Skills and his officials. It relates to a school I attended, St. Declan's community college in Kilmacthomas, which serves the entire mid-County Waterford area.

Established as a vocational school in the 1970s, St. Declan's college is one of the huge success stories of the vocational educational system. It has been successful across many areas, including academia, vocations in jobs, in producing graduates and high performance in sports. The school will participate in an all-Ireland colleges football final on Saturday against a school from Ardee in County Louth. The school also produces excellent graduates who go into technology and engineering throughout the region and indeed the country. I am very proud of the school and the vocational educational system should also be very proud of it.

Unfortunately, it is now a victim of its own success. Student numbers have risen steadily since it was established. Credit for this is due to the current and former principals, and the current and former staff of the school. Today I think of people like my former teachers, Seán Ahern and Jim Timmins, who were teachers, and deputy principal and principal at the school. Unfortunately both of them have now gone to their eternal rest. They would be very proud to see the school's present success.

For the coming school year in September 2018 more than 170 applications for enrolment have been made. The school normally enrolls 120 students each year. Over recent years it has projected increases and in 2015 it applied for additional accommodation. The school has gone to enormous lengths to accommodate the additional applications this year and 150 students have been accepted for September 2018. However, that leaves 21 students and their parents very concerned and frustrated because they have not been accepted even though they come from immediate feeder schools.

Almost ten of those students come from Kilmacthomas primary school which is next door to the secondary school. A few more come from Newtown national school, which is only 5 km up the road and more come from Kill national school. The nearest alternative secondary school for any of these students is 20 km away, which would mean longer days, costly bus trips and all the other issues associated with ferrying students to and from school. It is causing enormous

stress to the students.

I am asking for the Minister of State's support for my request that the Department of Education and Skills provide the urgent additional accommodation to meet the needs of the school, now and for the years ahead. It is a successful school. It deserves support on merit. I hope I will get good news this morning that the school will receive funding for the additional accommodation so that all the students who live in the area, some of them attending primary school right next door, get the support they need and can access the school in September.

Deputy Pat Breen: I thank the Senator for raising the matter. It is an issue with which we are all familiar in our constituencies. I have a similar problem in my constituency. Students who have applied to the local school in Ennis, which their father or mother attended, find that the school enrolment is full. It is an issue for everybody and we need to try to deal with it in a structured way. I again apologise for the Minister, Deputy Bruton, not being available this morning. St. Declan's college made a good job of Senator Coffey, who is a past pupil. It is great to see that Waterford is taking to football as well as hurling.

I again thank the Senator for raising the matter, as it gives me the opportunity on behalf of the Minister, Deputy Bruton, to outline the status of an application for additional accommodation at St. Declan's community college in Kilmacthomas.

As the Senator mentioned, St. Declan's community college is a co-educational school catering for boys and girls. Enrolments have declined over recent years from 686 in 2012 to 663 students currently. The patron of the school is Waterford and Wexford Education and Training Board.

The Department of Education and Skills received an application for major capital funding for additional school accommodation from Waterford and Wexford ETB. The Department has engaged with the ETB on the application and the ETB has advised that it intends submitting a revised application to the Department shortly.

When received, the application will be considered and a decision conveyed to the ETB.

I understand there are eight primary schools in the school planning area in which St. Declan's community college is located. An indicative analysis indicates that the school authority is enrolling pupils from a number of schools outside its school planning area. On school admissions, parents can choose to which school they wish to apply and, where it has places available, the pupil should be admitted. However, in schools where there are more applicants than the number of places available, a selection process may be necessary. The selection process and the enrolment policy on which it is based must be non-discriminatory and applied fairly for all applicants. However, this may result in some pupils not obtaining a place in the school of their first choice.

In order to plan for school provision, the demographic data for the Kilmacthomas school planning area, like other school planning areas nationwide, are being kept under ongoing review by the Department of Education and Skills to take account of updated child benefit and enrolment data. Where the demographic data indicate that additional provision is required, its delivery is dependent on the particular circumstances of each case and may, depending on circumstances, be delivered through either one or a combination of the following: utilising existing unused capacity within a school or schools; extending the capacity of a school or schools; or the provision of a new school or schools.

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I will convey the Senator's concerns to the Minister. I am well aware of the issue. As the Senator said, the school is a victim of its own success, given the fact that there are so many parents who want to send their children to a school that has done so well during the years. It is certainly an issue, on which, as I said, the Department is in touch with the school authorities. It is reviewing the position on enrolment.

I again thank the Senator for giving me the opportunity to outline the current position on the application for additional accommodation at St. Declan's community college. The Department will continue to liaise with Waterford and Wexford Education and Training Board on the school's accommodation needs. I will convey the Senator's concerns to the Minister. As he said, the school is a victim of its own success.

Senator Paudie Coffey: With local councillor Seanie Power, I have met the concerned parents. This issue is causing a lot of worry and stress. There are students living next door to the school who cannot access it. We have engaged with the Waterford and Wexford Education and Training Board and the board of management of the school to try to find a solution, but the only solution is the provision of additional accommodation.

To be honest, I am disappointed with the response as it refers to the school planning areas. With due respect to the Minister of State, it is the typical response from officials in the Department of Education and Skills. I come from Portlaw, the school in which has traditionally been a feeder school for the school in Kilmacthomas. In fact, if the officials were to look back at the records, they would see that a technical school was closed in Portlaw and a commitment given that all students from the area would be educated in the new vocational school in Kilmacthomas, which is now St. Declan's community college. It is not good enough that the same officials now say Portlaw and surrounding areas are not included in the school planning area. There is a history to this matter on which I expect the officials to look back. I also expect them to support the school that was set up in the 1960s and give us the additional accommodation the students need and deserve. I will continue to pursue this issue until a satisfactory solution is found. The students, parents and the school needs it.

Deputy Pat Breen: I hope the situation will work out for those students who have not yet found a place in Kilmacthomas. There is still time before September and I have seen it happen from time to time. As the Senator said, there is a history to this issue which I will convey to the Minister, Deputy Richard Bruton. The board of management may have met senior officials in the Department, but, if not, it is important to pursue that aspect through the Minister and the Department. I hope that, when he is in Waterford at some stage, the Minister will have an opportunity to visit the school to see at first hand the unsatisfactory situation outlined by the Senator. The problem is critical. Of course, everything depends on the provision of resources.

Message from Joint Committee

Acting Chairman (Senator Michelle Mulherin): Tá an Comhchoiste um Thithíocht, Pleanáil agus Rialtas Áitiúil tar éis a bhreithniú a chríochnú ar an Tairiscint seo a leanas: Tairiscint maidir leis an Ordú fá na hAchtanna um Pleanáil agus Forbairt, 2000 go 2017 (Méadú ar Líon na nGnáthchomhaltaí den Bhord Pleanála), 2018.

Sitting suspended at 11.05 a.m. and resumed at 11.30 a.m.

Seanad Éireann
Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, proposal for a directive of the European Parliament and of the Council on the quality of water intended for human consumption, to be taken on the conclusion of the Order of Business without debate; No. 2, Thirty-sixth Amendment of the Constitution Bill 2018 – Committee and Remaining Stages to be taken at 12.45 p.m.; No. 3, motion for the information of voters in relation to the Thirty-sixth Amendment of the Constitution Bill 2018 to be taken on conclusion of No. 2 without debate; No. 4, Data Protection Bill 2018 – Report and Final Stages (resumed), to be taken on conclusion of No. 3 and to conclude after four hours if not previously concluded by the putting of one question from the Chair which shall in relation to amendments include only those set down or agreed by Government; and No. 5, Private Members' business on conclusion of No. 4 with the time allocated for this debate not to exceed two hours.

Senator Terry Leyden: On my Order Paper No. 2 is the Thirty-sixth Amendment of the Constitution Bill 2018, Committee Stage only, not Committee and Remaining Stages.

Senator Jerry Buttimer: It is Committee and Remaining Stages.

Senator Terry Leyden: That is not on the Order Paper.

Senator Jerry Buttimer: That was agreed with the group leaders last week. It is Committee and Remaining Stages. There is a mistake on the Order Paper.

Senator Terry Leyden: I am sorry but if there is a mistake on the Order Paper it is not accurate. I thought it was Committee Stage today. I am not here for the rest of the business.

An Cathaoirleach: The Bill will be on Committee Stage today and after Committee Stage the proposal will be to move it on. Committee Stage will have to take place.

Senator Terry Leyden: Normally it is listed as Committee and-----

Senator Jerry Buttimer: The Senator is not correct.

An Cathaoirleach: That is the Leader's proposal. The Order Paper is correct.

Senator Jerry Buttimer: Senator Leyden can oppose the Order of Business if he wishes.

Senator Terry Leyden: I recommend the Leader amend it.

Senator Jerry Buttimer: Senator Leyden is wrong.

Senator Terry Leyden: Let us see.

Senator Catherine Ardagh: Today I raise again the escalating problem of recruitment and retention of staff in schools. I have met many principals in Dublin 8 and Dublin 12 recently and the common theme I hear is that unless this issue is tackled head-on many schools will have to close. They have particular difficulty obtaining language and home economics teachers. I have heard anecdotally teachers in training are teaching leaving certificate subjects, which is unfair and not right. Teacher shortages are crippling our education system. The number of people going on to teacher training courses is also falling due to their long duration and the lack of income over the course. I have raised the issue of public sector recruitment and retention before.

It is hitting the education system very hard. It is time the Minister took action and made this a priority.

AIB claims that 4,000 of its tracker mortgage customers have not suffered financially. It says that had those customers been on a tracker rate, it would have been 7.9% and would not have been any lower than the variable rate. This is not credible. We know anecdotally that AIB tracker customers were paying less than 2% over that period. The bank has also agreed to pay 1% in compensation and €615 towards legal fees. This is scandalous. Tracker customers have been treated very unfairly and the bank needs to be taken to task over this. I call on the Minister of Finance to come to the House to discuss this matter.

Senator Gerard P. Craughwell: Will the Leader invite the Minister for Health to the House to discuss addiction services in Cork, his city? I have read his comments on the area and the need for treatment centres and the setting aside of beds in the mental health unit for those who are entering detoxification, and his words on the need to amend the Mental Health Act 2001 to include addiction. I have had representations from Cork on this. Ordinarily I do not take representations about community-based issues but this mental health issue is a national one. Anybody who has been close to addiction knows how destructive it is for families and individuals.

Will the Leader invite the Minister for Public Expenditure and Reform to the House? More and more I hear of young professionals starting their careers in teaching, counselling and the health services being unable to live on their paltry salaries, particularly those unfortunate enough to be posted to Dublin or the greater Dublin area. We will have to do something to redress the deficit in their incomes. It is not sustainable for professionals starting on salaries in the low €20,000s to pay room rent of between €700 and €1,000 per month. It is simply not sustainable. Families are subventing their children in order to get them into teaching, nursing and counselling jobs. This cannot continue. We really need the Minister for Public Expenditure and Reform to come here. Perhaps it is time to look at the London solution and have a separate salary structure for those who are unfortunate enough to find themselves working in the capital city where it is becoming almost impossible to live if the person is a young professional starting out in his or her career. The health and education services are not being served well because highly qualified graduates are now seeing better and greener pastures outside the capital city so we really need to do something about it. I ask the Leader to bring in the Minister at his leisure.

Senator Rose Conway-Walsh: I welcome the Domestic Violence Bill, which goes through Committee Stage in the Dáil. I commend all those involved in it and the support given to Members from the front-line services, particularly Safe Ireland. I hope the Bill will journey quickly through to Report and Final Stages.

I want to talk about an interesting development known as Clare's Law, which has come into force in Northern Ireland. It allows women to ask the police if their partner has a history of violence against women. It arose from a case in England where a woman, Clare Wood, was murdered by her former partner. She was unaware of his previous history of violence against women.

Under this system, if a woman fears for her safety due to her partner's behaviour, she can ask the police about his history. The most innovative aspect of this is that the application can be made online. This means that a vulnerable woman does not have to make the physical journey to a police station. The PSNI then has a duty to inform the woman of any knowledge of

behaviour which could pose a risk. It aims to have this information within 40 days but this can happen quicker if there is a serious risk present.

Another innovative aspect is that concerned family members and friends can also ask for this information. It is all about giving women the information to make decisions about their own relationships. I welcome this because so many times, we hear where abusive partners of women in particular, although I acknowledge that it often happens to men, have had previous abusive relationships of which the women are unaware.

In Northern Ireland, women and their relatives and friends can inform themselves about this. Sometimes it can be easier to spot the abusive behavioural signs from the outside and people watching a situation from the outside can now get this information. I welcome that. I look forward to the passing of the Domestic Violence Bill here. The introduction of Clare's Law in this State should be looked at and it should be used as part of an all-island approach to addressing the issue of violence against women.

Senator Gerald Nash: Members will be aware that the Association of Garda Sergeants and Inspectors, AGSI, is having its annual conference. Serious concerns have been expressed by that body about the Government's foot dragging over responding to a landmark Council of Europe decision a couple of years ago relating to trade union rights for the AGSI, a right that should and could be very easily applied not just to representative bodies of members of An Garda Síochána but also to representative bodies representing the interests of members of the Defence Forces.

This issue has been raised time and again by Senator Craughwell and I. The Minister for Justice and Equality has provided the AGSI and other analogous bodies with a certain degree of limited access to the WRC and the Labour Court but that is to miss the point. In its landmark decision, the Council of Europe made it very clear that there was no reason in international law why full trade union and collective bargaining rights should be denied to organisations like the AGSI.

The idea that providing full trade union and collective bargaining rights to an organisation like the AGSI would jeopardise the security of the State is entirely bogus. The reality across Europe is that there is a trend towards awarding the very fundamental rights to be an active member of a trade union and to be represented by one to members of police and defence forces but those rights are being denied to rank and file and more senior members of An Garda Síochána and members of the Defence Forces.

It is important that this House works to vindicate those rights that are enshrined in international law. It is extremely disappointing that, yet again, a Minister for Justice and Equality attends the AGSI conference and the foot dragging on this important issue continues. I want to put my concerns on the record and I urge everybody in this House to very clearly support those very basic and fundamental rights that should be protected and vindicated for members of our police force and the Defence Forces because those rights are not being vindicated as it currently stands.

Visit of Singapore Delegation

28 March 2018

An Cathaoirleach: Before I call on the next speaker, I am sure Members of the House will join with me in welcoming His Excellency, Mr. Teo Chee Hean, Deputy Prime Minister and Co-ordinating Minister for National Security in Singapore. The Deputy Prime Minister is accompanied by members of parliament and senior officials from Singapore as well as by the ambassador of Singapore. On my own behalf and on behalf of my colleagues in Seanad Éireann, I extend a very warm welcome to the Deputy Prime Minister and my good wishes for a very successful visit to Ireland. He is most welcome. Tá fáilte romhat.

Order of Business (Resumed)

Senator Maria Byrne: I attended a briefing this morning organised by Senators Humphreys and McFadden concerning the Parkinson's Association of Ireland. I learned that over 12,000 people in Ireland have Parkinson's disease. While I know there are many regions with their own association, the Parkinson's Association of Ireland runs a helpline where a specialist nurse phones people with medical queries back because not every region is covered by its own association. There are only five specialised nurses in the whole of Ireland and one of those posts is vacant so there are only four regions with a specialist nurse.

Parkinson's disease is a very debilitating illness in that people have a shake. It can affect their walk. The talk this morning was very worthwhile. I certainly learned a lot from it. While I know some people who live with Parkinson's disease, I did not realise some of the conditions that were associated with it. The association receives no direct funding from the Department of Health. Many times, those with the disease must travel abroad for treatment because of the shortage of neurologists here. I am looking for the issue to be raised with the Minister for Health in terms of the Department directly funding the Parkinson's Association of Ireland to extend the helpline and create more specialised nurse positions.

Senator Michael McDowell: I know that on the Order of Business today, we will be dealing with Committee Stage of the Thirty-sixth Amendment of the Constitution Bill 2018. In respect of the principal story in today's edition of *The Irish Times* about time limits and events of that kind, which seem to have been the subject of some discussion regarding Government intentions in that newspaper, will the Leader be in a position before the debate today to give some indication of what is in the Government's mind on that front?

Senator Michelle Mulherin: I raise the issue of the serious crisis regarding the provision of acute treatment in mental health services for children and adolescents. I am talking about young people with suicidal ideation, those who are self-harming and those with eating disorders and other mental health issues. They are unable to access appropriate treatment facilities, particularly when they face a crisis.

What really brings it home to me is the fact that I am dealing with a family in the throes of trying to help their daughter who has an eating disorder and is in a life-threatening condition. Her condition has deteriorated to the extent that it is now critical and life-threatening. The young girl's family have been unable to secure services appropriate for a teenager. After considerable efforts were made, she was eventually admitted to a paediatric department of a local hospital in the west where she shares a ward with other children. The child needs someone at her bedside at all times to ensure she is safe and receiving care. She is still not receiving appropriate counselling or treatment and her condition is not being addressed or progressed. The child is 15 years old and a 12 year old child with the same condition is in the bed opposite her.

The only specialist beds for teenagers are in Galway. Many similar cases have been highlighted recently in the press. There is a serious problem with our acute services and a crisis in CAMHS. Information provided by the Health Service Executive shows that the child and mental health services, CAMHS, teams are operating at 53% of their staff capacity in the west, although the problem is national. We must get to grips with this problem. Unfortunately, the incidence of children and adolescents experiencing mental health problems appears to be exploding and we must do something about it. Families are at their wits' end because they do not know how to address the problem and fear for the lives of their children. We need a full debate on this issue. The Minister for Health and Minister of State with responsibility for mental health services must set out a pathway for dealing with children and teenagers at a critical time in their lives. Time is of the essence. I ask the Leader to treat this issue as a priority and have the Minister come to the House at the next available opportunity in order that we can get to grips with it.

Senator Paul Gavan: I raise the issue of Catalonia to highlight that a representative of the Assemblea Nacional Catalana or ANC, a non-party political organisation, will visit the Oireachtas at noon tomorrow to meet representatives of all parties and provide an update on the current situation in Catalonia. I encourage Senators to attend the meeting. What we have witnessed since the successful outcome of the referendum on Catalanian independence has been the unmasking of an authoritarian Spanish state. From rejecting the democratic will of the Catalan people to the use of brutal violence to suppress their civil rights to locking up its political leaders, the Spanish state is now abusing its judicial institutions to prosecute innocent political leaders whom it perceives as a threat to its law and order. The judicial system is not a place for political conflicts to be resolved. Political differences are resolved through dialogue and the ballot box, which is precisely what the Catalan people did when they democratically voted for independence.

The continued repression of Catalan democracy is reprehensible and counterproductive. The arrest of Charles Puigdemont and the violent response of the Spanish police to the protests that followed have highlighted that the Spanish Government is firmly wedded to a policy of aggression. The dispute between the people of Catalonia and the Spanish state over independence will not be resolved by incarceration and violence. The mask has slipped when it comes to the Spanish state, and its institutionalised authoritarianism and anti-democratic nature have been exposed. This has also exposed the European Union's lack of empathy and a lack of desire for true human rights in the Union. The EU has a duty to move with urgency. It must show leadership in convincing the Spanish Government that dialogue and mediation are the only way to resolve this crisis. Sinn Féin believes Ireland may well have a positive role to play in this regard. For this reason, I call for a debate on the issue and ask that the Minister come to the House as a matter of urgency when we return after the break.

Senator Alice-Mary Higgins: I echo the concern expressed by Senator Gavan regarding Catalonia. It is sad that Europe has political prisoners and political arrests of this nature are taking place.

Senator Paul Gavan: Hear, hear.

Senator Alice-Mary Higgins: We need to push for better peace-building, dialogue and mediation in Europe because we do not want to return to a Europe of hard borders and the divisions of the past.

I note the Leader's comment that the debate on the Data Protection Bill is to conclude after four hours. I will be disappointed if the Bill is guillotined, although I do not expect the debate to last for four hours. I acknowledge that the Minister for Justice and Equality has taken a constructive approach and adopted some of the measures for which Senators have pressed. He has been receiving proper and appropriate praise for taking on board the argument made by Senators, including by Senator Ó Donnghaile and me, on the importance of imposing fines on public bodies that are found to be in breach of data protection rules. In acknowledging the Minister's constructive engagement, I also express disappointment that what could be regarded as a guillotine may be used on such an important Bill.

Data protection is becoming a major story because it cuts across many areas of life. The penny seems to be dropping that the public services card is not being rolled out properly. I note the Road Safety Authority no longer requires applicants to produce a public services card when renewing driver licences. The driver theory test may also need to be examined in that regard. The Cambridge Analytica story which broke in recent weeks has shone a spotlight on data protection, specifically the arrangements in place in Ireland because we are a gateway to Europe in terms of the regulation in place in this area. I ask the Leader to review the proposal regarding the conclusion of the debate on the Data Protection Bill.

I will link that issue with last night's debate. As we face into the referendum on the eighth amendment, it is important that we all endeavour to learn from what we have been hearing regarding Cambridge Analytica, the inappropriate use of data and fake news. We must ensure we are never used to amplify fake news and misinformation and we must hold ourselves to the highest data protection standards.

Senator Frank Feighan: Some time ago, the Northern Ireland Assembly voted in favour of a Bill on marriage equality, which enjoys widespread support in Northern Ireland. I welcome the decision of the House of Lords last night to pass the first parliamentary stage of a same-sex marriage Bill for Northern Ireland. The legislation addresses the vacuum created by the failure of the assembly at Stormont to meet. Lesbian, gay, bisexual and transgender, LGBT, couples are denied the right to marry in Northern Ireland. I also welcome the introduction in the House of Commons today of a Bill providing for the legalisation of same-sex marriage in Northern Ireland. It is being introduced by Conor McGinn, MP for St. Helens North, who happens to come from south Armagh. The House must welcome these necessary procedures which will effectively provide for the legalisation of same-sex marriage for the island of Ireland in the absence of the assembly sitting at Stormont.

I congratulate my colleagues on the Seanad committee on Brexit on their successful trip to London where they met various groups and saw the difficulties at first hand. They also issued an invitation to Suella Fernandes, MP, a Minister in the UK Department for Exiting the European Union, and David Davis, the Secretary of State for Exiting the European Union, to visit the Border region. I do not believe Ms Fernandes has visited the Border and Mr. Davis's first visit to the area was in 2016. Michael Barnier, Manfred Weber and Guy Verhofstadt have all visited the Border. It is vital that British politicians dealing with the Brexit issue also visit the Border.

Jean-Claude Juncker will also visit the Border when he comes to Ireland. He should address the Seanad given that previous visits to the House by persons of his stature gave us an important insight into European thinking and allowed them to inform themselves of our views about a hard border on the island of Ireland. I appeal to the Leader to ensure Mr. Juncker is invited to address the Seanad on important issues such as Brexit and Ireland's involvement in

the European Union.

Senator Jennifer Murnane O'Connor: A Chathaorligh, may I clarify a point I made last night? In the course of my contribution last night, I referred to my daughter's early arrival. She was born at 26 weeks. When I checked what I had said, I did not realise I had said she was born at 20 weeks, instead of at 26 weeks.

I take this opportunity to wish everybody a happy Easter. Many teachers are on holidays, but they are paid during the holiday period. However, the providers of, and those working in, the early years sector do not get paid during the holiday period. The early years sector is suffering because the Department of Children and Youth Affairs is marking them as different, even though they play a significant role in our children's education. The early years sector is faced with increasing difficulties. We are talking a great deal about fairness and equality but we need to look at this sector and do something about fairness in it. The Government introduced the Children First Act 2015 and provided an overview of child welfare and protection in Children First - National Guidance for the Protection and Welfare of Children 2017. Every early childhood education and care service in Ireland must provide child protection training for staff and develop a child safeguarding statement for the premises. While primary school teachers can avail of time off to undertake this training, the training must be completed by early years staff in their own time. A great deal was made some years ago about the ECCE scheme, allowing parents free access to child care. The capitation rate is €64.50 per child for 38 weeks but that level of funding does not come close to covering the cost of delivering the scheme. While the sector experienced an upsurge in the number of parents being able to send their children to this all-important stage of education, the providers suffer because they must constantly make up the shortfall even to the extent of taking no pay. This is the truth. At times the providers are not paid for their services. They must process all the paperwork and do everything for the Department in their own time and at their own expense. More needs to be done to invest in this service. The provider gives a high quality child care service. It is not enough to provide funding to parents. Funding needs to be applied to keep the services open or the initial funding will not work. Early years service staff are now recognised as qualified professionals but they are not paid nearly enough. County Carlow has one of the highest percentage of qualified early years staff, yet many of them cannot afford to live on the wages they are being offered. That worries me. This sector is so poorly paid that often graduates from early education working in the sector have to find employment somewhere else.

I will be requesting that the Minister for Children and Youth Affairs comes to the House. I know the issue has been addressed in the Seanad before but this unfair system needs to be addressed. More investment in the early years sector is required.

Senator Gabrielle McFadden: I wish to raise the issue of funding for research. In an article in *The Irish Times* during the week Professor Orla Hardiman spoke about her research on motor neurone disease. It is not a good diagnosis to be told that one has motor neurone disease and the prognosis is always bad. They call it a 1,000 day illness, so most people will live for up to 1,000 days but one never knows when one gets the diagnosis at what point of the 1,000 days one is at. Some people such as Stephen Hawking live a great deal longer. Professor Hardiman is very optimistic that in her working life a drug will be found that will help people who are suffering with motor neurone disease. I would like the Leader to ask the Minister to come to the House so that we can have a debate on funding for Professor Orla Hardiman's research and also for the Irish Motor Neuron Disease Association, which provides a service around the country for patients and their families. There are only three motor neurone disease specialist nurses in

this country. They are all funded by the Irish Motor Neurone Disease Association, and not by the State. I would like a debate on motor neurone disease in this Chamber.

I am grateful to the Members of the Oireachtas who have supported coffee mornings and the fashion show that was run by the former Member, Mr. Jimmy Deenihan, to raise funds for the Irish Motor Neurone Disease Association and for research. The charity should not have to do that and it should be provided for by the State. I really would welcome a debate and it would be a fitting tribute to people who have died from the disease or those who get a diagnosis in the coming years. We must remember that several Members, not just one who was dear to my heart, have died from motor neurone disease.

With that in mind, I co-hosted a briefing in the AV room with Senator Kevin Humphreys with the Parkinson's Association of Ireland, which is amazing. Similar to the Irish Motor Neurone Disease Association, it is looking for funding for research, running the association and things that can be done around the country to prevent the HSE having to get involved to the extent that it does. There are 12,000 people in the country with Parkinson's disease. That number is expected to double in the coming years. We need to put money in place to look after these people. If possible, I would like the Leader to ask the Minister to come to the House to discuss the research on these diseases.

Senator David Norris: I, too, was at that meeting, which Senator McFadden co-chaired and which was organised by Senator Kevin Humphreys, on Parkinson's disease. The reason I am interested in Parkinson's disease is because of a great friend in County Waterford who was a good looking man of 6 ft 2 in and a terrific athlete but who 12 years ago, when he was in his early 40s, got Parkinson's disease. He died just about six weeks ago. In the end he had a catastrophic decline. Like many people with Parkinson's disease, he became quite isolated and he rejected social interconnection. I had to go down to Waterford and chivvy him along and take him to a fish restaurant and make him laugh.

One of the things that impressed me at the presentation this morning was a man called Garry who had early onset Parkinson's and what was so striking about him, and I think Senator McFadden will agree with me on this, was that he spoke about the excellence of the service delivered by the HSE. I have had experience as a cancer patient of the HSE. I cannot speak highly enough of it. So often we hear nothing but unending criticisms of the health service in this country. Like Garry I, too, found the service was excellent. The difficulty is getting into the system. Once one is in the system, it is outstanding. It must be terribly disheartening for people in the health service to hear unending negative comment, carping, criticism and so on. Much of the time the public is responsible themselves. There is a note in St. Vincent's hospital, detailing the thousands of appointments that were missed. People did not bother turning up. How can a service operate efficiently if people do not turn up for their appointments?

I thank the health service personnel. They are absolutely excellent and professional in the delivery of the services, once one gets into the system. It is important that we give praise where it is due.

Senator Tim Lombard: I wish to raise the shortage of home economic teachers in Ireland. Many schools have difficulties when they come to recruit home economics teachers. I have heard of situations where retired teachers have to come back into the system because we do not have the throughput of students studying home economics. St. Angela's College in Sligo is the main college for home economics. It has 80 places for students this year. It had 100 places

last year but it dropped the number by 20 places. To drop places when we have such a dearth of home economics teacher coming through the system makes no sense. It changed the profile of the students and the courses they can take. Traditionally one could do the course by taking biology, Irish, religion and economics. Now economics has been dropped. That is a problem because the removal of those 20 places will impact on the system. After the junior certificate examination, young students must put a career path in place. The college has changed the curriculum in the past four weeks. People who have been looking towards the course for two years received notification that it has been cancelled and that is a problem. People need to have a career path put in place and they need to have it planned out. It is unacceptable that a college would change and drop a course like it has done. We need to have a debate about the lack of these teachers and what needs to happen. The course needs more students to go through it because we have a shortage. I hope the Leader will raise the issue with the Department of Education and Skills and maybe the Minister will come to the Chamber to discuss what the long-term plans are for home economics teachers. Unless we get home economics teachers through the system, the shortage will continue to exist. The current system of having retired teachers coming in makes no logical sense at all. There is a gap that needs to be filled. The only way to fill it is to do one of two things: increase the numbers in St. Angela's College or have another college put on the same course. Will the Leader of the House raise this very important issue and report back to us on it?

Senator Robbie Gallagher: I will raise a number of issues affecting the congenital heart unit in the Mater Hospital. I have taken on board Senator Norris's comments, which I agree with 100%. Some great work has been done by the HSE. We often criticise the HSE but we do not often compliment it on the good work it does. I fully support the comments made by Senator Norris. Consultants have raised issues with the congenital heart unit at the Mater Hospital. The number of patients with heart defects going through that unit has increased significantly. Consultants say they are finding it difficult to cope with the volume of people coming through. Every year approximately 400 people transition into adult care once they reach the age of 16. That has increased the number and the unit has 2,500 people on its books. The complexities of dealing with people with heart defects means it is a slow and tedious exercise. The unit only has two part-time consultants. It has no secretary and there are two or three nurses. They have claimed that these issues limit their capacity and ability to do their jobs properly because they cannot access outpatient clinics. They have limited access to scanning machines which are all vital to detect heart defects, which I said earlier is very complex. There are currently 2,500 people on their books. They are saying they cannot cope. The result of that is people's lives are being put at risk. I ask the Leader to bring the issue to the attention of the Minister so that he may get involved and put measures in place to address this very important issue.

An Cathaoirleach: The Leader to respond.

Senator Jerry Buttimer: The Cathaoirleach caught me on the hop. I thank the 15 Members of the House for their contributions on the Order of Business.

We have had 15 hours of debate on the Data Protection Bill. The reason we put the four-hour limit on it today was to give structure to the business of the House to facilitate Members because of other legislation coming through. If we include the four hours from today, it will add up to 19 hours of debate on data protection. I am quite happy to let it roll over. I am not putting any guillotine on it. I am trying to help Members who have come to me and asked if we can finish early tonight. I am quite happy to stay here all night.

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Senator David Norris: We will be with the Leader.

Senator Jerry Buttimer: I am quite happy to let it roll over, if that is what people want. There is a duty on us to have the Bill concluded before the Easter recess because it must be enacted by early May. I am happy to allow for its continuation after the Private Members' business if the House so wishes. I will be guided by the House on it.

An Cathaoirleach: If the need arises.

Senator Jerry Buttimer: If the need arises.

An Cathaoirleach: The Leader has an open mind.

Senator Jerry Buttimer: I am happy to amend the Order of Business.

An Cathaoirleach: At the moment, the order that has been proposed stands.

Senator Jerry Buttimer: If needs be, I am quite happy to come back and amend the Order of Business. I am quite happy to do that if it is okay with the House.

I agree with Senator Ardagh and share the frustration of customers of AIB with the way they have been treated so badly. It is important that AIB is held to account for all of this. It has been accused of concocting a notional tracker rate of 7.9% which affects 4,000 people. The bank has agreed it was wrong to deny people the option to switch. The Central Bank has extended and included that cohort of people in its ongoing tracker mortgage examination. There should be a code of conduct for banks. They are and should be about the customer, not just about profit for the bank. I agree with Senator Ardagh that it is important to treat customers fairly and that they are given the right information. The Central Bank has said customers can engage with the Financial Services and Pensions Ombudsman and that the compensation paid can be banked and will not be lost. It is unfair of the bank to treat customers wrongly. It should be very fair in that. I agree with Senator Ardagh on that.

On the issue of education which was raised by Senator Ardagh and Senator Lombard, the Minister for Education and Skills, Deputy Bruton, announced a number of recruitment package measures earlier this spring to address issues in science, home economics and the Irish language. Senator Lombard raised the issue of home economics. The number of places in St. Angela's College in Sligo has been increased. The Minister, Deputy Bruton, has convened a specialist group dealing with teacher supply which had its first meeting this week on the matter. We have forthcoming conferences of the teachers' unions over Easter. It is important we look at the issue of pay inequality. The Minister, Deputy Bruton, as the Minister with responsibility for education, has prioritised investment in education where we have seen investment of up to €1 billion in the past two years. There is an issue of pay inequality. Those of us who have been in the education world and who have been in the classroom recognise the importance of pay equality. We have seen an increase of more than 5,000 additional posts in the past two years. I hope we can see further progression on the road to equality of pay for teachers. I thank all of our teachers for the work they do and wish them well in their conferences next week. It is important we resume that debate after the teachers' conferences because we will hear from a number of the unions about the issues affecting teachers. It is important in tandem with pay that we continue to augment the work of teachers with the increase in special needs assistants, that we continue to create and build new schools and invest in facilities in our education sphere, whether third or second level.

Senator Craughwell raised the issue of addiction services in Cork and the need for a detox centre there. I agree with the Senator's comments. Huge work is being done in Cork by organisations like Fellowship House, Tabor Lodge and Arbour House and there is a need for a continuation of investment in addiction services under the national drugs and alcohol strategy through the HSE and other organisations. There is a huge need for detox beds and step-down facilities to be made available. I commend all those who work in the services because it is important that if any deficits exist in the programmes, whether in Cork or any part of the country, that we reach out and work through organisations like Arbour House and Tabor Lodge. I am quite happy to have that debate. Perhaps it would be best to raise it as a Commencement matter. The Senator also raised the issue of education which I have addressed.

I join with Senator Conway-Walsh in welcoming the passage of the Domestic Violence Bill and hope it is enacted quickly. The Senator raised the issue of Clare's Law and it is one we should give consideration to. It is important that we not only protect women, but also men who are in relationships and dating relationships, and provide information and protection to all people.

Senator Nash raised the issue of the AGSI conference and its decision to form a union. As the House is aware, these issues arose in the past with regard to the Workplace Relations Commission. The Garda associations were given direct access to pay determination mechanisms which allowed them to participate in and engage on an equal basis with other public sector representative bodies. Senator Nash said it is not necessarily about being able to have trade union status. At the time the Minister created a working group under the chairmanship of Mr. John Murphy which presented its first report on the issue. It stated that Garda associations should not transition to become trade unions and noted that trade union status was not necessary for them to access the WRC and the Labour Court or to represent their members.

Another working group was established which is now in its second phase. I do not think it is a question of procrastination or delaying the process. Rather, it is about trying to find a mechanism whereby we can allow members of An Garda Síochána to have access to mechanisms of the State. The Minister wants to work with the Garda on building a stable industrial relations framework so that we can work together. I would be happy to have the Minister come to the House regarding that issue.

Senators Byrne, Norris and McFadden congratulated Senators Humphreys and McFadden on their very important briefing today. I apologise for not attending. Parkinson's disease and motor neurone disease are very much to the fore today in our communities, in part because of the tremendous advocacy work done by the Parkinson's Association and the Irish Motor Neurone Disease Association. I agree with Senator Byrne that there is a need to look at the issue of specialist nurse positions and neurology. Senator McFadden is correct. The State has a duty to provide services and should not expect the voluntary sector alone to provide them.

I am not privy to the heads of the Bill to which Senator McDowell referred. The Minister referred to it in his speech yesterday and outlined his thematic approach to the publication of his policy paper in March. He brought the heads of the Bill to Cabinet yesterday. As the Senator knows, the Bill is a separate issue. I am sure if the Minister is asked about it on Committee Stage today, he will be happy to enlighten the House. It is important that in tandem with the referendum Bill, there is a debate on what the Minister and the Government are proposing.

Senator Mulherin raised the issue of eating disorders. It is very important issue which we

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need to address. A lot of investment has taken place across the country in various units and organisations. There is a difference of approach in terms of how eating disorders are treated. Community settings are recommended. The Government and the HSE have invested in services for obesity and eating disorders. I would be happy to have a debate following the Easter recess.

Senator Gavan raised the issue of Catalonia. I wish him well with the briefing tomorrow. I will not make any comment on the affairs of another country. It is important that we have an informed debate on what is happening in Catalonia. I would be happy for the Minister to come to the House to discuss the matter.

Senator Higgins missed my contribution on data protection. There will not be a guillotine *per se*. We have already had 15 hours of debate and there will be another four hours today, which brings the total to 19 hours. The Senator said the debate might not finish today. I am happy to resume it and I will not curtail it. There were four hours allocated to the debate in order to give structure to Members.

Like Senator Feighan, I welcomed the passage by the House of Lords yesterday of the Northern Ireland marriage equality legislation. I join with him in welcoming the invitation issued by the Brexit committee to Secretary of State, David Davis, yesterday. I hope he takes it up. All members of the House of Commons and House of Lords should visit the Border to see what it means in real terms. It is not an imaginary border; it will have a significant impact. We must ensure there is no hard border. There is a duty on the United Kingdom to bring forward a solution because it is it which voted to leave. In saying that, the best way forward is to extend an invitation to the UK Brexit committee to address the Seanad and meet us in order to continue to explore ways in which we can overcome the issue.

Senator Murnane O'Connor raised the issue of early years education. As she knows, the Government has invested highly in that sector over the past five years, and that continues. A universal subsidy for children has been introduced, but the issue she raised in terms of pay and conditions for those who work in the sector is a contentious issue and one we must all work to try to address. A balance needs to be struck between parents, providers and workers, a balance which I would support. We are lucky that the quality of our early years education is so high. I agree with the Senator that the issue needs to be addressed.

Senator Gallagher referred to the Mater Private Hospital. I am not aware of the issue, but I would be happy for the Minister to come to the House. It is a complex issue. If the Senator has information, perhaps he could table a Commencement matter. That might be a quicker way of getting an answer. The issue needs to be addressed.

If the debate on data protection has not concluded by the end of the allocated time I am happy to allow it to roll over if the need arises.

Order of Business agreed to.

Visit of Croatian Delegation

An Cathaoirleach: I am sure Members of the House will wish to join me in welcoming Ms

Marija Pejčinović Burić, Deputy Prime Minister and Minister for Foreign and European Affairs of the Republic of Croatia. I also welcome the Croatian ambassador to Ireland, Mr. Ivan Mašina, and the Irish ambassador to Croatia, Ms Olive Hemenstall. On my own behalf and that of all of my colleagues in Seanad Éireann I extend a very warm welcome to you and good wishes for a very successful visit to Ireland. Tá fáilte romhaibh.

Report of Joint Committee: Motion

Senator Jerry Buttimer: I move:

That Seanad Éireann:

(1) notes the agreed Report of the Joint Committee on Housing, Planning and Local Government under Standing Order 116 on the Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption - COM(2017)753, which was laid before Seanad Éireann on 27 March 2018 in accordance with Standing Order 116(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption - COM(2017)753, does not comply with the principle of subsidiarity for the reasons set out in section 4 of the Report; and

(3) notes that, pursuant to Standing Order 116(4), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”

Question put and agreed to.

Sitting suspended at 12.30 p.m. and resumed at 12.45 p.m.

An Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018: Céim an Choiste

Thirty-sixth Amendment of the Constitution Bill 2018: Committee Stage

Acting Chairman (Senator Gerry Horkan): I welcome Members and the Minister for Health, Deputy Simon Harris, back to the House. The Minister could nearly be a Senator, given that he has spent so much time in the House in the last while.

On a matter of procedure, the substance of the debate on Committee Stage is the wording of the proposed constitutional amendment which is contained in the Schedule to the Bill. The sections of the Bill are merely technical. Therefore, in accordance with long-standing practice, consideration of the sections is postponed until consideration of the Schedule has been completed, which is the opposite of what normally happens. Is that agreed? Agreed.

Aontaíodh an Sceideal.

Schedule agreed to.

ALT 1

SECTION 1

Tairgeadh an cheist: “Go bhfanfaidh alt 1 mar chuid den Bhille.”

Question proposed: “That section 1 stand part of the Bill.”

Senator Paul Coghlan: I welcome the Minister, even if I do not welcome the Bill. I apologise that I was not here yesterday for the debate on Second Stage. Some of us were in London with the Joint Committee on European Union Affairs.

I admire the respect for and recognition of conscience shown by my party leader, the Taoiseach, and the Cabinet in dealing with this matter and the maturity of my party and Fianna Fáil in not taking a party stance, thereby permitting a free vote. Whether we like it, the Supreme Court has ruled that the only protection for the unborn is in the Constitution, not anywhere else. There is zilch otherwise. The Bill proposes the holding of a referendum to allow for the removal of that protection and not replace it with anything, but, worse than that, it proposes to follow its removal with a Bill providing for abortion without restriction up to 12 weeks and, in some specific instances, beyond that time period. Again, we should think of the position in Britain. We do not want to go down that road, as 9 million abortions have taken place there to date. We are the living; thanks be to God, our mothers gave us life and allowed us to be born, but we are now being asked to pass judgment on the most defenceless in society - future citizens who should feel safe in their mothers' wombs. For the life of me, I cannot understand how anyone could extinguish the life of their own flesh and blood. We have to pause and think very carefully, as legislators, about what we are about.

Senator Diarmuid Wilson: As I alluded to in my contribution on Second Stage last night, the Bill seeks to take out the protection for the unborn, the life of which is equal to that of the mother, and replace it with the words, “Provision may be made by law for the regulation of termination of pregnancy”. What exactly do those words mean? They mean that any Parliament, either this one or another in the future, will be able to set guidelines. We are told that the period will be 12 weeks, but it could be increased to six or seven months. There will be nothing to prevent that from happening if we take out the provision in Article 40.3.3° of the Constitution and replace it with the line of words proposed. That is exactly what they mean. In the future provision may be made by law for the regulation of termination of pregnancy without limit. If the referendum is successful, as I hope and believe it will not be, the protection provided will be taken out of the Constitution and replaced by that line of words. What will the period be down the road? It will be 12 weeks at a minimum, but what will the maximum period be? That is my concern.

Senator Ivana Bacik: I welcome the Minister. I commend and thank him for his very powerful words last night both in opening and closing the debate on Second Stage and expressing such powerful reasons we should support the Bill. I am glad that it was passed on Second Stage in the Seanad last night by 35 votes to 10. I very much hope we will see it being swiftly passed by a resounding majority today once we get through Committee and Remaining Stages. I did not intend to speak because I had the opportunity to make a contribution on Second Stage last night, as did my colleagues, but I cannot listen to the scaremongering by those who oppose the Bill. There are some points that need to be made and facts and legal truths about which we

need to speak about what the Bill will mean if it is passed and if the referendum is passed at the end of May.

There will be no legal vacuum if the referendum is passed. The Protection of Life During Pregnancy Act 2013 will remain in force and abortion will remain prohibited, except where necessary to save the life of a pregnant woman. As we know, strict and stringent criteria are laid down in the 2013 Act which provide for when doctors may intervene in such circumstances.

The Oireachtas may amend or repeal that legislation if the eighth amendment is removed from the Constitution. However, as the Minister made clear last night and all Senators know to be true, any Bill put through the Oireachtas will be subject to normal parliamentary scrutiny.

The Government has put forward detailed proposals for the legislation it will introduce and the Labour Party will be happy to support its Bill, which will be debated in full in both Houses, as is our duty as legislators. The legislation amounts to a very sensible, evidence-based set of legal criteria and a very strict and robust legal framework to provide women with the caring and compassionate health care they clearly need.

The 12 weeks proposal is one that is rooted in medical evidence presented to the Joint Committee on the Eighth Amendment of the Constitution and of the doctors with whom the Minister has been consulting since the joint committee concluded. The Minister and his officials have worked hard to produce robust legislation that is in line with legislation in other countries. The 12 weeks figure is not plucked from the air. As far back as the *Roe v. Wade* case, Mr. Justice Harry Blackmun in his wonderful judgment spoke about the first trimester. It is medically different and also the period in which medical abortion, namely, the abortion pill, may be used. The 12-week period has been chosen for all sorts of reasons. It has not been plucked from the air and it is not a period that can be extended at whim, as some Senators appear to suggest. It is a very clear demarcation and there is no proposal from anywhere to extend it in any way. The Minister outlined strict rules that will apply even within the first trimester period, including the provision for a 72-hour consultation period. He also stated clearly that late term abortion will be prohibited. Dr. Peter Boylan has also spoken clearly on this issue and referred to the need for neonatal teams and specialists to be present if viability is an issue. This will be built into the legislation.

I support the comments of the Minister and those of other speakers that the Bill will not open floodgates. Opponents of the 2013 Act and naysayers argued that it would open floodgates and women would lie routinely to secure access to abortion. This has not happened. Only 77 women or 25 or 26 per year have had an abortion since 2013 and abortion is carried out only where it is necessary to save their lives. We will pass sensible, compassionate legislation that will not open floodgates and will meet the needs of Irish women if this referendum is passed. I will do my best and work as hard as I can to ensure it is passed. I thank the Minister again and apologise again for speaking for so long on Committee Stage.

Senator Rónán Mullen: I reassure Senator Bacik in case she needs any reassurance that she should not feel any embarrassment about making a contribution that she believes is necessary on Committee Stage. After all, this is a life and death issue. The Senator does the job she is paid to do when she says what she feels needs to be said. Whether I agree with it is a different matter but I note in passing that she is quick to reassure people that there is some massive scientific distinction between a baby at 12 weeks in the womb and a baby after that. I have never known Senator Bacik to criticise any abortion law anywhere on the ground that it is too

liberal. I am afraid, therefore, that if people want reassurance about what can happen to abortion laws once politicians get hold of them, they will not be able to rely on people who never acknowledge the humanity of the baby involved.

Senator David Norris: That is rubbish.

Senator Ivana Bacik: On a point of order, all of us maintained a respectful and dignified manner of speaking in last night's debate. I was hoping that would remain the case in today's debate. I have been careful not to criticise colleagues or be personal. It would be nice to keep that tradition in the House.

Acting Chairman (Senator Gerry Horkan): I hope all Senators will do so.

Senator Rónán Mullen: I am very sorry if anyone thought there was anything personalised or nasty in what I said.

Senator David Norris: The Senator should not name Senator Bacik if he wants to avoid being personal.

Senator Rónán Mullen: Senator Bacik is a very bright person but she is also very good at using points of order when they are not points of order.

Senator David Norris: That is a very personal remark.

Senator Paul Gavan: It is also patronising.

Senator David Norris: Senator Mullen should tell the truth for a change.

Acting Chairman (Senator Gerry Horkan): Please allow Senator Mullen to continue without interruption. I hope we can maintain a respectful debate.

Senator Rónán Mullen: I agree. In fairness, Senator Bacik has always been open about her point of view and deserves credit where others may not deserve it. If I criticise what she says and point out that people cannot rely on her view because she is already on record, it can hardly be viewed as a personal criticism, unless it is proposed to shut down debate completely.

Acting Chairman (Senator Gerry Horkan): I ask all Senators to speak to the section. I have allowed some speakers a small degree of latitude because I appreciate this is an important and sensitive topic. However, as we are dealing with section 1, I ask speakers to make points that are related to the section.

Senator Rónán Mullen: I assure the Acting Chairman that I will not offer any points of order about what other Senators say.

The Minister was at pains last evening to cast doubt on people's concerns that politicians cannot be trusted with an issue such as this. Already today in the corridors of this House, I was scolded by a member of the Government for daring to say that politicians cannot be trusted on this issue. The person in question is very nice by the way and I will not name him for fear I will be accused of attacking him. The reason I say this is that across the western world, and in this country also, politicians say one thing at election time, as the Government party did, but do a different thing when political convenience seems to indicate. All along, politicians have been reassuring ordinary folk that they support the right to life of the unborn as well as top medical care for mothers. They go on journeys without consulting two sides of the story and

on which they seem to believe in listening to only one side of the story. To give an example of this latest twisting and turning, one Minister's proposal that a two thirds majority be required for any changes to abortion legislation in future was shot down by the Attorney General and the Government. There was no credibility to the position of the politician in question in any case because he was already in favour of repeal, which gives politicians a blank cheque for however much abortion they wish.

If the Government was serious about the kind of caution the Minister for Health would like us to believe the Government would exercise, they need look no further than Article 12.10.4° of the Constitution, which does not relate to the life of the unborn but to the political life of the President. They could have easily proposed a formula of words to the constitutional amendment providing that no such law, that is, a law regulating abortion, shall be approved by either of the Houses of the Oireachtas save upon a resolution of that House supported by not less than two thirds of the total membership thereof. The concept exists, provided one provides for it in the Constitution. It is not my proposal because once the eighth amendment has been repealed, there will be no protection for the baby in any case and the law the Minister is proposing is so extreme and permissive as to make my point without me having to make it.

What I am trying to say is that the Government is not serious about restricting abortion. It says it is and shoots down the Tánaiste's proposal when, if it so wished, it could perfectly easily and democratically provide for a blocking minority. That is just one example of the argumentation that seeks to reassure but is not grounded in fact. I make that point because it is relevant on Committee Stage. I am not making a proposal on Committee Stage to amend the constitutional provision. I am opposed to it in principle because it is fundamentally against authentic human rights.

Senator Diarmuid Wilson deserves tremendous credit for undermining, in his typically understated and slightly mischievous way, the arguments of those who say that to oppose even putting the issue to the people is an undemocratic act.

Senator David Norris: Of course it is undemocratic.

Senator Rónán Mullen: That was an attempt to corral people who believe there is something fundamentally wrong with asking a question that would remove human rights and an attempt to portray such people as anti-democratic. There are all sorts of other questions we do not ever want to put to the people because to do so would subtract from human rights. If the Minister was to consider any other vulnerable category, he would say it would be an obscenity to ask the question about whether we should take their human rights out of the Constitution. Senator Wilson had his homework done and pointed out that a former President and our current President voted previously against a referendum on this issue and nobody accused them of being anti-democratic. He deserved a round of applause for puncturing that little balloon last night-----

Senator Robbie Gallagher: Hear, hear.

Senator Rónán Mullen: -----or at least the laugh that it deserved, but I noticed he did not get it.

I listened carefully to what the Minister said last night and regarding his reassurances seeking to undermine the notion that 12 weeks is very permissive. A one day, two day or three day waiting period does not offer any meaningful protection for an unborn child, boy or girl, if one

believes that it is a human being.

I also emphasise that the Minister sought to distinguish the law that the Government will bring forward in due course from the British law on the basis that it is now being proposed that, post-viability, there would not be a termination of the life of the baby. I think that is what the Minister said. What does he think it is like for an unborn child when they are brought into the world prematurely in situations like that? I think they would be very sick. The Minister should speak to the issue of what type of care he would envisage there. It leaves a lot to be desired from a human rights perspective.

The Minister does not seem to think that an abortion prior to viability is a late-term abortion. What does he think it is? One of the disadvantages of what we call a debate on this matter here is that we do not get answers to questions, we do not get to test each side's arguments to see if there is any substance to them. I hope the upcoming debate will not only comprise one-on-one interviews with Ministers in studios and that there will be an opportunity to test what they are saying because sometimes what they say does not stand up. I am sure the Minister has prepared his brief very well but my experience of the Government is that there has not been any listening to the women who felt betrayed by the abortion culture, who felt that they were not given the support they needed before they had their abortion and who went on to regret their abortions. No attention seems to have been paid to the fact that the best research indicates it is not advisable to link abortion with a mental health ground, as they do in Britain yet the Minister proposes to do the exact same thing. That research comes from people who have no problem with abortion in principle.

If I was in a studio debate with the Minister tomorrow and asked him about the developmental stages of the unborn, would he be able to tell me at what stage the pads for a baby's fingerprints start? Would he be able to tell us that today? I ask him that, with all due respect, because I note he has not acknowledged the humanity of the baby. Are people who want to deny the humanity of the baby, and change our law such that there is no protection of any kind for them in the Constitution, interested in looking step by step at how the baby develops in the womb, that is, human life with potential, as I like to call it? Those are just a few points that occur to me.

Acting Chairman (Senator Gerry Horkan): For the benefit of all the Members who have indicated, the current running order is Senators Ruane, McDowell, Leyden, Gavan, Clifford Lee, Ó Ríordáin, Mark Daly, Black and Buttimer who have all asked to speak, and Senator Catherine Noone has now indicated as well. I ask them to speak to the section. I have been relatively generous to Members and I will continue in that vein.

Senator David Norris: The Acting Chairman can count me out.

Senator Terry Leyden: What a loss.

Acting Chairman (Senator Gerry Horkan): We are on section 1 on Committee Stage. I ask all Senators to bear that in mind. I call Senator Ruane.

Senator Lynn Ruane: We can be respectful of each other while also picking up on untruths. Senator Mullen put forward the argument that removing the eighth amendment from the Constitution does not future-proof the legislation against there being no term limits for abortion, but all his statement implies is that he does not trust women at any point during their pregnancy. Women will put a limit on themselves. We do not need politicians to say that seven months into a pregnancy is too far into it to have a termination, unless there is a risk to the

woman's life or a fatal foetal abnormality. Women do not make such a decision seven or eight months into a pregnancy. We do not need to be future-proofed. We know when it is appropriate to make that decision. It will always be as early as possible but as late as necessary in extreme circumstances. Therefore, we do not need future-proofing.

All the Senator is doing is showing further mistrust for women's decisions and their ability to make good decisions for themselves and their families. To not allow terminations up to 12 weeks in Ireland, which is an argument that has been put forward, the Senator is supporting what he is trying to fight against, namely, late-term abortions. If women are not allowed early access to a termination in their own country, they are being forced to have a late-term abortion - about which the Senator is very much against - because they have to access travel to England.

Senator Catherine Noone: Hear, hear.

Senator Lynn Ruane: Therefore, Senator Mullen is supporting late-term abortions in the stance that he has taken.

I do not know what the phrase "abortion culture" means. I do not believe there is a culture of abortion in this country. If anything, there is a culture of silence, oppression and a mistrust of women. We need to trust women more. Politicians now or in the future will not make the decisions for when women automatically choose to have an abortion. It will always be as early as possible. The Senator's position supports late-term abortion because it will force women to travel at a later stage in their pregnancy.

Acting Chairman (Senator Gerry Horkan): I thank the Senator for her contribution and brevity. I call Senator McDowell.

Senator Michael McDowell: Speaking to the section, it has two effects. First, it has the effect of inserting the wording in the Schedule and, second, it has the effect of removing the existing wording from Article 40.3.3° of the Constitution. In the ordinary course of events in this House the time available for each speaker on a Second Stage debate is naturally limited to eight limits, which is to ration out time fairly among us all, and I have no problem with that.

I would like to briefly develop a few points I made yesterday evening regarding Article 40.3.3°, which we are taking out of the Constitution, if we pass this legislation subject to the decision of the people. First, I made the point that Article 40.3.3° in its original form was inserted into the fundamental rights section of the Constitution in the Article headed "Personal Rights". In those circumstances we are dealing with what I believe was a misguided attempt to say that a fertilised ovum either prior to implantation or post implantation amounted to a person. In my view, and I want to put this on the record of this House, that is not so. Nobody in this House believes it is so. If we believed that a fertilised ovum in an *in vitro* fertilisation, IVF, laboratory, where they are trying to assist a mother and father who are having difficulty in having children, was a person, there would be all sorts of different laws and things to be done. If one ovum was selected and if we believed that was a person in that tank, and the others were disposed of or put into nitrous oxide to be frozen, that is one thing, but none of us actually accords the status of a person to a fertilised zygote. Therefore, constitutionally, we are in a grey area. That was the problem with Article 40.3.3o. It decided to over-simplify the issue and to elevate the unborn, which it did not define, to the position of a person. In doing so, it said that the right to life of a zygote, once implanted, as later decided by a court, was equal to the right to life of the foetus's mother. I do not accept that proposition and I believe it was a falsehood and oversimplification

put into the Constitution without working out precisely what it meant. That was done in 1983, doubtless in good faith, but principally because the suspicion was that our Judiciary would do a *Roe v. Wade* and introduce abortion as a constitutional right and that the Judiciary was not to be trusted.

In 1992 there was the X case. The girl in that case was the victim of a rape and was told by the Supreme Court that she could not leave Ireland for the purpose of having an abortion unless her life was under threat. She could not go to England and her parents could not arrange for her to go to England and an injunction was available to prevent her going to England to have an abortion. A young rape victim was told that the meaning of Article 40.3.3°, as it then stood, was that she could not have an abortion. I am particularly addressing the Senators who are conservative on this issue and I fully respect their rights to be conservative and do not think it is in any way undemocratic for them to vote against this, if that is their point of view. Article 40.3.3° meant that rape victims, once implantation had taken place, were obliged by the Constitution to carry that conception to full delivery unless they could prove, as was done in the X case, that there was an imminent threat of suicide if they were not allowed to have an abortion. The idea of travel injunctions was enshrined by the Supreme Court in the X decision. Let us not forget that point.

In 1992, when all of that became apparent, the people were horrified by the result. The then Taoiseach, Albert Reynolds, put three propositions to them, which was curious, and it was objected to at the time, but in retrospect it was probably just as well. The first was should suicide be a ground for termination of a pregnancy in Ireland. The Supreme Court had said it could happen here. The second was should anybody be the subject of a travel injunction, again by reference to pregnancy or the intention to procure an abortion abroad. The third proposition was should anybody in Ireland be denied information because there were student publications and the Society for the Protection of Unborn Children, SPUC, at the time. The question was whether it should be a crime to tell anybody in Ireland whether abortion was available outside Ireland. It asked should it be a crime in this country to tell somebody, as in the case of Ms X, to go abroad and obtain the services of a place like the Marie Stopes clinic in England. The people said no to the first proposition, that if somebody committed suicide, it could be held that we allowed it to happen by our vote in the referendum because abortion was not available here. They voted to allow people leave Ireland to have an abortion. I ask Senator Mullen and others, respectfully, through the Chair, if we really believed that an implanted foetus had the same rights as a born child, would we have amended our Constitution to allow parents to take that child to a clinic in England to have it killed.

Senator Catherine Noone: It is hypocrisy.

Senator Michael McDowell: All the Senators may have their views about the answer to that question. My view, and I will only express my view-----

Senator Catherine Noone: Well said.

Senator Michael McDowell: -----is very definitely that that was a clear indication that in Irish people's minds this was not a situation of an equal right to life. They were subjecting the right to life of the unborn to the right of the mother to travel for an abortion. This was a qualification of the idea of equality.

Senator Rónán Mullen: In the fine old debating tradition, will the Senator give way since

he mentioned me?

Senator Michael McDowell: This is Committee Stage.

Acting Chairman (Senator Gerry Horkan): Senator Mullen has to speak through the Chair like everybody else.

Senator Michael McDowell: We are on Committee Stage and people are entitled to come in again and again. I am not denying anybody a right to speak.

Senator Rónán Mullen: The Senator is entitled to give way as well.

Acting Chairman (Senator Gerry Horkan): I remind speakers we have had five contributors so far and there are at least ten more on the way.

Senator Michael McDowell: I want to make a few points if I may because I think they are worth making.

Acting Chairman (Senator Gerry Horkan): I am certainly allowing the Senator to make the points.

Senator Michael McDowell: I believe that the people, by adopting the freedom of information and the freedom to travel amendments to reverse in part the courts' decisions in respect of the original article 40.3.3°, were qualifying the idea of equality at the time. Viewed barely, that is what I believe was happening.

Even when all of that was done, there was a succession of cases, some of which I was involved in as Attorney General, others as a barrister, but I do not want to deal with them because I do not refer to cases I was involved in. In some cases Article 40.3.3°, notwithstanding the changes that have been made, affected for instance the position of a child in care, and whether the Irish courts or health boards would facilitate such a rape victim in care in going to Britain. There was serious opposition at the time and some of it came from the pro-life movement, which was entitled to express its views.

There have been trips to Strasbourg in respect of fatal foetal abnormalities and we are now addressing the issue fair and square. Senators Wilson and Mullen ask what is so special about 12 weeks. In one sense, whether it is 11 or 13, they are somewhat arbitrary time periods. The medical truth, however, is that after three or four weeks it is a cluster of cells that is a couple of millimetres across. It begins to pulsate, to circulate fluids to maintain its existence and development. We are told that is a heartbeat but there is not really a heart at the earliest stage. Up to eight or nine weeks we are dealing with a developing embryo, which grows from being tiny to being less than the size of a finger over several weeks. That is the period we are dealing with, not a foetus such that any ordinary person looking at it, if it was miscarried, would say there is a person. What a person would say in such sad circumstances is there was the seed, the potential, for a person to exist. Many mothers have been in that sad position after miscarriages. In my respectful view, the law should not be, and the Constitution should not have been, perverted to regard that foetus at that stage of development as a human person in the sense that we accord meaning to the term "person". I want to make the point about what this section is doing. We are removing from the Constitution a very contradictory set of statements which started in 1983 with what I believe was an untrue statement that the unborn was a person with the same and equal rights as the mother which when it came up against legal realities in the X case had to be

reversed by the people through a constitutional amendment to reverse the idea of equality and to say that we will treat the unborn differently from a born child. That is what we did because, as I said earlier, nobody in his or her right mind would change the Constitution to say that parents can bring their born baby to England to have that baby killed. Nobody would do it so the people actually were making their own judgment on these matters. We have now got to the point where we see all the problems that still flow from the fundamental untruth that a zygote or foetus at an early stage of its development is to be regarded as an equal person compared with a child just about to be born. We have got to that point where we must confront the problem which arises from that. They are serious problems legally. In all seriousness, what was wrong with Article 40.3.3°, and the late Peter Sutherland pointed out what was wrong with it, was that it would inevitably have these consequences because it was not telling the truth and it was not admitting that we were dealing with a grey area. It was saying it is black and white, it is simple, just vote for it, everything will be all right and there will never be abortion in Ireland. It failed. It is an obstruction. I am not going to say the recent legislation is, to use the phrase, “a dog’s dinner”, but it is not satisfactory and everybody knows it is not satisfactory and is not a maintainable or sustainable point of view. Let us again remember the people who are against repeal of the eighth amendment vigorously opposed the legislation that was supposed to regularise the post-X case decision. They were entitled to do so. I do not criticise them for that but it is not as if the *status quo* is what they wanted to defend. They want to defend a very different simplistic Article 40.3.3° as they originally intended it to be. I want to make the point that we are not simply putting in the wording to which we will return when we get to the Schedule. We are removing Article 40.3.3° and we are bringing Ireland back to the position in 1982. It was not a bad position in one sense because the Legislature at that time had the freedom to deal with abortion, termination, rape and all the rest of it as it saw fit. What was done in 1982 at the behest of people who were worried about a *Roe v. Wade* decision from the courts was to take away the power from the Legislature to bring in laws to deal with that situation. I think that is a very serious problem.

Senator Mullen said last night that we have an infanticide law that differentiates between a mother in post-delivery and the rest of humanity when it comes to the law of homicide and takes account of post-natal depression. It used to be on the basis of a crazy theory that it had something to do with the effect of lactation on the mother’s mind. What Senator Mullen said is true but it is still a crime. What Senator Mullen advanced yesterday for our consideration was the possibility that with a humane and decent DPP, no girl would ever be prosecuted for taking the abortion pill. I am saying that if we keep Article 40.3.3°, which is a point I did not have time to make yesterday, we cannot decriminalise abortion. The courts would say that this is unconstitutional. We cannot say “Ah, we’ll turn a blind eye to this and turn a blind eye to that.” We cannot turn a blind eye. If somebody gives somebody else an abortion pill, we cannot turn a blind eye to that set of facts and at the same time, claim that we are upholding the right of the unborn as far as is practicable and defending and vindicating that right. We know that a girl was prosecuted in Belfast for taking the abortion pill because her flatmate got a pang of conscience and told the police about it and the poor girl was interviewed about it and admitted it. She was prosecuted for that. Let us not cod ourselves. I say in all sincerity and with all conviction that what leaving Article 40.3.3° in place actually involves is requiring it to be a crime to take an abortion pill and to assist somebody in taking an abortion pill like going to England to get it or going down to the chemist to get it. We cannot decriminalise that activity and keep Article 40.3.3° in its present form. I reject the idea that the Constitution is there to set standards and is not there to deal with the hard cases because in the end, we remember the poor girl in the X case - a rape victim who was hauled back from England by the courts because that was the law

- and we remember that girl in Belfast who found herself dragged before the courts because she had taken the abortion pill in Belfast where it is a criminal offence to do so. If we are going to say there is no distinction between a cluster of cells in a Petri dish in a laboratory and a human being and say there are no shades of grey, there is no developmental process and no spectrum of development within which the victim of a rape is entitled to take steps to end a pregnancy and it will be and must remain a crime for the victim of a rape in Ireland to end her pregnancy, which is what not deleting Article 40.3.3° necessarily means, so be it. We should stand on that but the consequences definitely are that this is what we are standing for. If this referendum is defeated, it will be a crime for a victim of rape in Ireland to take an abortion pill to end the pregnancy, it will be a crime for anybody to give it to her and it will be a crime for anybody to assist her in getting it. They will all be criminals before our law. If someone says to me, it will not happen, I will say that it has happened in Belfast. Tell me why it should not happen here if that is not merely part of our criminal law but part of our criminal law that is necessitated by the terms of the Constitution itself.

I ask fellow Members of this House to consider carefully what keeping Article 40.3.3° actually means. We are in exactly the same position as our predecessors were in 1983 when they enacted the eighth amendment. We are making a decision which will have definite legal and criminal effects. There will be outcomes. A person cannot simply say he or she is against 12 weeks, therefore, he or she wants it to continue to be a criminal offence for a girl to take the abortion pill in Ireland after a rape, that is what he or she wants it to be and that the price he or she is willing to pay to keep the Constitution as it is because that price will be paid by some girl. It was in Belfast and it will be here. The same applies to any way a person can try to develop the law in any way to deal with exceptions such as rape. Regardless of whatever faults people have with the processes of the joint committee of these Houses and the Citizens' Assembly, they faced up fair and square. We will never be able to have a process that will determine whether a girl was raped in time for that girl to take any steps to defend herself. We only have to look at the news which came out from the criminal courts in Belfast today to ponder how difficult it is for a rape to be established. We only have to look at recent decisions of the Irish courts that somebody who has sex while not using a condom commits rape with a woman who is willing to consent to it on the basis that a condom would be used to realise how impossible it would be to have a system other than a 12-week, no questions asked system to deal with those kinds of hard cases.

Senator Catherine Noone: Hear, hear.

Senator Michael McDowell: By way of a footnote, I have heard a number of people say that their mother had told them that she had contemplated having an abortion and if that had happened they would not be here today. It sounds like a very good point. If we think about it, if a child's parents had decided, that child being the fourth in a family, that they were only going to have three children and had used contraception, that fourth child would not be here today. The accident of our birth is incalculable when we reflect on it. If one's father had used a condom or if one's mother had used a diaphragm or an IUD, one would not be here today. All of us could say that about ourselves, namely, that if our parents had made a different choice we would not be here today, but that does not prove that contraception is wrong. Likewise, it does not prove the case for retaining the eighth amendment.

Senator Terry Leyden: I welcome the Minister and his officials back to the House. It will certainly be a baptism of fire for the Minister over the next few months. I understand the referendum is planned to be held on 25 May. In 1983 the then very courageous Labour Party

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Minister for Health decided not to take the Bill and transferred it to a Fine Gael Party Minister. Senator Wilson cited facts from what happened in the Seanad at that time.

As I was not a Member of the Seanad then, I will concentrate on what happened in the Dáil. Eleven Members of the Lower House voted against allowing a referendum. Let us put that point to bed. They decided there would not be a referendum at that point because they did not agree with the wording of the referendum, Article 40.3.3°, the eighth amendment, and they were not criticised for that. However, seemingly if one objects to this referendum, one is undemocratic. Let us put that notion to bed straightaway.

People like the former President, Mary Robinson, and the current President, Michael D. Higgins, voted against having a referendum at that time and I would not regard them as being undemocratic. We will get that argument clearly out of the way. I hope the Minister bears that in mind in deliberations in this regard, and that he does not show disrespect to those with very strongly held views in this House who were very satisfied that Article 40.3.3° and the eighth amendment were of service to this State. It was voted on by the late Garret FitzGerald as well for the benefit of those who might think otherwise and the then Attorney General's recommendations were overruled. He would not have been the first Attorney General who had his recommendations overruled. I am sure my colleague in the House, who was a former Attorney General, might be able to confirm that, but he probably will not because Cabinet confidentiality would probably kick in. Nevertheless, those are the facts of the case.

The proposed wording is that, "Provision may be made by law for the regulation of termination of pregnancy". Will the Minister have a draft Bill prepared before the referendum that is to be held on 25 May? That is an important issue. Will it be clearly laid out whether the Tánaiste decides the legislation requires a two thirds majority of the Dáil, or a simple majority is required and also what procedures are to be followed in the Seanad?

Senator Catherine Noone: The Bill has been published.

Senator Terry Leyden: Is the Senator the Minister?

Senator Catherine Noone: No.

Deputy Simon Harris: But I am and it has been published.

Senator Terry Leyden: Good. I thank the Minister for that.

Acting Chairman (Senator Gerry Horkan): I will ask the Minister to come back in at the end and answer Members' questions. For the benefit of Members, the Bill has been published.

Senator Terry Leyden: If there is a criticism I would make of Article 40.3.3° and the eighth amendment, it is that----

Acting Chairman (Senator Gerry Horkan): I clarify that the heads of the Bill have been published.

Senator Terry Leyden: That will be of some help, if the Government can agree to it. When the earlier Bill was passed, the Department of Health did not make much effort to bring in detailed protocols and procedures to assist the medical profession in the implementation of Article 40.3.3° because the then Minister did not agree with it. They should have been introduced in law to ensure proper interpretation of the objective of the eighth amendment would

become a fact.

I sympathise with all the maternity hospitals, gynaecologists and obstetricians who, I accept, were and are faced with difficult dilemmas. The Department in its wisdom should be prepared if this Bill fails. I will be voting against it and I will be voting against this Bill. The Department should consider the outcome of that decision and give guidance and assistance to medical practitioners to ensure the proper implementation and interpretation of Article 40.3.3°, the eighth amendment, which was a clearer statement of support at that time and it has served many people well. Bad cases make bad law. I have heard all the details about when a foetus becomes a child, and up to 12 weeks is a long time. Most people would recognise that after 12 weeks of having been conceived, that foetus has the right to life. That is the case I would make, namely, the right to life of the unborn.

The unborn is a child that has been conceived. I will not go into the detail as people know exactly what I mean. It is a very serious and profound decision. I respect the views being expressed by others and they are quite persuasive. I am the only person here who was present on that March day in 1983 when I went through the debate on this matter in detail in this House. I read all the contributions by different Members. I got the Official Report from that time and it was a fascinating, interesting debate that is worthwhile reading. I welcome that I have got that assurance from the Minister. The people will know what they are voting on. That is based on the current standing of the Oireachtas bearing in mind that we have a minority Government but when the day comes that there is a majority Government in power with Sinn Féin and the Labour Party controlling it, then it will be an open day-----

Senator Paul Gavan: A sweet day.

Senator Terry Leyden: -----for freedom for abortion and they will bring in abortion at any level right up to the very end of a pregnancy.

Senator Paul Gavan: Let us bring on the day for a Sinn Féin-Labour Party Government, I would welcome it. First, I want to genuinely acknowledge again the sincerity of those in the Chamber who hold a different view from me. I genuinely respect their views even though I disagree fundamentally with them.

My colleague, Senator Mullen, spoke about what will happen once politicians get hold of abortion laws. The problem is that they have already got hold of abortion laws. Senator Leyden has just referred to it. In 1983 they got hold of abortion laws and changed them such that they are now beyond the reach of democratic politicians. That is why I would contend, and I mean this respectfully, the arguments the Senator made are fundamentally undemocratic. He is saying that politicians should not be allowed to legislate on this matter. I am saying it was a major mistake in 1983 and my party has been consistent on that, and that politicians should be allowed to legislate because that is what elected representatives like ourselves are here to do. We are here to legislate. That is a fundamentally undemocratic argument and that is why it is important that we remove article 40.3.3°.

I cannot be half as eloquent as Senator McDowell and even though we disagree fundamentally on many issues, I thought his contribution, spanning some ten or 15 minutes, was excellent.

Senator Aodhán Ó Ríordáin: Hear, hear.

Senator Lorraine Clifford-Lee: Hear, hear.

Senator Paul Gavan: I want to develop one point. Senator McDowell spoke about the referendums on freedom of information and freedom to travel in the early 1990s. As we know, they were passed. I respectfully ask a question of my colleagues who disagree on this issue. Do they think it is right that women should have the freedom to travel and the freedom to have information to abortion? If they do, I have a difficulty because what they are really saying by implication is, “Look, we don’t like abortion, but you can have one. Just don’t have it here.” There is something fundamentally wrong with that.

Equally if they do not agree with that, it is fine. I ask them to articulate their position as to why they believe it is fundamentally wrong for women to have access to travel and access to information. However, if they accept it is right, how can it be otherwise than saying, “You can have an abortion, but just don’t have it here.” That is why 12 women are travelling on a plane today. That is why women are taking abortion pills here today, having abortions here in Ireland without medical care or supervision. That is why Dr. Rhona Mahony says it is time to stop playing Russian roulette with women’s lives.

I also respectfully ask my colleagues to think about the message they are sending to women today. We know from the evidence we received that right now a woman cannot receive medical treatment until she is dying. That is what our doctors told us. My colleagues may believe in some giant conspiracy, but that is what the heads of two of the maternity hospitals told the committee. That *status quo* is just not tenable. I am genuinely shocked that people would think it is acceptable to maintain the *status quo* that a woman must be dying before she can receive medical intervention. Unfortunately, that is the truth. That is what we were told by the head of the National Maternity Hospital and by Dr. Peter Boylan, and it is the truth. Is that the message they want to send out here today? I ask our colleagues on the other side of the argument to deal with these issues.

My last point is simple. Senator Leyden mentioned 1983 and he is entitled to his opinion. He is obviously very proud of what happened back then. I was horrified by what happened back then. Each of the 35 years we have gone through has shown how horrific that is. We do not have to look back to the victim of the X case, because, as I mentioned yesterday, a 12 year child had to go to Britain for an abortion just a few weeks ago. Unless we act on this amendment, the next 12 year old child, the next victim of rape, will have to go to Britain for an abortion. I cannot countenance that. It is fundamentally wrong that victims of rape or incest have to leave the country to have that issue dealt with. It is scandalous and a shocking indictment of our country.

Senator Lorraine Clifford-Lee: In the interests of moving this along, I will keep my comments very brief. I wish to associate myself with comments of Senators Bacik and Ruane. They made points I was going to make and so I will not repeat them. I also thank Senator McDowell for his very insightful and considered contribution. His contribution has played a vital part in moving along the debate in this House.

I have been through two pregnancies and even in the most ideal of circumstances the state of pregnancy can be difficult and stressful. One feels vulnerable and very lonely at times. It strikes me that when the vulnerability of the unborn is talked about, the vulnerability of the pregnant woman is often forgotten about.

I also make reference to the 12 year old child who travelled to the UK, as Senator Gavan

mentioned. Some of the commentary on that has suggested that the ideal solution would have been for the 12 year old child to have proceeded with the pregnancy and given the baby up for adoption. No reference is ever made to the physical damage, leaving alone the psychological damage, that a pregnancy would do to a 12 year old child's body. That child is vulnerable. She did not become pregnant because she is in a good situation. Something awful and tragic happened to that child. We are proposing a solution to her that would leave her with permanent damage, compounding the damage that has already been done to her. I cannot stand here and stand over that and let plenty more children and women go through this. We need to look at the humanity of the pregnant woman and the vulnerability of the pregnant woman, and try our best to protect that.

Last night I spoke about the need for the Minister to provide extra lactation consultants and extra public health nurses to assist mothers and their newborn babies. I am sure the Minister is aware that we have a vast shortage of them. We have a severe lack of perinatal psychologists. I would love if Senator Mullen and more of our colleagues would join me in this call. Let us look after the children who are born in this country. There are some vulnerable women and some vulnerable children who have been born in this country, and the services are not available for them.

Senator Aodhán Ó Ríordáin: I had not intended to speak so my comments will be brief and I will not speak again. I understand that yesterday's debate was quite respectful. I was impressed in particular by the comments of Senator McDowell whose contribution should be read by every intending voter in the upcoming referendum.

I find the question about who we trust strange. Some people will vote against the holding of this referendum. They do not believe the people should have a say in this. They say they cannot trust politicians either. They certainly do not trust women in difficult circumstances. I do not know who is to make the determination as to what our abortion law should be. It cannot be the people because they should not be allowed to have a referendum. It cannot be politicians because we cannot trust them because they change their minds. It also cannot be women. Who is this fountain of knowledge to whom we should all turn to discuss the issue or to learn about the issue?

I had not intended discussing Senator Mullen's remarks. However, I am struck by what Senator Clifford-Lee just said about born children. I understand that Senator Mullen has made 273 contributions to the Seanad since 2007 on the issue of abortion and one on child care, which he actually made in 2007.

Senator Rónán Mullen: I am the rapporteur on palliative care for the Council of Europe, but the Senator has probably not done his research on that.

Senator Aodhán Ó Ríordáin: It gives an indication of where his priorities on children lie. People are entitled to change their views. People talk about the journeys politicians have made. Again we have to return to the 12 journeys made today, the 12 journeys made yesterday and the 12 journeys that will be made tomorrow by very vulnerable upset women, who are being treated as criminals in their own country and who have to go to Britain to get for themselves what they should be getting here. I have had this discussion in my constituency office and with people who are passionately pro-life and are compassionate about this issue. I understand it comes from a position of compassion because I absolutely understand the motivations behind those on the pro-life side. I remember meeting a couple who were very upset about the Protec-

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tion of Life During Pregnancy Bill. I said that I purely wanted a woman in a distressed situation to have a choice. They said that she had a choice and I asked them what that was. They said that she could go to Britain. As has been said we are quite happy - we have passed this in a referendum - for women to have information. We are quite happy to allow them to travel knowing exactly the reason for them travelling as long as they just do not do it here. Of course, the abortion pill has changed all that.

It is appalling that somebody should have to sit in a bedroom fondling something that they had bought on the Internet and have to keep it secret for fear of criminal sanction.

It is laudable that people have changed their minds on this matter. The Catholic Church has changed its mind on the whole area. There was a time when a child who died before being baptised could not be buried on sacred ground. The child would have been lumped into a hole, would not be allowed into the graveyard and, apparently, would have ended up in limbo. I understand that the Catholic Church changed its position on that.

I commend the Minister. Politics is about leadership, and it is easy to lead when everyone agrees with you. It is easy to lead on an issue that is popular, but it is not easy to lead in a debate that is difficult. I take my hat off to the Minister, as he has allowed himself in his period in the Oireachtas to listen. He moved from what I understand was his original position, in which he was not necessarily convinced of the need to legislate for the X case, to one in which he has allowed himself to discuss the matter within his own party and the Oireachtas. He is the most convincing advocate for this referendum on what is a necessary change. What he is doing is historic and he will get absolute support from the Labour Party for it.

2 o'clock

Senator Ivana Bacik: Hear, hear.

Senator Aodhán Ó Riordáin: When someone like the Minister, in the articulate way that he does it and by showing the journey that he has gone through, is willing to take the flak and debate with those who disagree with him within his own party and across the Oireachtas, I have significant admiration for him as a politician and a man.

We are coming to the close of this Oireachtas debate. I look forward to it going out into the wider sphere and for the people to have their say. I hope that the referendum will take place on 25 May. People say that politicians cannot be trusted, but the wonderful thing about this country is that, every number of years, we get the chance to vote for people to enter the Oireachtas and make decisions. If abortion legislation is a reason for someone to vote or not vote for a candidate, then vote or do not vote. That is the beauty of living in a democracy. To deny people the chance to vote in this referendum is unjustified.

There is a considerable amount of hypocrisy around this matter. It is easier to run from the issue. If we were to hold a secret ballot of Members of the Oireachtas, those who have shown their cards to be on the pro-life side might actually vote a different way. However, that is not the case with the Minister. He has shown leadership, strength and courage, and I want to salute him.

Senator Mark Daly: Our Constitution is unique. It was the first constitution in human history to have been adopted by a popular vote of the people in a referendum held in 1937. It is all the more extraordinary a document because it was adopted by the Irish people at a time when democracies were crumbling in Germany, Italy and Spain. Here in Ireland, politicians were not

taking power from the people. Rather, they were giving power to the people. The Irish people are the ones who decide what is in their Constitution.

While I support the holding of the referendum because it is the people's Constitution, I do not support the Government's legislative proposal, which would allow unrestricted access to abortion up to 12 weeks. Every citizen in the country will have to examine all the issues before us in this debate and ultimately make his or her own decision. Some people are in favour of some change, but many are not in favour of what the Government has proposed. The majority of people with whom I speak are concerned that the Government is going too far. People are being asked to sign up to an unknown in legislative terms. That will be a problem throughout the referendum. We have heard from many on both sides. In particular, the repeal side believes that the Government's proposal does not go far enough. If the referendum is passed, we will be signing up to the unknown because there is no certainty that the legislation being proposed is the legislation with which we will end up.

Do I believe that we ever have the right to take a life? Probably not, but there are times when compassion for women must be central, such as in the event of fatal foetal abnormality. In those circumstances, it is a matter for a woman to decide.

The committee heard conflicting evidence on various issues, including legislation. While it would be difficult to legislate for proposals, it would not be insurmountable. The Irish people should have been given that option. Ultimately, the Constitution belongs to them and it is for them to decide what it contains.

Senator Frances Black: I will speak briefly on this section and support the passage of the Bill through both Houses. I did not have a chance to contribute yesterday because I was in London for meetings, as were Senator Richmond and others from the Oireachtas Brexit committee. We returned to Leinster House this morning. I am delighted to be able to voice my support for this Bill and to cast a vote to see it through the House. It is time for the Irish people to have their say on this issue and it is time for us to repeal the eighth amendment.

I followed last night's debate on my phone while I was sitting in London City Airport waiting to travel home, which I felt was fitting. I could not help but think of the thousands of women who had made the same journey in the years gone by, many of them alone, frightened out of their wits and unable to get help in their own country. The Minister gave a brilliant speech last night referencing how Ireland had failed these women. I agreed with him. I commend him on what he is doing. As my colleague stated, he is showing strong leadership. He did the same with the Public Health (Alcohol) Bill 2015. Doing that is not easy.

It is not good enough for us to keep our heads in the sand any longer. In reality, Ireland already has abortion services. They are just in the UK. We put women through unnecessary trauma, hurt and expense to access them. We are here today to say "No more". The eighth amendment has done untold harm since its insertion in 1983. It is time to repeal it. As Senator Ruane stated, it is time to trust women and show compassion for people in difficult situations.

Many Senators referred to the need for a kind and respectful debate. I echo that call. This is a very sensitive and emotive issue and people are passionate about it, but if we can have the conversation and reflect on the evidence in a compassionate manner, the support is there for a woman's right to choose. People want change. Consider the 12 year old child who has been raped and faces carrying the pregnancy to term, the many devastating cases repeatedly refer-

enced in this Chamber of women who have tragically lost their lives, and their sisters, daughters, partners and loved ones.

I commend the Minister on his leadership, Senator Noone on her chairing of the committee and Senator Ruane on representing our group on this issue so admirably, effectively and fantastically. I support the recommendations and I thank all the women and men who have spoken up on this issue in the past 30 years. My voice will be with theirs calling for repeal of the eighth amendment when we go to the polls in May.

Senator Jerry Buttimer: I had not intended to speak but, as Senator McDowell stated, this section pertains to the question of whether the eighth amendment's Article 40.3.3° should be removed. I am curious as to why we listened to Senator Leyden's contribution. I am not unduly worried about whether those who vote against the Bill are being democratic or undemocratic. That is their prerogative. Who do the people who oppose the Bill trust, though? They do not trust politicians, yet it is our job as elected legislators to legislate. It is what we do day in, day out. Do we trust the ordinary citizen who, as Senator Rónán Mullen said, elects public representatives or do we trust councillors who, in part, elect us to this House and who, in turn, are elected by the people? Last week we read reports on the undemocratic process used in the Russian election, but what we do in a cherished way is legislate. Last week when Senator Marie-Louise O'Donnell took a public stance, she was excoriated in some quarters, but that was her choice. In a similar fashion, other Members have different viewpoints. Like Senator Paul Coghlan, I fully agree that there should be a free vote. However, the fundamental question we are being asked is whether we should retain the article in the Constitution and I cannot outline my response as eloquently as Senator Michael McDowell.

There were those who opposed the process and the work of the committee for their own legitimate reasons, but Dr. Rhona Mahony and Professor Fergal Malone, to name but two, gave clear evidence to the committee. The problem we have is that society evolves and moves at a quick pace in terms of technology, but, whether we like it, we are allowing back-street abortions to take place through the use of abortion pills. As Senator Ned O'Sullivan said last night, if my sister or daughter came to me, I would try to put in place all of the supports needed to avoid a termination of pregnancy. Senator Lorraine Clifford-Lee is correct that there is huge compassion and humanity among those who favour repeal. In this Chamber last night and today mothers spoke who are full of love, care and concern. As I said on Second Stage, I was a 2 lb premature baby. I value and cherish life and want to see the lives of the mother and the unborn child protected. None of us who favours repeal should be accused of lacking humanity, compassion or concern. That is not fair. They are cheap, headline grabbing comments.

Going back to the Protection of Life During Pregnancy Act 2013 and including this debate, we are faced with providing clarity, certainty and flexibility for medical professionals. That is what we are meant to be debating. If we listen to the testimony to the joint committee of those who grapple with this issue every day, there is a simple choice to be made. I hope we will have an informed debate because it is about everything we do and say as people. I also agree with Senator James Reilly that theology and so on come into it, but it is also about humanity, vulnerable women who do not have the support they need and cannot travel. They are not too many miles from us.

Some of us understand this issue is not as black and white as we thought it was - I spent five years in a seminary - but we live in the grey which affects everybody. That is why I made my decision based on the 2013 Act and what flowed from it. Senator Michael McDowell is 100%

correct to pose the question about choice in respect of travel and information and the substantive issue. Clinicians need certainty and clarity. I overheard a conversation as I was eating a bowl of porridge for breakfast earlier in a coffee shop down the street. People were debating the eighth amendment. One friend asked the other, “Do we have to continue to wait until another woman dies before we do something again?” They were two strangers to me while reading the newspaper headlines on the Tánaiste’s remarks.

We are elected parliamentarians and should trust each other. I respect Senator Diarmuid Wilson in having a completely different viewpoint, but we will still be friends at 5 p.m.

Senator Diarmuid Wilson: Absolutely. I will buy the bowl of porridge.

Senator Jerry Buttimer: I will have an argument with Senator Alice-Mary Higgins tomorrow about something else, but we will still respect each other.

Acting Chairman (Senator Gerry Horkan): It might even be today.

Senator Jerry Buttimer: The Acting Chairman is correct.

Senator Rónán Mullen: I will send an Easter egg to the Leader.

Senator Jerry Buttimer: I have always bought one from the Senator. We will still converse and I will still respect him, whatever his views.

Senator Rónán Mullen: Three for a tenner.

Senator Jerry Buttimer: I hope he has changed the outer hen because they are a good collector’s item and I will buy one from the Senator.

I appeal to those in the body politic to trust each other. We are not gombeens who come here on a journey. We are educated, intelligent individuals who are elected by the people to serve, debate and legislate. Let us not talk each other down about what we do day in, day out. We can disagree on the road to take in arriving at legislation or the substantive legislation, but that is our job and what we are elected to do. The gnáth-dhaoine pick up the peann luaidh every five years or whenever we put an issue to them in a referendum. I appeal to them to read the evidence given to the committee before they make a decision on whether to repeal. As a democrat, I will always accept the will of the people. I lost my seat, but I did not go on a sulk and blame anyone. I took it on the chin and accepted the will of the people. Members should trust each other in an informed way.

I thank the departmental officials for their work on this issue. They do not get credit at times, but I know from working with them in the past that they have come to this job with dedication and sincere intent. The debate must be informed, not about opinion. We tend to go off on tangents in referendum campaigns. We should not do so in this campaign because the substantive question is dealt with in this and the next section. It is whether we should allow the citizens of a republic to make up their minds and say “Yea” or “Nay”.

Senator Catherine Noone: I am conscious that the rigidity of certain views is not something that will ever change. Inside and outside the House there are those who believe the current law is too liberal. More than anything else, it is time we handed over this matter to the people to decide because it has been discussed and avoided, probably in equal measure, for the past 35 years. Let us get on with the referendum. It is clear from the figures last night that there

is support for the Bill in the Seanad. Let us have the referendum for which many people have been waiting for so long. It never ceases to amaze and disappoint me that people take such a black and white view on this issue.

To pick up on a point made by Senator Paul Gavan which I had intended to make in any case, we have the Constitution that states it is illegal to have an abortion but that it is legal to travel to another country to access this form of medical care. What is wrong with us, as a nation, that we continue to stand over this hypocrisy? As a people, we have hypocrisy at our core because we have been willing to stand over this position. The same applies to us, as legislators elected to this House to put policies in place that will protect people, because we, too, have been willing to stand over this position for so long. It is 35 years since the eighth amendment was inserted into the Constitution and we continue to stand over an English solution to an Irish problem.

Senator Paul Gavan: Well said.

Senator Catherine Noone: As a legislator, I have a duty of care to the women of Ireland to do something about this matter, as does the Minister for Health, Deputy Simon Harris, who has shown amazing leadership on it. We all have a duty of care. Abortion is happening every day in Ireland in the privacy of bedrooms and God knows what circumstances. Granted, the abortion pill is a relatively safe method of dealing with the matter. However, it is simply not a satisfactory policy to allow women to be unsupported by their general practitioners and medics in whatever guise in such circumstances. That is not to speak about the women who, every day, travel out of Dublin Airport or take a ferry, depending on their financial circumstances or time constraints, to the United Kingdom and, in increasing numbers, the Netherlands and other countries to access care that we do not allow them to access in this country. That is not a madly liberal view to have. It is common sense that this country should at long last recognise that women need more compassion. Those who do not want a scintilla of reform in this area believe what I am proposing is extremely liberal. What I want to know is what do these legislators propose we do. Should we continue to ignore and export this problem? Should we start to invoke our laws and criminalise women?

Senator Michael McDowell's points about the abortion pill were well made. This would not happen in any other area of medicine because we would seek to stamp it out. We have rigid policies in place to stamp it out where it does happen. However, we cannot do so in this case because it would cause further harm. Abortion pills had an instrumental and highly significant role in the deliberations of the joint committee. Speaking for myself, I was unaware of the extent of their use. Like my colleague, Senator Jerry Buttimer, I sincerely hope the information provided for the joint committee will be disseminated to members of the public in order that they can arrive at a full understanding, notwithstanding the cloud of emotive misinformation, that the reality is finally being addressed by policy makers. We have to face up to the fact that Irish women are in this position every day and that we need to fundamentally trust them and their doctors. Control has been at the heart of this issue until now and women need to get back some control over their health care. The men and women of Ireland, when it comes to a vote in May, will have an opportunity to show the compassion women deserve.

It is important to be clear on another matter and I am sure the Minister will make the same point. Senator Mark Daly and other speakers made a point about the legislation. The legislation on which the Minister and his officials have worked so hard in recent weeks is based on a cross-party committee's report. Members spent hours in the bowels of this building hearing

facts and evidence. Despite what others would like people to believe, the proposed legislation is not Government legislation as such but cross-party legislation that is supported by the leaders of every party in the Oireachtas.

I will finish on the following point because I am aware that I am making another Second Stage speech.

Acting Chairman (Senator Gerry Horkan): The Senator will probably not be the only Senator to do so.

Senator Catherine Noone: Our medics are world class. We have medics who work in different parts of the world where their quality is valued. Medics are pleading with us, as legislators and policymakers, to provide certainty and clarity in this area. We need to provide that clarity and certainty for them. Above all, we need to show compassion for women. That is what this is about. Let us have the referendum and the Minister announce a date for it in order that people can get organised for it today.

Senator Alice-Mary Higgins: I wish to respond to a couple of the points raised as Committee Stage draws to a close. Many of those who argued against the Bill called for clarity. I appeal to them to be clear on what their proposal entails. We heard, for example, a suggestion that regulations could be made to deal with hard cases. If we retain Article 40.3.3°, regulations will not be introduced to deal with many hard cases because it will remain constitutionally prohibited to do so. Senator Michael McDowell eloquently cited the possibility that the Director of Public Prosecutions could show mercy. Leaving aside that women need rights, rather than charity, and that the mother and baby homes were considered mercy in their time, this is not at the discretion of the policing service in many cases. If we think about the difficult cases, including cases of child abuse and rape, if we retain Article 40.3.3°, nothing can be done to assist women, girls or children in such circumstances. Furthermore, the existing provision may well prove a deterrent to pregnant women and girls who have experienced rape or suffered child abuse because the very fact of placing themselves in the legal sphere could potentially bring them under threat of criminality. We can speak about cases of fatal foetal abnormality and real, concrete cases of women who face phenomenal and catastrophic health consequences, including permanent disability, blindness which has been discussed, a risk of brain haemorrhage and complications in their cancer treatment. Doctors and medics have made it clear that such cases cannot currently be addressed. If we vote to retain Article 40.3.3° and vote to say we should not have a referendum on it, and Members can choose to do so, I ask them to be honest. I ask them, please, not to have conversations with people and talk about hard cases and how in certain circumstances they would feel differently, because they will have sacrificed any possibility of engaging with those situations.

What we have seen in the committee and in what is put forward by the legislation is those who are willing to grapple and engage with the realities. To be very clear, when we again talk about clarity, caution, concerns and reassurance, what we will vote on is not the legislation. We will vote on the possibility of having a way to act in these circumstances and situations. It is important to note, however, that the proposals put forward through the Oireachtas have been carefully moderated and considered. The proposals put forward by the Citizens' Assembly were moderated by the committee. More conservative proposals were put forward by the committee than by the Citizens' Assembly. The proposals put forward in the draft legislation by the Minister are in fact more constrained and more limited again than the proposals put forward by the committee. The political body, elected by the people, responsible and answering to the

people, has had a say in the nuance of this legislation. It has been reflected and people have stepped up to their responsibility, recognising that since women and doctors are making hard decisions, we as legislators need to make hard, careful and considered decisions.

Many measures that have been introduced in the legislation by the Government indicate a very high degree of caution and address the concerns that have been raised by the other side. Examples include the introduction of viability testing and specific protections for a viable foetus, the particular constraints in terms of health issues, and the fact that the committee disagreed with the Citizens' Assembly and explicitly excluded health grounds alone in terms of access to terminations. I may not like some of those decisions, but I respect them and recognise that there is a mandate for them and that they have moved through these Houses in that way. That is the real work of putting things forward.

If some Members do not like the proposal for 12 weeks, despite the clear evidence that has been put forward about how it engages with the issue of medical abortion and tablets, how it deals with the important issue of addressing situations of rape - we have seen again how hard it is to prove rape in Ireland - abuse or incest, and despite the fact that it has been shown to lower the number of terminations in other countries, then those Members are free to put forward their own legislative proposals. They can go to the people and ask them to vote for them and elect them to put forward their legislative proposals, because that is the proper process. It is very disingenuous of those to have been saying this is the last chance, this is the only protection, and this is the only measure. They, as legislators, are in a position to put forward more conservative proposals and to test the public's will on that if they so wish. That is their prerogative.

Not only is there legislative space to do these other things that have been discussed, to have more nuanced or detailed proposals, if that is what some Senators claim that they want, but there is another thing that they can do which would show that the repeal of the eighth amendment would not be the end of any discussion or protection. They can also talk to women. That is an option that will remain open to them. They can have conversations with women. They can talk about how they can better support women in their choices, how they can give them more options, and how can they make sure there are better lone parent supports. As I have said before, there has often been an absence in this House when we have debated those issues of child care and support for lone parents or for those with a disability. Those Senators should be willing and show that they are willing to do the work in conversation with women around their options and choices. That is an option that remains to them, and the Constitution is neither the only nor even the most appropriate way to communicate with women on the decisions they have to make.

We have heard that a vote in favour of this Bill to repeal the eighth amendment is a vote for the unknown. I respectfully suggest that a vote to retain the eighth amendment, or Article 40.3.3°, is a vote for the unknown, the conveniently unknown, where we do not have to know about what is happening to women, where we silence them, and where we ensure that we are not given inconvenient information about the hard and difficult circumstances people face. One of the most striking posters I saw on a march relating to this issue was a young woman's which read, "My silence, your comfort." If we retain Article 40.3.3°, we tell women to be quiet, that we do not want to hear about these circumstances anymore, and that they are potentially criminals, and we silence them and go right back into the invisibility, the silence and the unknown which we have relied on as a country for far too many decades.

Senator Ned O'Sullivan: I commend the Acting Chairman on his flexible approach to this

debate.

Acting Chairman (Senator Gerry Horkan): I thank the Senator.

Senator Ned O’Sullivan: I had said that I was going to make a point of order because we are making Second Stage speeches.

Acting Chairman (Senator Gerry Horkan): I have tried to be fair to everybody.

Senator Ned O’Sullivan: Yes, and the Acting Chairman has taken the right decision. It has been quite illuminating, the debate has been of the highest standard, and there have been some excellent speeches, not least the one made by the preceding speaker, Senator Higgins. The contribution by Senator McDowell is possibly the best speech I have heard in this House in my time here. It was a privilege to listen to it. I hope the Senator will be able to disseminate that speech during the course of the subsequent debate when this matter goes to the people. It would have a very large bearing on people’s opinions.

I will be brief but I will make a kind of a half Second Stage speech because there were many things I wanted to say yesterday. I had ten minutes and I used them up.

Acting Chairman (Senator Gerry Horkan): The Senator would not be the only one.

Senator Ned O’Sullivan: No. The eighth amendment was inserted into the Constitution in 1983. That was a different time, a different world and a different Ireland. Just ten years prior to that, in 1973, the then coalition Government moved a proposal called the constitutional right to privacy Bill, or something like that, which was to give a tiny modicum of - the least - access to contraception to married couples. It was the first ever move to take the law and the bishops out of our bedrooms. It was defeated because it was opposed by the then Taoiseach, Liam Cosgrave, and a senior Cabinet Member, Dick Burke. How courageous then, on reflection, was the great Jack Lynch, if I can call him that? I believe he was great. Jack Lynch moved the amendment to take away the special privileges and position of the Catholic Church in the Constitution and it was carried well. On reflection, was that not great? I think it was Charlie Haughey who finally got some form of contraception legalised. I think it was the famous Irish solution to an Irish problem.

Senator David Norris: What an insult to Ireland.

Senator Ned O’Sullivan: It was a step forward. One could avail of contraception if one was married and had a doctor’s prescription. I am just putting that out there to show the Ireland that gave rise to the eighth amendment. I was alive then, I voted then, and to be honest, I cannot remember how I voted. I suspect that I voted against it but I cannot be certain. That was foisted on the people by a strong, tenacious core group who wanted to get that in and use their leverage, as they were entitled to, in the course of a general election. They had the leaders of Fine Gael and Fianna Fáil competing with each other to lick up to them, and that is how it appeared.

Many people voted for it because it sounded reasonably good. It has a nice ring to it: “as far as practicable”, and all that. I can see why people bought into it. However, when it comes to closer analysis, we have just heard a forensic, coherent argument from Senator McDowell particularly in which he went to the nub of it as to how people can say that a recently implanted ovum is a person in the very same way as a 20 year old or a 40 year old, or in the very same way is equal to its mother. The point I am trying to make is that the world has changed. People

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are changing. Those under the age of 53 have never been given an opportunity to have a say on this fundamental matter, which is the major social and health issue of our time. It is high time we afforded such an opportunity to them. Senators should not forget that this is what we are here to talk about. The question before the House is, “That section 1 stand part of the Bill”, and I certainly hope it will stand. There will be lots of time to debate this between now and 25 May. I am not anticipating the date, but the newspapers are telling us that everyone will have an opportunity to express their views on the eighth amendment on 25 May.

Senator Martin Conway: Perhaps the Minister will confirm that today.

Senator Ned O’Sullivan: Quite simply, the eighth amendment is not fit for purpose, as subsequent referendums have shown, and it needs to be taken out. If we have to tinker with it, go around it, work through it and turn it upside down for the rest of our lives, the Constitution will never be at peace. This is an opportunity to take out what should never have been put in in the first place. The people will decide.

Senator Martin Conway: Well said.

Senator Ned O’Sullivan: That is the wonderful thing about a republic and a democracy. I do not know what the people will choose to do. I believe I am the only one of the eight Oireachtas Members from County Kerry who is voting for this Bill-----

Senator David Norris: Good man.

Senator Ned O’Sullivan: -----and will vote “Yes” the next day.

Senator Pádraig Mac Lochlainn: What about Deputy Martin Ferris?

Senator Ned O’Sullivan: That does not mean there is a 7:1 majority against repeal in the Kingdom of Kerry.

Senator Catherine Noone: Good for you.

Senator Ned O’Sullivan: I assure the House that I have detected a very significant change in the feedback I have been getting. When I showed my hand at the Joint Committee on the Eighth Amendment of the Constitution, I got some horror mail and some obnoxious stuff was said on Facebook and Twitter.

Senator Catherine Noone: It passes, though.

Senator Ned O’Sullivan: I was told I was a “baby murderer”. My picture was put up with a picture of the Black and Tans with a caption asking what the difference is. I am not boasting and I never do, but the irony of it is that I have a chestful of War of Independence medals that I inherited from my granduncles. I know for a fact that the antecedents of some of the people who put this stuff on Facebook made tea for the Black and Tans. That is true. A bit of humour is no harm.

This is a difficult issue. I respect everyone’s point of view. It has been a very reasoned debate so far. I pray and hope that continues out into the country. I believe I am on the right side of the debate. I believe those of us who intend to vote “Yes” are on the right side of history, and that is where I would prefer to be.

Acting Chairman (Senator Gerry Horkan): I thank Senator O’Sullivan for his compli-

ments. I think my latitude is shown to bear fruit when I hear such comments.

Senator Tim Lombard: This is my first time to speak on this issue. As those who know me will be aware, I have been very conflicted on this issue for an awful long time. I was a councillor in Cork three or four years ago when this issue was considered by a previous committee, which was chaired by Senator Buttimer. I listened to almost every word spoken during the committee's meetings. Last year, I spent most Tuesdays in my office watching the witnesses come before the Joint Committee on the Eighth Amendment of the Constitution. This has been a very informative debate. I compliment the Members of this House for being so respectful to one another. I think that has to happen. In recent weeks, I spoke to my mother about the 1983 debate and how vicious and inappropriate it was. I hope we will not go back to the 1983 standard of debate. I hope we have moved on as a society. My colleague from County Kerry has spoken about vicious Facebook posts. I really hope that does not happen. That kind of campaigning does nothing for nobody.

I have listened to many of the contributions that have been made by Senators on both sides of the debate. I respect everyone's views in so many ways. People's views on this issue of conscience are informed by where they have been and what they have seen in life. Personally, the older I get, the more conservative I am getting. Ten years ago, I would not have flinched on this issue. Ten years on, I have four kids. I have gone through processes and I have seen things. I have been involved in life. I have seen scans that I did not think were going to happen, but did happen. Life has changed me. That is why I am so conflicted by this debate.

I voted for the referendum last night because I believe it should happen. I believe the people need to have a say on this matter. I was seven years of age in 1983, which was the last time the people had a say on it. I have a brother and a sister who were not even born when that happened. They deserve to have a say on this. Their views differ from mine, but they deserve to have a say. I think the people need to come forward to lead this debate. I am looking forward to a respectful debate in the coming weeks and months, regardless of what comes from it. The Minister is going to publish the legislation prior to the referendum. Who am I to stand against what the people vote for in the referendum? I might not agree with what they have voted for, but I am sitting here as a Senator and not as a citizen. As a legislator, I will have to support what the people have said.

I have a deep issue with the 12-week proposal. We went in for a scan at six and a half or seven weeks expecting bad news, but instead we got the unbelievable news that we were expecting twins. That has stayed with me, changed me and made me a different person. It has made me sit up at night to think about this vote and about what I would say tonight. I was humming and hawing on whether I would contribute to this debate before I realised I needed to get it out there, to talk and to tell the Seanad what my view is. My clear view is that the people need to decide. It has to be a respectful debate. I will legislate for whatever the people decide. When I cast my vote in the referendum, I might not vote in the same way as the Minister, Deputy Harris. When I am voting in this Chamber, I will do what the people want. That is my view on this issue. I believe the people have due power and due say over the Constitution.

Senator Colette Kelleher: I have a lot to say on this subject, but I will be brief. There are people of conviction in this House today. They are good people. They are people I work with and respect. It is clear from listening to the debate over recent times that these people of conviction oppose abortion for any woman in any circumstances, anywhere and anytime. I fundamentally disagree with that. My life has taught me that. During a debate in this House in

January, I referred to Nuala O'Faolain's statement that abortion is not in anybody's utopia. I do not speak for abortion as somebody who thinks it is a wonderful thing for somebody to have to try to decide to do because it really is not. It is one of the toughest decisions that any woman has to make. I believe we should be able to make such a decision. We should be trusted to do so.

Senator McDowell mentioned the case of a young woman in the North who bought and took abortion medication and was reported to the PSNI by her flatmates. They might be considered people of conviction, but in line with my worldview I would call them extremists. They were probably good people and were acting in good faith. The woman was given a three-month prison sentence, suspended for one year, in Belfast Crown Court. We have heard of another unfortunate decision made in Belfast Crown Court today. The case to which Senator McDowell referred did not happen in the dark days of the 1980s - it happened in 2016, which was just two years ago. Would people of such extreme conviction go further if they were emboldened by an unthinkable "No" vote in May? Would people who are against abortion for any woman, anywhere in the world and for any reason, report women in the South who buy abortion pills online and have them sentenced and sent to jail? As Senator McDowell has said, that would be the logic and the law. Would they again start pushing for a reversal of the right to travel and information, which, again, put a shot across the eighth amendment's bow, as Senator McDowell noted? Would they start pushing for random pregnancy testing of women of child-bearing age at ports and airports? That is the logic of those who would have us keep the eighth amendment. Let us not be in any doubt about that. Keeping the eighth amendment is not mainstream and is not moderate. It is extreme, harsh and out of kilter with real women's lives. Therefore, I am absolutely in favour of changing this very harsh measure in place in our country. It is judgmental, controlling, unkind and very dangerous. We can move to a kinder, better and more compassionate place and I hope we do.

Senator Martin Conway: I welcome the Minister to the House. It is appropriate that we would acknowledge the very careful consideration he has given in his preparatory work for what is probably the biggest social question we will face for a generation. I said last night and I reiterate today that I believe the referendum should happen because the ultimate democracy is the Irish people through a referendum. I fundamentally believe that the Constitution is the wrong place to deal with a health issue such as abortion. We are the only country in the world that has an amendment like this enshrined in its Constitution. No conservative country has it, no liberal country has it, no mature country has it, no modern country has it and no compassionate country has it. No country that has a regard for women would have such a thing in its constitution. I do not think it is right and fair and I do not think it should be allowed. I appeal to the Irish people to go out on 25 May or whenever it is and vote to take this out of the Constitution.

People talk about 12 weeks. To be fair to the committee, which was charged with coming up with recommendations on this, it looked very carefully at the various options. The problem with 12 weeks is quite simple. People can now import medication to have an abortion. Until the Internet became fashionable, we exported the problem. Not alone are we exporting it, we are also importing it. I appeal to people to let this referendum go ahead, pass this Bill today in the Seanad and then go out and campaign. As I said yesterday, I respect people on both sides who have deeply held views and who are showing leadership on this. The side I am supporting wants to remove the eighth amendment from the Constitution in the first instance because that is a question. It is not about 12 weeks, nine weeks or any number of weeks. It is a very simple proposition. Do we believe having an amendment in the Constitution about abortion is right or wrong? That is the simple question citizens and the people watching this today must ask them-

selves. I have no doubt that the legislation will be debated with the same compassion, empathy and consideration in both Houses post-referendum if the people decide to remove the eighth amendment. If the people decide not to remove it, the situation in this country will continue as is. The Protection of Life During Pregnancy Act will be the fallback position. There will be no legislation so if somebody is raped and wants to have an abortion, she will either have to import the medication through the Internet or travel to England for an abortion. If people find that they are carrying a child with fatal foetal abnormalities, the same will apply. The situation will not change. This question will not be visited again for 15 to 20 years at minimum so the Irish people must ask themselves a very serious question. It is not about 12 weeks, nine weeks or anything else. The question is simple. It is whether we believe this serious health issue should be dealt with in the Constitution. Is it appropriate or not? It is very important that during the course of the debate, we keep the lines clear in terms of what the message is.

Assuming the Bill is passed and we have a referendum, a referendum commission needs to be set up. However, the Government will probably have to give it a further brief in terms of dealing with social media. Senator Ned O'Sullivan spoke earlier about some of the stuff about him that went up on social media. This needs to be regulated. I do not know how we can do it or if there is any way of doing it but I believe we must try to manage social media. We will not have the type of long-term safeguards in place that we would like to have because that is a much bigger discussion but for the specific time bubble of the referendum between now and 25 May, there must be some sort of management and control of social media. I thank the Acting Chairman for the opportunity to speak on Committee Stage.

Senator Brian Ó Domhnaill: The debate has been very conciliatory and informed. I fully respect every opinion that has been expressed here from both sides of this very sensitive argument. It is important that we go forward from here respecting each other's views and opinions and not castigating those who may wish to retain the eighth amendment as being somehow antiquated or old because nothing could be further from the truth. In my humble opinion, the Constitution has stood this country well since 1937 and it has given rights to the people such as the right to personal liberty, the right to freedom of expression, the right to freedom of assembly, the right to privacy and the right to life. Which of those rights is more important than the other? Would the right to life be less important than the right to privacy? Is the right to life less important than the right to freedom of expression? Is the right to life less important than the right to freedom of assembly? In my humble opinion the answer is "No" and, therefore, I stand to retain the eighth amendment and the protection of the right to life. It is as simple as that. I am not coming from any religious background trying to argue something on behalf of any organisation outside these Houses. I am coming here with my own firm opinion that we should retain that very unique protection of human life whether it is born or unborn. For me, there is no difference because we were all there at one stage of our human existence whether we were the size of a fingernail or thumb, moving our eyelid in the womb or otherwise because to argue otherwise would be to say that a person who is 6 ft has more rights than someone who is 3 ft 5 in. We cannot argue on the size of someone's being. We cannot say that a Kenyan athlete is faster than an American athlete because he is smaller. We cannot argue about human life on that basis. Some would have us believe that we can. I do not subscribe to that.

The committee's recommendations are to relinquish the right to life in the Constitution and replace it with something else.

I applaud the Chairman of the committee on the manner in which she conducted it. How-

ever, I fundamentally disagree with the recommendations and some of the workings of the committee. However, I respect the work it did, which was not easy at times. It is said that the political leadership of all the parties subscribed to those recommendations, and maybe they do. However, I can assure people that the vast majority of the Deputies and Senators in Fianna Fáil, whom I have observed, have expressed their opposition to repealing the eighth, as have the majority of Fianna Fáil councillors. The Fianna Fáil membership who attended the party's Ard-Fheis in Dublin last October did the same. Therefore, it is incorrect to say the membership of Fianna Fáil supports repeal.

I remain hopeful that the people will vote to protect life and retain the concept of the right to life in the Constitution. If not, new legislation will be introduced. I understand a Bill has been published but I have not seen it. I presume a regulatory impact analysis of the proposed costs associated with carrying out abortions in hospitals funded by Irish taxpayers is attached to the Bill. If not, then something is wrong. I am interested in hearing from the Minister whether the Department carried out an analysis of the associated costs. As taxpayers will vote in the referendum, they have the right to know the results of any economic or regulatory analysis.

Abortion has economic consequences. Very often such arguments are not presented and, to be honest, I do not want to mention them today. There are fundamental economic arguments concerning abortion, and I mean on both sides of the argument. One of greatest arguments against abortion is the issue of fertility rates and the impact that has on a country's economy. In America, as a result of *Roe v. Wade*, the fertility rate fell by 5% and by as much as 12% among socially deprived populations such as African Americans. That has had an impact on the number of consumers and on purchasing power and has had a negative impact on pensions. We know what is coming down the tracks in this country in the years to come as there will be fewer workers but more pensioners. Who will pay tax to fund those pensions? The economic implications of this legislation are not often discussed because very often we talk in the moral realm. That is fine but there are economic consequences to introducing this legislation.

The state of Texas conducted a study on a change in legislation to make the provision of abortion or terminations less available in publicly funded hospitals. On 1 January 2004, the new law was introduced. As a result, the number of abortions performed in Texas dropped by 88%, from 3,642 abortions in 2003 to 444 abortions in 2014. However, the number of residents who left the state to procure an abortion almost quadrupled. The number of such people increased from 187 in 2003 to 736 in 2004. These facts may play to the argument put forward by people who want repeal. The fact remains that there were 2,460 fewer abortions with the more restrictive regime than there were with the liberal regime. That fact proves that liberalising the availability of abortion in a state creates a natural demand. That has an impact on a country's fertility rates which in turn will have a huge impact on an economy. I say so as an economist. Did the Department conduct a regulatory impact analysis on this question in addition to the costs of the procedures?

People who are anti-abortion will fund abortion services in Irish hospitals if we follow through on the proposals made by the Government. That is a debate for another day but it will take place. There are ramifications and unintended consequences to what is being proposed. These matters have not been properly debated in these Houses, although maybe they have been at the committee, because there is a rush to push this through, which is wrong. We should have the opportunity to properly debate these matters. I am not trying to undermine the work of the committee but I was not a member of it and, therefore, I did not have an opportunity to debate these matters like the committee members. Other things could have been said.

Senator David Norris: The Senator could have attended the committee meetings and spoken.

Senator Brian Ó Domhnaill: That is all I wanted to add. I am interested in hearing the Minister's response to my questions.

Visit of American Delegation

Acting Chairman (Senator Gerry Horkan): I welcome officials from the office of the Mayor of Chicago to the Visitors Gallery. They are accompanied by Mr. Brian O'Brien, who is the consul general at the Irish Consulate in Chicago. Mr. Rahm Emanuel, the Mayor of Chicago, is visiting Dublin and Galway. On my behalf, and that of my colleagues in Seanad Éireann, I extend a very warm welcome to them and wish them a very successful visit. Senator Billy Lawless has great connections with Chicago.

Senator Billy Lawless: Yes.

Acting Chairman (Senator Gerry Horkan): I am sure many of the visiting delegation are familiar with the Senator. Last week, I visited Chicago for the very first time and had a very nice time. I welcome the delegation and hope they have a lovely visit.

Senator David Norris: Hear, hear.

Senator Ned O'Sullivan: Hear, hear.

An Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018: Céim an Choiste (Atógáil) agus na Céimeanna a bheidh Fágtha

Thirty-sixth Amendment of the Constitution Bill 2018: Committee Stage (Resumed) and Remaining Stages

ALT 1

SECTION 1

Atairgeadh an cheist: "Go bhfanfaidh alt 1 mar chuid den Bhille."

Question again proposed: "That section 1 stand part of the Bill."

Acting Chairman (Senator Gerry Horkan): As far as I am aware, Senator Dolan is the final speaker.

Senator John Dolan: In the middle of January, I had the privilege to speak on this matter when we had statements and I spoke last night during the Second Stage debate. As a new parliamentarian, I am reminded of the famous words spoken by St. Augustine: "Lord make me virtuous, but not yet." We, as parliamentarians, are in the very privileged position of having an opportunity to discuss this matter. This is the real grit. This is one of that family of core issues that parliamentarians in a democracy have the honour and privilege to debate.

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Our primary objective, as parliamentarians, is to make decisions that respect and honour the common good. Parliamentarians are required to distinguish between the decision they make at the ballot box and the decisions they make here as elected Members of Parliament. I may have to say I agree with something that I consider to be distasteful or offensive.

Let us discuss the 12 weeks issue. There is no one in the name of humanity, God, Buddha, Allah or anybody else who thinks trying to draw a line after so many days or weeks is something on which one tosses a coin. It is an horrendously difficult thing. Am I happy that we have to debate this matter? I do not think anybody is happy that we must do so. One hundred years ago surgeons could only work with the instruments that were available but they can do more now, thankfully, through improved science, technology, health care, etc. One can only work with the instruments one has and the knowledge one has. Us folk have the honour and the angst of finishing up to make core decisions. I am absolutely clear that the 12 week business is not a routine, simple matter of whether it will be 11, 12 or 13. It had to be brought down, and if the science had been otherwise, maybe that would be different, and I am sure it will be different in the future. We have to make decisions that, as I said, respect the common good.

Last night I finished by talking about compassion and I was thinking then very strongly about compassion for women and families. However, as was said somewhere else, having reflected overnight and again this morning, and having listened to very moving and sincere presentations made here, I think we also have to have compassion for each other. There is no one here who finds this easy and routine. I feel it in my gut that there are people here who are absolutely struggling and finding it very difficult, and I am not looking at one side or the other. In that sense, we need to be a little soft with each other.

In the early decades of this State women were being brought before the courts and charged, as I understand it, with murder. We brought in legislation, the Infanticide Act 1949, which softened that and it became the crime of infanticide. This was because it stuck in the craw of the barristers, judges, juries and other people that a young girl or some unfortunate woman from Roscommon, Kerry or the Liberties found herself in that situation. There were women charged with murder where no body was presented. We thought we were, and in a sense we were, improving the situation by having an Infanticide Act. We have come a long way since then but, at the end of the day, it still comes down to people having lit their candle, or doing whatever they do before they make a big decision, and reflecting and asking what they understand, having listened to the arguments. As I mentioned in January and again last night, we have tools and instruments now that we did not have to inform us 35 years ago, such as the Citizens' Assembly and the all-party group, and we will have the referendum commission and all of these things, and we have the experience of those 35 years.

Minister for Health (Deputy Simon Harris): I thank all of the Senators for contributing to the debate. It was a somewhat unorthodox Committee Stage exchange but a very worthwhile one. I certainly appreciated all of the contributions and the insights people provided. I will endeavour to give some reflections on the thoughts I have been having as I have been listening to these exchanges. I note there are only three parts to the Bill - the Schedule, which was agreed before we commenced section 1, and the remaining section after this is simply the name of the Bill. Therefore, I presume this will be the last substantive contribution many of us will have a chance to make before, we hope, this Bill leaves the Oireachtas and allows the people to have their say in this regard.

I am particularly struck by the Members who have come here today as legislators and who

have suggested there was a better wording, a different set of words they could have proposed, or a different set of circumstances of which they could have been supportive, but who have not tabled one amendment. This is not somewhere we come just to have a chat. This is a legislative Chamber and this is Committee Stage. What we do with the Bill on Committee Stage is that people have a chance to make amendments. If people do not like the wording or the proposition, they have a right to suggest alternative wording. If people think it is going too far, although I am not sure how one quantifies that, they have a right to put down more restrictive provisions. If people think the Government should, must or could do something before this Bill goes to the people, they have had a chance to table amendments stipulating that reality as well.

To the people in this Chamber and the people in Ireland who have a very consistent view that they do not wish to see any change, I fundamentally disagree with them but I respect their position. To the people who share my view that this is the best way of addressing a very complex and sensitive issue, I look forward to campaigning with them and persuading the people of why we need to do this. To the people in the middle, the people who said they would have liked to have supported something but they cannot support this wording, who would have liked to have done something for fatal foetal abnormalities, or even who would have liked to have done something to make it a little bit more clear for clinicians, as one Senator said, where are their proposals to bring that about? I have now sat through quite a long period of time on Committee Stage in the Seanad, and it has been a pleasure and honour to be here, but I have not received any amendments or proposals. I did the same in the Dáil and I did not receive any amendments or proposals. It is very easy to criticise a proposal. It is very easy to say there is a better idea or a better way but not say what that is. This is something we need to bear in mind.

I would imagine, respectfully, the reason people have not come up with alternative proposals is that it is not very easy to come up with alternative proposals. The Oireachtas committee, on a cross-party basis, sat in a room in these Houses for many months, hearing expert opinion and teasing through all the issues. Many people went into that room not thinking they would come out with the 12 week proposal. Many went into that room wanting very limited change. Some went into the room not wanting any change and some had different views. However, they followed the evidence, and I think that is a credit to the work they did, regardless of the party flag or otherwise that they wear outside of dealing with such sensitive issues. That is a reflection I have. To those who say there is a better way, I say show me. Quite frankly, Seanad Éireann has not produced any amendments to show a better way, and that should be a matter on the record of this House. For people who look back on this debate in years to come, they should note that not one Senator came up with an alternative set of proposals and put forward an amendment to that effect here, nor, by the way, did that happen in Dáil Éireann.

The second issue I want to reflect on is that this has been a respectful debate. Nonetheless, people sometimes tweet me and say I am the Minister for Health so I should be very respectful. I will always be very respectful. However, there is a very big difference between being respectful and campaigning. I will campaign respectfully for the repeal of the eighth amendment. There is a difference between being respectful and being silent.

What I do want to say, because I believe it very strongly, is that for far too long when it has come to societal issues, people have got away with saying something in the heat of a campaign, if one likes, and then not having to back it up when it does not prove true. I was making a little list of some examples while I was sitting here for the last while. When the Protection of Life During Pregnancy Bill was debated in this House and special committee hearings were held in the permanent Seanad Chamber, with experts, clinicians, lawyers and lots of other people in to

talk to us, people stood up and used terribly crude phrases such as, “The floodgates will open”. Those sorts of phrases are on the record of that committee. While I do not have the exact wording in front of me, words to the effect that women will fake being suicidal was the sentiment expressed by many. Now that the Protection of Life During Pregnancy Act is the law of the land, now that annual reports have been laid in front of the Oireachtas and now that this has not happened, does anybody want to say, “Sorry, I got that wrong”?

Another societal issue that we dealt with by way of referendum was the divorce campaign. I was a child and I remember being in the car with my parents and asking them what those posters were about. Members might remember them, the ones that said “Hello Divorce, Goodbye Daddy”, the ones that told us we were going to destroy Irish families, the ones that told us kids were not going to see their dads ever again and that Ireland was going to have really high divorce rates. On Friday, 13 October 2017, Patsy McGarry’s article in *The Irish Times* showed the divorce rates for this country being at 0.6% compared with 1.9% for the UK and 2.2% for the USA, and among the lowest in the world. Some of the same people have been involved in the two campaigns, and it is funny how that happens. They said we were going to have this “Hello Divorce, Goodbye Daddy” regime. Do they now want to apologise and say they got that wrong, and sorry about that? What about the ones who said these things during the children’s rights referendum? Again, I have to point out that many of these people are the same people who pop up from time to time in each of these campaigns. What about the people who, during the children’s rights referendum when we thought it would be a good idea that our children should have rights in our Constitution, said the State will come in and snatch our children in the middle of the night? They said parents who are under pressure will have their kids taken off them. I think we all know that has not happened. Do they want to say they are sorry and that they got it wrong? What about the former Member of this House who decided marriage equality could end in an end of, or a ban on, Mother’s Day? Does she now wish to apologise for her tweet in March 2015?

I am sick and tired of people-----

Acting Chairman (Senator Gerry Horkan): The Minister should not refer to people who are not here to defend themselves.

Senator David Norris: The Minister did not name her.

Deputy Simon Harris: I did not name here but she was a Member-----

Acting Chairman (Senator Gerry Horkan): The Minister made the person identifiable.

Deputy Simon Harris: She is very identifiable.

Senator David Norris: She is in the restaurant as we speak.

Deputy Simon Harris: There is a very serious point here and it is not about individuals. When we have referendum campaigns or debates in the House on social issues, people make accusations. When the social issues get progressed and the accusations turn out not to be true, no one ever goes back to an RTÉ studio or the Chamber and asks the person if he or she remembers what he or she said previously. I am worried that some of the same sort of accusations are being made on the proposals we will hopefully put to the people. I want that recorded in the House. I will be holding people to account for the statements they make. I look forward to having an opportunity to debate with them on it.

I agree with Senator Clifford-Lee who made the point very eloquently last night and again this afternoon about the importance of supports for women in crisis pregnancies. I genuinely believe the set of proposals we published yesterday as a response to the cross-party committee's report - this is a cross-party issue - is the most holistic and comprehensive package of supports that has been announced in this area in a very long time. I have listened to Senators who are around a lot longer than me talking about bans on contraception or getting contraception, if one is married, via prescription. Yesterday we talked about bringing in free contraception, providing barrier contraception, having a women's sexual health group and significantly advancing things like counselling, perinatal hospice care, obstetric care and safer sex public advertisement campaigns and sex education in our schools. The Senator makes a very interesting and important point. I hope those whom we respect but disagree with who wish to retain the eighth amendment will join the Senator in her continued advocacy in this area. It should be a cause of concern to all of us that there are some people who seem to want to retain the eighth amendment but do not wish to talk about how to reduce the number of crisis pregnancies through contraception, sex education and better supports in our maternity services.

I thank Senator McDowell. It was an honour and privilege to hear him, as a former Attorney General, as a senior counsel and a former Cabinet Minister give a real insight into the legal issues and barriers presented by the eighth amendment. We have heard a lot from doctors, which is welcome. I hope we will continue to hear from doctors. We have heard of the very significant medical challenges and problems that the eighth amendment causes. That is why I have been advocating for change on those grounds. It is really important as the campaign progresses that we get to hear the legal challenges it poses for women in the country. We all know of the devastating case of a woman effectively decomposing and a doctor and nurses having to help apply make-up to her face to present her in a more compassionate way to her children when they visited her in hospital. They are the legal but very personal difficulties and pain caused by the eighth amendment. I thank the Senator for his contribution. I hope it is widely read and heard.

Senator Leyden made the point that hard cases make bad law. It is a phrase we are all very familiar with. I would argue that bad law can make hard cases. By not facing up to realities and putting in place a proper legal framework, by not addressing it in the Houses of the Oireachtas and by confining it to a line or two in our Constitution, we have dealt with it in a very black and white way and have not dealt with the complexities of the issue. By doing so, we have taken people who are in really tragic and difficult circumstances and have added to their pain and suffering. Bad law can make hard cases. It does not only work the other way around.

A number of people talked about the abortion pill. It might have been convenient to think that abortion took place "over there" in a foreign country, which is a reality for Irish women, but it also takes place here in this country through the abortion pill. Senator McDowell outlined the criminal risk, as did Senator Higgins, to Irish women. There is also a very real medical risk. I have met with masters in maternity hospitals who have outlined the risks to me and will outline them to all the people of the country. They are not people who should be defined as pro-life or pro-choice. They are people who run our maternity hospitals and who are responsible for our women and their babies. They are extremely worried about the presentations they see in their emergency departments of people who have wrongly taken the abortion pill and taken it without medical supervision. They know the impact it is having on women's health. As we are discussing this in the luxury of this setting, it is a reality for women presenting in our maternity hospitals today.

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I will pick up on a point Senator Noone made. I will not get involved in individual party politics or the business of internal matters of any political party. I have been around long enough to work out that is not a good idea. I am very happy for people to call these Government proposals. They have come through the Government and been published by the Government. They did not just drop on the table of Government. They are proposals that have been supported by the leaders of all political parties in Dáil Éireann and by the health spokespeople of all political parties in Dáil Éireann. When people talk about the Government as a minority Government it is absolutely a statement of fact. I presume if Deputy Micheál Martin was the Taoiseach and Deputy Billy Kelleher was the Minister for Health, considering they have outlined their support for these proposals, they would be going down a similar route. I do not say that to be partisan; I say it to try to provide assurance to the Irish people that the people who hold office now or who would like to hold office have a similar view on this because we have all examined the issue. I thank and commend the courage of political leaders in all parties and the health spokespeople I have the honour of working with on this matter.

I will clarify for the record of the House that the general scheme of the legislation has been published. It is available for all to view on the Department of Health's website. I hope it will help to inform public debate. We have a duty as a Government and Oireachtas to have it there to help inform the debate. I echo the point that was made earlier in the debate by Senator Bacik that if the people vote "Yes", the Bill will go through the same level of rigorous Oireachtas scrutiny, pre-legislative scrutiny and hearings that all other legislation goes through.

Senator Leyden said he had great sympathy for the obstetricians and gynaecologists and that we should provide them with guidelines and clarification about the eighth amendment and how it really works. In meeting representatives of the Institute of Obstetricians and Gynaecologists and meeting the masters of our maternity hospitals, I know that what they certainly do not want from politicians is sympathy. What they really want is for us to do our job. We should not suggest there is some nice glossy document we could publish with the Department of Health logo, that would in any way help a rape victim in this country who finds herself pregnant, that would in any way help a family experiencing a pregnancy with a fatal foetal abnormality, that would in any way help to make it safer under the eighth amendment for a person to take an abortion pill in this country or that would in any way reduce the exodus of Irish women from our country abroad.

I will make a final point and then sit down. I struggle as someone who was not around at the time to get my head around the issue of how the Irish people voted for the right to travel. I understand it was a very different time and was probably done for good reasons and probably from a sense of humanity. It seems like an alien, bizarre and somewhat hypocritical concept - people were against abortion but only against it here. They were okay with it being outsourced once it is done over there. If it was men's health care we were outsourcing abroad, would we have dealt with this issue an awful lot more quickly? I do not accept it is just a woman's issue because those of us who are men have a duty to challenge ourselves and ask what we would like to happen by way of support if it was our wife, mother, daughter, sister or loved one. If this little island of ours was in the middle of the Pacific Ocean with no near geographic neighbour, we would not have been able to ignore this issue for all these years. The word "luxury" is insulting to those who had to travel but we would not have the political convenience of turning a blind eye and saying abortion does not happen in Ireland but that it does happen to Irish women. It will continue to happen to Irish women. It happened before the eighth amendment and it will happen after the eighth amendment. The only difference is it will happen safely, in a way that is

compassionate and regulated and in a way which a woman will have the support of her doctor.

Acting Chairman (Senator Gerry Horkan): I thank the Minister for his contribution. Before I put the question, I would like to thank all 21 Senators. I acknowledge that it ended up being a case of Second Stage coming into Committee Stage but I think I tried to treat everybody fairly and allowed everybody as much time as they wanted. Some people spoke for up to 26 minutes and others made a contribution of about two minutes.

Senator David Norris: Some made none.

Acting Chairman (Senator Gerry Horkan): And some made none, Senator Norris. Everybody is equally as valued as everybody else.

Senator Catherine Noone: There is a first time for everything.

Senator Marie-Louise O'Donnell: And some who listened to everything that was said.

Acting Chairman (Senator Gerry Horkan): Indeed, Senator O'Donnell. I thank everybody for their latitude with me and equally the latitude that I gave everybody. We have a number of questions. The Schedule has already been agreed.

Cuireadh an cheist.

Question put:

| The Committee divided: Tá, 39; Níl, 8. | |
|--|---------------------|
| Tá | Níl |
| Ardagh, Catherine. | Coghlan, Paul. |
| Bacik, Ivana. | Daly, Paul. |
| Black, Frances. | Davitt, Aidan. |
| Burke, Colm. | Gallagher, Robbie. |
| Burke, Paddy. | Horkan, Gerry. |
| Butler, Ray. | Mullen, Rónán. |
| Buttimer, Jerry. | Ó Domhnaill, Brian. |
| Byrne, Maria. | Wilson, Diarmuid. |
| Clifford-Lee, Lorraine. | |
| Coffey, Paudie. | |
| Conway-Walsh, Rose. | |
| Conway, Martin. | |
| Daly, Mark. | |
| Devine, Máire. | |
| Dolan, John. | |
| Feighan, Frank. | |
| Gavan, Paul. | |
| Higgins, Alice-Mary. | |
| Hopkins, Maura. | |
| Humphreys, Kevin. | |
| Kelleher, Colette. | |

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|--------------------------|--|
| Lawless, Billy. | |
| Lombard, Tim. | |
| Mac Lochlainn, Pádraig. | |
| McDowell, Michael. | |
| McFadden, Gabrielle. | |
| Mulherin, Michelle. | |
| Nash, Gerald. | |
| Noone, Catherine. | |
| Norris, David. | |
| O'Donnell, Marie-Louise. | |
| O'Reilly, Joe. | |
| O'Sullivan, Grace. | |
| O'Sullivan, Ned. | |
| Ó Céidigh, Pádraig. | |
| Ó Ríordáin, Aodhán. | |
| Reilly, James. | |
| Richmond, Neale. | |
| Ruane, Lynn. | |

Tellers: Tá, Senators Gabrielle McFadden and Catherine Noone; Níl, Senators Gerry Hor-
kan and Diarmuid Wilson.

Question declared carried.

Faisnéiseadh go rabhthas tar éis glacadh leis an gceist.

Cuireadh an cheist, “Go bhfanfaidh alt 2 mar chuid den Bhille”, agus faisnéiseadh go rabhthas tar éis glacadh léi.

Question, “That section 2 stand part of the Bill”, put and declared carried.

Aontaíodh an Réamhrá.

Preamble agreed to.

Cuireadh an cheist, “Gurb é an Teideal an Teideal a ghabhann leis an mBille”, agus faisnéiseadh go rabhthas tar éis glacadh léi.

Question, “That the Title be the Title to the Bill”, put and declared carried.

Tuairiscíodh an Bille gan leasú.

Bill reported without amendment.

Cuireadh an cheist, “Go dtógfáir an Tuarascáil anois”, agus faisnéiseadh go rabhthas tar éis glacadh léi.

Question, “That Report Stage be taken now”, put and declared carried.

Seanad Éireann

Tairgeadh an cheist: “Go nglacfar an Bille chun an breithniú deiridh a dhéanamh air.”

Question proposed: “That the Bill be received for final consideration.”

Senator Rónán Mullen: I wished to contribute on Report Stage, so I would like the Cathaoirleach to clarify how I might proceed. Are we still on Report Stage?

An Cathaoirleach: Report Stage has technically been passed, but the Senator can contribute on Fifth Stage before we conclude.

Cuireadh an cheist agus faisnéiseadh go rabhthas tar éis glacadh léi.

Question put and declared carried.

Cuireadh an cheist, “Go ndéanfar an Cúigiú Céim a thógáil anois”, agus faisnéiseadh go rabhthas tar éis glacadh léi.

Question, “That Fifth Stage be taken now”, put and declared carried.

Cuireadh an cheist: “Go rithfear an Bille anois.”

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

| The Seanad divided: Tá, 40; Níl, 10. | |
|--------------------------------------|---------------------|
| Tá | Níl |
| Ardagh, Catherine. | Coghlan, Paul. |
| Bacik, Ivana. | Daly, Paul. |
| Black, Frances. | Davitt, Aidan. |
| Burke, Colm. | Gallagher, Robbie. |
| Burke, Paddy. | Horkan, Gerry. |
| Butler, Ray. | Leyden, Terry. |
| Buttimer, Jerry. | Mullen, Rónán. |
| Byrne, Maria. | O’Mahony, John. |
| Clifford-Lee, Lorraine. | Ó Domhnaill, Brian. |
| Coffey, Paudie. | Wilson, Diarmuid. |
| Conway-Walsh, Rose. | |
| Conway, Martin. | |
| Craughwell, Gerard P. | |
| Daly, Mark. | |
| Devine, Máire. | |
| Dolan, John. | |
| Feighan, Frank. | |
| Gavan, Paul. | |
| Higgins, Alice-Mary. | |
| Hopkins, Maura. | |
| Humphreys, Kevin. | |
| Kelleher, Colette. | |
| Lawless, Billy. | |

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| Lombard, Tim. | |
| Mac Lochlainn, Pádraig. | |
| McDowell, Michael. | |
| McFadden, Gabrielle. | |
| Mulherin, Michelle. | |
| Nash, Gerald. | |
| Noone, Catherine. | |
| Norris, David. | |
| O'Donnell, Marie-Louise. | |
| O'Reilly, Joe. | |
| O'Sullivan, Grace. | |
| O'Sullivan, Ned. | |
| Ó Céidigh, Pádraig. | |
| Reilly, James. | |
| Richmond, Neale. | |
| Ruane, Lynn. | |
| Warfield, Fintan. | |

Tellers: Tá, Senators Gabrielle McFadden and Catherine Noone; Níl, Senators Gerry Horan and Diarmuid Wilson.

Question declared carried.

Faisnéiseadh go rabhtas tar éis glacadh leis an gceist.

An Cathaoirleach: When the Minister comes back, I will allow one Senator from each group to speak for a short while. As this has been a long debate, it makes no sense to open a full discussion once more. I promised Senator Mullen that I would allow a comment or two. We will proceed when the Minister comes in.

Senator Rónán Mullen: I will not take long. Issues come up in the course of an important debate like this. It is important to put one or two things on the record. Many of us here know each other for a long time. We get on and we work at getting on as politicians must do. Obviously, this is one of the most serious issues that can ever come before a parliament. This is not the big issue, in some ways, because the people will get their say. The great achievement of the 1983 amendment was that abortion could not be legalised in this country, as had happened in other countries, over the heads of the people. If this referendum passes, I believe we will be in a truly awful situation. People will be under pressure to vote away the right to life of unborn babies with no health benefit for women, just a massive loss of respect for the human dignity of unborn children.

Senator McDowell was eloquent, as he always is. He is always worth listening to. He made an excellent prosecution case against the eighth amendment. Like a bird flying on one wing, he did not make much of the case for the eighth amendment, nor indeed did the Minister make much of it. Not much was made of it during the hearings of the Joint Committee on the Eighth Amendment of the Constitution. The main thrust of the case for the eighth amendment is that

we are talking about a human child. Senator McDowell spoke about the difficulties of ascribing personhood, but what is a person when one thinks about it? Does a person need to have personality? Do newborn babies have much personality?

Senator Lorraine Clifford-Lee: They do.

Senator Rónán Mullen: Do old people with Alzheimer's disease have the same personality as they did when they were in the full of their health? I can tell the House that in many cases-----

Acting Chairman (Senator Gerry Horkan): We cannot have a substantive Second Stage debate at this stage.

Senator Rónán Mullen: Sure. I understand.

Acting Chairman (Senator Gerry Horkan): The Senator is being allowed to make some brief comments upon the conclusion of the Seanad's consideration of the Bill.

Senator Rónán Mullen: I understand, although I did ask whether I could contribute on Report Stage. I will keep it brief. The point is that this is not just about a human embryo. It is about a human being at the right stage of development for him or her. Given that it is proposed to allow abortion without restriction at 11 weeks, it is interesting to note that *babycenter.com*, which is a website for expectant parents and not a pro-life website, says that at 11 weeks:

Your baby is almost fully formed. She's kicking, stretching, and even hiccupping as her diaphragm develops, although you can't feel any activity yet. Your baby is the size of a fig.

Is that a person? Abortion on demand will, in effect, be permitted at 20 weeks on a British-style health ground because "health" is largely undefined and largely exploited where it is used as a ground. No distinction is made between mental and physical health. According to the same website:

Your baby can swallow now and his digestive system is producing meconium, the dark, sticky goo that he'll pass in his first poop - either in his diaper or in the womb during delivery. Your baby is the size of a banana.

Is that a person? Attempts have been made to blame the eighth amendment for various inconsistencies and alleged cruelties, but there will always be complexities with a law of any kind.

We heard about the complexities but we did not hear about all the lives that have been saved and how Ireland's abortion rate is so low, counting those who go to Britain tragically for abortion, compared with all the lives destroyed in the case of the unborn and many others ruined by abortion in abortion jurisdictions. The Government parties never talk about that and that is why their approach to the referendum is like a bird flying on one wing. They are not interested in the hurt that abortion causes and the betrayal that many women who have had an abortion feel. They are not interested in the credible evidence that mental health should not be invoked as a ground for abortion because, if anything, mental health issues can arise in certain categories of person where abortion is involved.

Reference was made to prosecutions. Senator McDowell said they could happen. We have a law that respects women under which there has not been prosecutions. The housemates who

reported the young woman in the case he cited in Belfast were traumatised by what they had experienced and they felt victimised on social media. What they saw was an identifiable unborn child who was clearly much more developed than the ten to 12-week pregnancy stage. That is how the law operates in that there are sometimes exceptional cases and it needs to be ensured people do not do something that is dangerous for themselves and for others. Our law largely has been about targeting those who provide abortion but treating those who make the regrettable decision to have an abortion with respect and sensitivity. Nevertheless it is not the decision that does justice to all the parties involved.

I hope the Minister and fellow Ministers will debate this issue face-to-face respectfully and in equal time with people who know their facts as well as them and who will challenge them about the injustices of the law that the Minister proposes. One-on-one interviews on Newstalk will not cut the mustard. We need equal time in the media in order that the problems with this unjust proposal to remove rights from the unborn baby are ventilated and the reality that in Ireland we are consistently up there with the best in the world in maternal care is outlined. That is also part of the fruit of the eighth amendment and there needs to be much more honesty about that than there has been to date.

Senator Paul Gavan: I welcome the passing of the Bill on behalf of Sinn Féin. I also welcome the respectful tenor of the debate on all sides and I hope that will continue in the weeks to come. The debate has built on the joint committee report and the work of the Citizens' Assembly. There is a broad recognition in society that we have to tackle these difficult health issues, particularly for our women, once and for all and it is important that the people will have their say. I look forward to Sinn Féin being front and centre of the campaign but it is incumbent on all of us to put our party badges to one side for the next two months and to work collectively and constructively with our colleagues in the trade union movement and Together for Yes to ensure a better day for the women of Ireland.

Senator Catherine Ardagh: I welcome on my behalf, and on behalf of some members of Fianna Fáil, the passing of the Bill. I thank the Minister for spending many hours in the House today and yesterday. I also thank my party colleagues who contributed on both sides of the debate for ensuring that it was very respectful and that both sides were listened to. Bunreacht na hÉireann is a living document that belongs to the people and I am happy that this question will be put to them to make a decision after 35 years.

I ask those who are interested in the debate to register to vote and to use their vote and to take their time to learn the facts from both sides in the debate. There is a great deal of information available and they should take time to sit down and learn it. I also thank my own party leader, Deputy Micheál Martin, for allowing a free vote, which ensured that we respected each other and that there continues to be no divide within the party as the debate progresses. I thank, in particular, the men in this Chamber who will vote to trust the women of Ireland. It is important that men speak out on this issue and that women's decisions on abortion are made in conjunction with their families and medical professionals. I look forward to voting on the question.

Senator Ivana Bacik: I welcome the passing of the Bill on behalf of the Labour Party and I commend the Minister and his officials on all their hard work in getting it to this Stage. We should not underestimate the significant achievement it has been to get the Bill through both Houses. Some years ago, many of us would have thought that was not possible. Those of us who will advocate for a "Yes" vote have an intense campaign ahead but there will be a great deal of support from politicians from all parties and none. Many current and former Oireachtas

Members met this morning to show support for repeal and for the recommendations of the Joint Committee on the Eighth Amendment of the Constitution. The number who turned up and who will campaign for a “Yes” vote demonstrates that we, as legislators, recognise the need to face reality.

The one common theme that has emerged from the contributions of those who oppose the Bill in the many hours of debate in the House is a denial of the reality of women’s lives and health care needs, a denial of the hypocrisy of Irish law, which facilitates women in travelling abroad but refuses them medical treatment that they need here, and a denial of the harm and damage the eighth amendment has caused women over the 35 years of its existence. It is not good enough that the retention of the amendment would continue to make women collateral damage and it is not good enough in a republic of equals 100 years after women secured the right to vote that we should retain it. I look forward to working with the Labour Party, Together for Yes and with all those who will campaign on a cross-political basis to secure a “Yes” vote in the referendum at the end of May.

Senator Alice-Mary Higgins: I would like to clarify maternal health care outcomes are something any state should give its focus to and we should not link the insertion of the eighth amendment to maternal health and outcomes. It is disingenuous to suggest that it is only because we have the eighth amendment that there has been concern about maternal care. Ireland is concerned about that regardless and, indeed, could do better. Some of the proposals put forward by the Minister will allow us to do better in respect of both maternal mortality and maternal morbidity.

I commend the Minister, Senator Catherine Noone, joint committee members, and ordinary members of the public on the Citizens’ Assembly but I would like, in particular, to recognise the women and men who have come forward in the shadow of the debate on the eighth amendment to talk about the reality of their lives and to share deeply personal stories of their experiences in a public space for the public good. Some women made different choices and did not choose a termination. They went forward with a fatal foetal abnormality or had a child at 14 or 15 weeks. Nonetheless, they stepped up as an act of generosity to share their experiences and they said they respected the decisions of others.

The level of compassion, understanding and care that individuals have shown in recognising and sharing each other’s experiences has been a testament to society as a whole and I would like to honour that. I hope we can be true to that tone as we proceed. I encourage everyone as we pass the legislation into the public realm to read the testimony to the committee and to look for information and make their decision based on that. I also encourage Oireachtas Members to be vigilant in order that we are not used inadvertently or otherwise to share false news and information to amplify language of hatred or scaremongering, and to be careful in how they engage. The next debate is the one on data protection and in that regard-----

Acting Chairman (Senator Gerry Horkan): That is No. 4 on the Order of Business so we will-----

Senator Alice-Mary Higgins: In respect of that, it is important to say we also have responsibilities in how we engage with this to ensure we manage what is often very sensitive personal data in an appropriate way.

Acting Chairman (Senator Gerry Horkan): We will discuss that with No. 4.

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Senator Catherine Noone: I welcome the passing of this Bill. I thank the Minister and his officials for the work they have done in a very brief period of time. It has been a challenging and intense process. I am very pleased that we are finally at this stage, a stage at which the Minister can say a few words here and then leave this room and make an announcement that the referendum will take place. Getting to this point is a major achievement for the Members of the Oireachtas and all involved in this process. There was a lot of doubt as to whether the committee would report in time and whether the Minister would actually get this process to where it is at the moment. I am proud that we are at this point and that after 35 years of avoiding this deeply personal issue, the Irish people will have their say. I look forward to a factual, considered and respectful debate on this issue.

Senator Jerry Buttimer: I begin by thanking and complimenting Senator Noone on her outstanding stewardship and chairmanship of the Joint Committee on the Eighth Amendment of the Constitution and commending colleagues in this House and the Lower House on their participation in the work of the committee. As I said previously, the work of the all-party committee illustrates the importance of the committee system in the Houses of the Oireachtas and is something of which we can be very proud. The report of the joint committee is one that was based on reality, not fantasy. As Senator Gavan rightly said, we parked the party ideology and worked in a non-partisan way to do the right thing. The Minister deserves tremendous praise for his stewardship. The Government has recognised the work of the committee and the Citizens' Assembly. That is why we have been debating the Thirty-sixth Amendment of the Constitution Bill 2018 in the Lower House and this House. As Senator Noone rightly said, there have been many failed attempts over the past three decades. I had the pleasure of chairing the Joint Committee on Health and Children that dealt with pre-legislative scrutiny before the passing of the Protection of Life During Pregnancy Act. As I said, it is not black and white. We live in the grey and it is about the care of two people. I have never hidden that point. I commend Senator Mullen for his role today and in the committee but it is important that we have a debate that is about the information and what is at hand and not sideshows, as I said earlier.

It is also important to recognise that the Minister came to this Bill with significant support from people like Geraldine Luddy, the Chief Medical Officer and people in the Department and the Minister's office who put in a huge amount of work in arriving at this point. This is not a political issue. It is a deeply personal one. There are many with different viewpoints in particular parties, homes and communities. That is the democracy in which we live. It is a myth to say that the eighth amendment saves lives. It has not. It has caused women to die and suffer in silence. The Protection of Life During Pregnancy Act and the debate we heard in the committee are proof of that. I look forward to the referendum. I thank all Members of the House and staff for their co-operation. I hope the referendum will be a constructive and sensible one that respects all sides.

I know the Acting Chairman made the point to Senator Higgins but it is worth making the point that those who engage in social media, in particular, should be mindful of what they say and how they say it because in some cases, they are hiding behind a pseudonym or an assumed name. They are keyboard warriors who stand for nothing and, in the some cases, oppose for the sake of opposing. They may have very sincerely held views on this issue but they should remember that people proposing repeal are full of humanity and compassion. They are mothers and fathers themselves.

I thank the Acting Chairman for his chairmanship. I hope we can have a very civilised debate. I thank the Minister, his officials and all Members of the House for their co-operation and

courtesy in these deliberations.

Minister for Health (Deputy Simon Harris): There are many people who never thought we would get to this day and there were moments when I wondered whether we would. When the Taoiseach became Taoiseach and reappointed me as Minister for Health, he gave me three tasks. One of these tasks was to provide the people with an opportunity to have their say by this summer. To his credit, he announced that the day he became Taoiseach on the floor of the Dáil. There has been collaboration across parties and groupings to get to this point. Only a few months ago, questions were asked about whether the Oireachtas committee would produce a report of substance that we could work with. It certainly answered that question. Would the Cabinet give this the time and attention it did? Would there be a majority in the Dáil and Seanad to at least put a question to the people of Ireland? I think both Houses of the Oireachtas have very clearly answered that.

I sincerely thank those who have worked extraordinarily hard to arrive at this point. It would not have been possible for me to carry out my role as Minister for Health were it not for the Chief Medical Officer, Dr. Tony Holohan, Geraldine Luddy, who is with me, Ronan Horgan and their teams within the Department - people who have worked on weekends and late into the night and have really gone above and beyond in the call of public service. I thank them for that. I thank my own team of Joanne Lonergan and Kathyann Barrett who have worked extraordinarily hard on this in providing me with all of the support and information to deal with what has been a very demanding Oireachtas and Cabinet schedule to arrive at this point. I thank the Attorney General and his office who have done huge work in recent weeks to ensure we could have a general scheme that has been published on the Department of Health website to help inform the debate because people have an expectation and a right to have that information.

I thank my Cabinet colleagues for dedicating a significant amount of Government time to this, including a number of special meetings. That is the priority we have attached to facilitating a referendum and giving the people of Ireland a choice and a say. I thank Oireachtas colleagues in both Dáil Éireann and Seanad Éireann for the time they have given in their demanding schedules and legislative programme to pass the Thirty-sixth Amendment of the Constitution Bill 2018. In doing so, we can now have a referendum. I thank the Oireachtas committee chaired by Senator Noone, all the members of the committee in this House and the other House and the Citizens' Assembly. Both bodies really laid the foundations for an informed and respectful debate.

The referendum commission has a very important body of work to do and I thank it in advance for what it will do. It has been established but it cannot commence its public awareness campaign until the polling order is signed and the referendum campaign proper is under way. The people want to have a referendum commission that can provide them with factual and impartial information. I thank Ms Justice Isobel Kennedy for chairing it and the members of that referendum commission. They have a very important role to play and I hope the people will have an opportunity to hear that factual impartial information. I join with others in encouraging people to register to vote, to vote and to have their say regardless of their perspective. This is a very important issue and people should come out to vote. I would encourage everybody to exercise their franchise.

We will very shortly name the polling date. The Minister for Housing, Planning and Local Government will sign the polling order this afternoon. There will then be certainty regarding the polling day, which is good for everybody involved in this referendum in that people can

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plan the next few weeks and the people can organise practical things like holiday and work arrangements to make sure they can be at home to vote as well. We will see a very big civil society campaign and I think that is very important. I do not think it means politicians can abdicate their role. We have a role to play but we have one role to play. We need to hear from clinicians, women and lawyers. We need to hear from people. We need that respectful debate. I genuinely believe there is a willingness on both sides for that to happen. It is really important that it happens.

As much as I love Members' company, and I hope they love mine, it is very important that we take this debate out of these hallowed halls of Leinster House and actually allow people in towns, villages and homes across this country to have their say. This is a very personal, private matter but sometimes personal, private matters require public support. This is one such issue. I look forward to the campaign ahead. I hope that we will be back here in the summer able to do our jobs as legislators, standing by women and putting in place a compassionate and sensible regulatory framework for their health care so that we no longer have to have women in crisis pregnancies exported from our country.

Acting Chairman (Senator Gerry Horkan): I thank the Minister. After five hours yesterday, I did not think that we would spend three and three quarter hours on the Bill today, for most of which I have been in the Chair. I thank all Senators, the Minister and everyone involved in the discussion on both sides for a measured and respectful debate.

Ráiteas faoi Eolas do Vótálaithe: Tairiscint

Statement for Information of Voters: Motion

Senator Jerry Buttimer: Tairgim:

“GO ndéanfar an ráiteas atá leagtha amach sa Sceideal a ghabhann leis an Rún seo a fhorordú mar eolas do vótálaithe, de bhun alt 23 d’Acht an Reifrinn, 1994 (Uimh. 12 de 1994), i ndáil leis an togra chun an Bunreacht a leasú, atá ar áireamh sa Bhille um an Séú Leasú is Tríocha ar an mBunreacht, 2018, agus is ábhar do reifreann bunreachta.

An Sceideal

Fiafraítear díot an aontaíonn tú leis an togra –

(i) chun an fo-alt seo a leanas a scriosadh as Airteagal 40.3 den Bhunreacht:

‘3^o Admhaíonn an Stát ceart na mbeo gan breith chun a mbeatha agus, ag féachaint go cuí do chomhcheart na máthar chun a beatha, ráthaíonn sé gan cur isteach lena dhlíthe ar an gceart sin agus ráthaíonn fós an ceart sin a chosaint is a shuíomh lena dhlíthe sa mhéid gur féidir é.

Ní theorannóidh an fo-alt seo saoirse chun taisteal idir an Stát agus stát eile.

Ní theorannóidh an fo-alt seo saoirse chun faisnéis a fháil nó a chur ar fáil sa Stát maidir le seirbhísí atá ar fáil go dleathach i stát eile ach sin faoi chuimsiú cibé coiníollacha a fhéadfar a leagan síos le dlí.’,

agus

(ii) chun an méid seo a leanas a chur in ionad an fho-ailt sin:

‘3^o Féadfar socrú a dhéanamh le dlí chun foirceannadh toirchis a rialáil.’

MÁ THOILÍONN TÚ leis an togra, cuir X os coinne an fhocail TÁ ar an bpáipéar ballóide.

MURA dTOILÍONN TÚ leis an togra, cuir X os coinne an fhocail NÍL ar an bpáipéar ballóide.

I move:

THAT the statement set out in the Schedule to this Resolution be prescribed for the information of voters, pursuant to section 23 of the Referendum Act 1994 (No. 12 of 1994), in relation to the proposal to amend the Constitution which is contained in the Thirty-sixth Amendment of the Constitution Bill 2018 and is the subject of a constitutional referendum.

Schedule

You are being asked if you agree with the proposal –

(i) to delete the following subsection from Article 40.3 of the Constitution:

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

This subsection shall not limit freedom to travel between the State and another state.

This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.’,

and

(ii) to substitute that subsection with the following:

‘3^o Provision may be made by law for the regulation of termination of pregnancy.’.

IF YOU APPROVE of the proposal, mark X opposite the word YES on the ballot paper.

IF YOU DO NOT APPROVE of the proposal, mark X opposite the word NO on the ballot paper.”

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Business of Seanad

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Senator Jerry Buttimer: I apologise to the House. For its information, the Minister for Justice and Equality is taking a Topical Issue debate in the Dáil. I propose that, notwithstanding the Order of the House today, the Seanad should be suspended until 4.45 p.m.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

Sitting suspended at 4.31 p.m. and resumed at 4.45 p.m.

Data Protection Bill 2018: Report Stage (Resumed) and Final Stage

Amendment No. 24 not moved.

Government amendment No. 25:

In page 29, to delete lines 14 to 23 and substitute the following:

“Processing of personal data revealing political opinions for electoral activities and functions of Referendum Commission

43. Subject to suitable and specific measures being taken to safeguard the fundamental rights and freedoms of data subjects, the processing of personal data revealing political opinions shall be lawful where the processing is carried out—

(a) in the course of electoral activities in the State for the purpose of compiling data on peoples’ political opinions by—

(i) a political party, or

(ii) a candidate for election to, or a holder of, elective political office in the State,

and

(b) by the Referendum Commission in the performance of its functions.”.

Amendment agreed to.

Amendments Nos. 26 and 27 not moved.

Senator Alice-Mary Higgins: I move amendment No. 28:

In page 29, between lines 23 and 24, to insert the following:

“44. The processing of any special category of personal data by a private or commercial company for political or electoral purposes shall be prohibited without explicit full and informed consent of the data subject.”.

Senator Paul Gavan: I second the amendment.

Amendment put:

| | |
|--------------------------------------|-----|
| The Seanad divided: Tá, 13; Níl, 19. | |
| Tá | Níl |

| | |
|-------------------------|--------------------------|
| Bacik, Ivana. | Burke, Colm. |
| Black, Frances. | Burke, Paddy. |
| Conway-Walsh, Rose. | Butler, Ray. |
| Gavan, Paul. | Buttimer, Jerry. |
| Higgins, Alice-Mary. | Byrne, Maria. |
| Kelleher, Colette. | Coffey, Paudie. |
| Mac Lochlainn, Pádraig. | Coghlan, Paul. |
| Mullen, Rónán. | Conway, Martin. |
| Nash, Gerald. | Feighan, Frank. |
| Ó Céidigh, Pádraig. | Hopkins, Maura. |
| O'Sullivan, Grace. | Lombard, Tim. |
| Ruane, Lynn. | McFadden, Gabrielle. |
| Warfield, Fintan. | Mulherin, Michelle. |
| | Noone, Catherine. |
| | O'Donnell, Marie-Louise. |
| | O'Mahony, John. |
| | O'Reilly, Joe. |
| | Reilly, James. |
| | Richmond, Neale. |

Tellers: Tá, Senators Paul Gavan and Alice-Mary Higgins; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Amendment No. 29 not moved.

Senator Alice-Mary Higgins: I move amendment No. 30:

In page 29, between line 23 and 24, to insert the following:

“44. Processing of data on people’s political opinions by a political party, a candidate for election to, or a holder of, elective political office in the State under *section 43* must relate solely to persons who are members or former members of the political party or persons who have regular contact with the political party, candidate for election or holder of political office in connection with their purposes.”.

An Cathaoirleach: Has the Senator a seconder?

Senator Paul Gavan: I second the amendment.

An Cathaoirleach: Is the amendment being pressed?

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 31:

In page 29, to delete lines 33 to 37, and in page 30, to delete lines 1 to 4.

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This amendment relates to the processing of data on social welfare and employment policy. I will not be pressing it. I have concerns that some of the data controllers dealing with social welfare and employment policy processing may be employers. I was seeking some more safeguarding around that, but I am happy for that to be teased out in the Dáil, and I am sure it will be teased out by the Select Committee on Justice and Equality. Therefore, I will not press it.

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 32 is in the names of Senators Ó Donnghaile, Conway-Walsh and others. Amendments Nos. 32 to 35, inclusive, and amendment No. 48 are related. If amendment No. 32 is agreed, amendments Nos. 33 to 35, inclusive, cannot be moved.

Senator Paul Gavan: I move amendment No. 32:

In page 30, to delete lines 5 to 31.

An Cathaoirleach: I remind the Senator that the amendment must be seconded.

Senator Rose Conway-Walsh: I indicate that I will second the amendment.

Senator Paul Gavan: To short-circuit matters, the two amendments in this grouping that we want to press are amendments Nos. 35 and 48. They are both to the same section, is that not right, a Chathaoirligh?

On amendment No. 35, we believe the Minister may have granted himself a bit too much discretion at this point. Our amendment gives more power to the data protection commission, something to which the Government has paid lip service. We would like to see this amendment succeed.

Amendment No. 48 is to facilitate and legislate for an impact assessment of the regulations under this section of the Bill. The data protection commission is the most capable body to do that. This is appropriate and allows us to assess the impact of the Bill before its impact is felt on a practical level. The Bill must be in line with the general data protection regulation, GDPR, when it is passed. I would encourage the Minister to do all within his power to ensure that the areas known to us to not be compliant are addressed as this will save us time in the future. As stated within the amendment, if the Minister fails to comply with the recommendations of the Data Protection Commissioner, he must inform both the Members of this House and the wider public as to why this is the case and publish the reasoning. This is a reasonable request and one that would enhance the democratic nature of this Bill.

An Cathaoirleach: Senator Conway-Walsh indicated she would second this amendment and I ask her to formally do so.

Senator Rose Conway-Walsh: I second the amendment.

Senator Alice-Mary Higgins: I have a number of amendments in this grouping. One of them chiefly relates to the issue of ensuring that we do not only test for the necessity of data processing but also for proportionality. I acknowledge the Minister has brought proportionality tests into a number of other areas of the Bill, and I would like it included in this area of the Bill. However, I will not press that amendment at this point and neither will I press my other amendments because I want to focus my support on amendments Nos. 35 and 48, proposed by Sinn Féin, which reflect concerns that have been articulated by others across this House, including

Independent and Fianna Fáil Members.

Amendment No. 35 seeks to ensure that when we are processing those special categories of personal data, that extra sensitive data we discussed previously, for reasons of substantial public interest, and where the Government is making regulations to allow that sensitive data to be processed for reasons of public interest, that the Minister would allow the Data Protection Commissioner to conduct an impact assessment of what those regulations might mean and, as has been described already, that where there is a differentiation between what the Data Protection Commissioner advises and what the Minister intends to proceed with in terms of regulations, that the Minister would give a rationale to the House on that.

Amendment No. 48 is similar but it addresses the section covering situations in which the exercise of an individual's data rights might be restricted, and regulations to allow for that restriction. It simply provides that we should ensure that the data protection commission has a clear specific role in that and that when a Minister is deviating from the advice of the data protection commission that we would have that laid before the Houses.

These are both sensible amendments. They are better drafted in that they add an impact assessment as well as the transparency dynamic in my own amendments. Therefore, I will withdraw my amendments that deal with this issue.

Deputy Charles Flanagan: Amendment No. 32 seeks to delete section 46. The purpose of that section is to set up a mechanism for giving effect to Article 9.2(g) of the GDPR. It simply replaces section 2B(1)(xi) of the 1988 Act, which gives effect to a similar provision in the 1995 data protection directive. Article 9.2(g) permits the processing of special categories of personal data for reasons of substantial public interest subject to three conditions: that it must have a basis in EU or national law; that it must be proportionate, which was a point raised by Senator Higgins and I thank her for those comments; and it must be subject to a suitable and specific safeguarding regime in respect of the fundamental rights and interests of the data subject. All these conditions are met in subsections (1) to (5) of section 45. I take the view that the section, as drafted, is fully compliant with Article 9.2(g) of the GDPR.

The House may wish to be aware of some of the statutory instruments made under the corresponding section 2B(1)(xi) of the 1988 Act. I refer specifically to SI 426 of 2016, which was an important regulation to permit the processing of sensitive personal data by the Garda Commissioner for the purposes of assisting the Northern Ireland historical institutional abuse inquiry; and SI 240 of 2015 which was made to permit the processing of sensitive personal data by the Garda Commissioner in order to assist with the coroner's inquest in Northern Ireland into the horrific attack and cold-blooded murder of ten people at Kingsmill in County Armagh on 5 January 1976.

I trust that the House will agree that these are issues of crucial importance which, in effect, necessitated the making of regulations in order that in certain circumstances and subject to certain safeguards sensitive personal data could be processed for these important purposes.

The provisions of section 46 will permit the making of similar regulations in future, where that is warranted for reasons of substantial public interest such as those that I have mentioned.

As regards amendment No. 33, I do not believe the insertion of the words "and proportionate" is entirely appropriate here because subsection (5)(b) of section 46 already provides that any regulations made under subsection (2) shall, "enable processing of such data only in so far

as is necessary and proportionate to the aim sought to be achieved”. I have a difficulty with amendment No. 33, but that is not to say I will not revisit it in the Dáil should we be in a position to reach an appropriate compromise. I cannot accept amendment No. 34 for the reasons I outlined.

Amendment No. 35 seeks to insert a new section 46(4), while amendment No. 48, the one mentioned by Senator Alice-Mary Higgins, proposes to insert the same provisions into a new section 55(11), which is the reason we are discussing the amendments together. I accept what the Senator has said that, of the group, amendments Nos. 35 and 48 are the two that are attracting her attention to the greatest extent. Any imposition of a statutory duty on the Data Protection Commission to conduct an impact assessment of possible regulations under sections 46(3) and 55(11) would be in conflict with Article 36.4 of the GDPR. It is clear that a member state’s data protection authority, like the Data Protection Commission we are setting up here, must be consulted on proposals for any measure in legislation to be adopted by a national parliament or a regulatory measure based on such a legislative measure related to data processing. It does not require a mandate or a data protection impact assessment to be carried out by the supervisory authority. The imposition of an obligation to carry out an impact assessment would not only have resource implications of a wide nature, it would also conflict with the condition of complete independence of the supervisory authority required under Article 52 of the GDPR. I acknowledge the importance of resources and point to the significant additional resources we have allocated for the Data Protection Commission in recent times. It is a budget that has increased threefold in the past few years and that will continue to receive resources from the Government. I reject any assertion made that the Data Protection Commission has in some way been short-changed. That has not happened under the Government and will not happen on the basis of its importance. We can point to the very satisfactory record in that regard.

The GDPR imposes a clear obligation on certain controllers and processors that carry out data protection impact assessments, but there is no such obligation on the authority. It is always open to the Data Protection Commission to request a controller, whether it be a Department or another public authority, with regulation-making powers, to conduct such an assessment when consulted on proposed legislative changes. The carrying out of a data protection impact assessment is an obligation on controllers and processors under Article 35 of the GDPR, but it is not a task for supervisory authorities under Article 57. For these reasons, I differ from Senator Alice-Mary Higgins, but it is an issue that will be the subject of further debate. I ask that the distinction I have drawn be carefully considered by Senators in the context of the current debate on amendments Nos. 35 and 48.

Amendment, by leave, withdrawn.

Amendments Nos. 33 and 34 not moved.

Senator Paul Gavan: I move amendment No. 35:

In page 30, between lines 18 and 19, to insert the following:

“(4) (a) Such regulations shall be referred to the Data Protection Commissioner before their enactment, who shall conduct an impact assessment, undertaken by the Data Protection Commission.

(b) The impact assessment shall have the purpose of ascertaining whether the proposed processing of special categories is—

- (i) necessary,
- (ii) proportionate,
- (iii) in compliance with subsection (5) of this section,
- (iv) in compliance with the GDPR.

(c) The impact assessment shall be returned to the Minister within three months of the Minister’s referral, and it shall make recommendations as to whether the proposed processing of special categories is in compliance with the criteria laid out in paragraph (b) and shall recommend any changes necessary to the regulation to ensure compliance, or may recommend that the Minister not proceed with the regulation.

(d) In the event that the Minister does not follow the recommendation of the Data Protection Commission, the Government shall—

- (i) publish in *Iris Oifigiúil* a reasoned written explanation of the decision of the Government not to follow the recommendation of the Commission,
- (ii) cause to be laid before the Houses of the Oireachtas a statement containing a reasoned written explanation of the decision of the Government not to follow the recommendation of the Commission.”.

Senator Rose Conway-Walsh: I second the amendment.

Amendment put:

| The Seanad divided: Tá, 19; Níl, 16. | |
|--------------------------------------|--------------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Black, Frances. | Burke, Paddy. |
| Clifford-Lee, Lorraine. | Buttimer, Jerry. |
| Conway-Walsh, Rose. | Byrne, Maria. |
| Daly, Paul. | Coffey, Paudie. |
| Dolan, John. | Coghlan, Paul. |
| Gallagher, Robbie. | Conway, Martin. |
| Gavan, Paul. | Hopkins, Maura. |
| Higgins, Alice-Mary. | Lombard, Tim. |
| Horkan, Gerry. | McFadden, Gabrielle. |
| Kelleher, Colette. | Mulherin, Michelle. |
| Lawless, Billy. | Noone, Catherine. |
| Mac Lochlainn, Pádraig. | O’Donnell, Marie-Louise. |
| Nash, Gerald. | O’Mahony, John. |
| Ó Céidigh, Pádraig. | O’Reilly, Joe. |
| O’Sullivan, Grace. | Richmond, Neale. |
| Ruane, Lynn. | |
| Warfield, Fintan. | |

| | |
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| Wilson, Diarmuid. | |
|-------------------|--|

Tellers: Tá, Senators Rose Conway-Walsh and Paul Gavan; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared carried.

Government amendment No. 36:

In page 32, line 37, to delete “necessary” and substitute “necessary and proportionate”.

Amendment agreed to.

Amendment No. 37 not moved.

Government amendment No. 38:

In page 34, to delete lines 12 to 19 and substitute the following:

“**53.** For the purposes of the application of Article 21 in the State, the reference to “direct marketing” includes a reference to direct mailing other than direct mailing carried out—

(a) in the course of electoral activities in the State by—

(i) a political party or its members, or

(ii) a candidate for election to, or a holder of, elective political office in the State,

and

(b) by the Referendum Commission in the performance of its functions.”.

Amendment agreed to.

Government amendment No. 39:

In page 34, to delete lines 20 to 28 and substitute the following:

“Restriction on right of data subject to object to processing for election purposes and processing by Referendum Commission

54. The right of a data subject to object at any time to the processing of personal data concerning him or her under Article 21 shall not apply to processing carried out—

(a) in the course of electoral activities in the State by—

(i) a political party, or

(ii) a candidate for election to, or a holder of, elective political office in the State
and

(b) by the Referendum Commission in the performance of its functions.”.

Amendment agreed to.

An Cathaoirleach: If the question on amendment No. 40 is agreed to, amendments Nos. 41 to 47, inclusive, cannot be moved. Amendments Nos. 40 to 47, inclusive, are related and may be discussed together. Is that agreed? Agreed. Does Senator Gavan wish to move amendments Nos. 40 and 41?

Senator Paul Gavan: No.

Amendments Nos. 40 and 41 not moved.

Government amendment No. 42:

In page 35, line 3, to delete “necessary” and substitute “necessary and proportionate”.

Amendment agreed to.

An Cathaoirleach: If amendment No. 43 is agreed, amendment No. 44 cannot be moved.

Government amendment No. 43:

In page 35, to delete lines 9 and 10 and substitute the following:

“(iii) for the administration of any tax, duty or other money due or owing to the State or a local authority in any case in which the non-application of the restrictions concerned would be likely to prejudice the aforementioned administration,”.

Amendment agreed to.

Amendment No. 44 not moved.

An Cathaoirleach: If amendment No. 45 is agreed, amendment No. 46 cannot be moved.

Government amendment No. 45:

In page 36, to delete line 31 and substitute the following:

“(h) ensuring the effective operation of the immigration system, the system for granting persons international protection in the State and the system for the acquisition by persons of Irish citizenship, including by preventing, detecting and investigating abuses of those systems or breaches of the law relating to those systems;”.

Amendment agreed to.

Amendment No. 46 not moved.

An Cathaoirleach: Does Senator Higgins wish to move amendment No. 47?

Senator Alice-Mary Higgins: No, but I commend the Government on amendments Nos. 43 and 45, which reflect the issues I raised on Committee Stage.

Amendment No. 47 not moved.

Senator Paul Gavan: I move amendment No. 48:

In page 37, between lines 32 and 33, to insert the following:

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“(11) (a) Any regulations under this section shall be referred to the Data Protection Commissioner before their enactment, who shall conduct an impact assessment, undertaken by the Data Protection Commission.

(b) The impact assessment shall have the purpose of ascertaining whether the proposed processing of special categories is—

- (i) necessary,
- (ii) proportionate,
- (iii) in compliance with *subsection (4)* of this section,
- (iv) in compliance with the GDPR.

(c) The impact assessment shall be returned to the Minister within three months of the Minister’s referral, and it shall make recommendations as to whether the proposed processing of special categories is in compliance with the criteria laid out in *paragraph (b)* and shall recommend any changes necessary to the regulation to ensure compliance, or may recommend that the Minister not proceed with the regulation.

(d) In the event that the Minister does not follow the recommendation of the Data Protection Commission, the Government shall—

(i) publish in *Iris Oifigiúil* a reasoned written explanation of the decision of the Government not to follow the recommendation of the Commission,

(ii) cause to be laid before the Houses of the Oireachtas a statement containing a reasoned written explanation of the decision of the Government not to follow the recommendation of the Commission.”.

6 o'clock

Amendment put.

The Seanad divided by electronic means.

Senator Paul Gavan: Under Standing Order 62(3)(b) I request that the division be taken again other than by electronic means.

Amendment again put:

| The Seanad divided: Tá, 17; Níl, 18. | |
|--------------------------------------|------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Black, Frances. | Burke, Paddy. |
| Clifford-Lee, Lorraine. | Butler, Ray. |
| Conway-Walsh, Rose. | Buttimer, Jerry. |
| Daly, Paul. | Byrne, Maria. |
| Gallagher, Robbie. | Coffey, Paudie. |

| | |
|-------------------------|--------------------------|
| Gavan, Paul. | Coghlan, Paul. |
| Higgins, Alice-Mary. | Conway, Martin. |
| Horkan, Gerry. | Hopkins, Maura. |
| Kelleher, Colette. | Lawless, Billy. |
| Mac Lochlainn, Pádraig. | Lombard, Tim. |
| Mullen, Rónán. | McFadden, Gabrielle. |
| Nash, Gerald. | Mulherin, Michelle. |
| O'Sullivan, Grace. | Noone, Catherine. |
| Ruane, Lynn. | O'Donnell, Marie-Louise. |
| Warfield, Fintan. | O'Mahony, John. |
| Wilson, Diarmuid. | O'Reilly, Joe. |
| | Richmond, Neale. |

Tellers: Tá, Senators Rose Conway-Walsh and Paul Gavan; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Amendment No. 49 not moved.

Senator Alice-Mary Higgins: I move amendment No. 50:

In page 55, between lines 2 and 3, to insert the following:

“(2) Where decisions are reached through automatic processing, the data processor must ensure that an appeals mechanism is available to data subjects.”.

Senator Lynn Ruane: I second the amendment.

Senator Alice-Mary Higgins: This is to ensure we do not have situations which I believe the Bill does not protect against at the moment where, for example, we would have social welfare payment decisions for vulnerable persons that might be made on an automated basis. It says that an appeals mechanism must be clearly available for data subjects in that regard. My amendment is possibly too mild and I would like if we could move towards a position where people were offered a clear alternative if they did not want to move through an automated decision-making process if they felt that they had sensitive information. Every single person in this House will have worked with people who have had difficulties in accessing their entitlements and supports and will know the potential dangers that might be there in an automated decision-making process. As I believe a stronger amendment than my amendment might be needed, I will not press it. I urge those who take this forward in the Dáil to address the potentially very serious impact on very vulnerable people without much cushion with regard to resources if they find themselves, for example, automatically rejected for a key payment which they are relying on. I know there are other examples of how this is used, but my specific concern relates to the area of social protection because I am on that committee and have seen these practices in place in other countries.

Deputy Charles Flanagan: I respect that Senator Higgins is not pressing the amendment. I briefly want to give a reason I cannot accept it. I think it is based on something of a mis-

understanding. Section 72 of the Bill, which is in Part 5, directly transposes Article 29 of the directive. It sets out a detailed list of security measures required for an automated processing system. The section does not directly relate to automated decision-making, which is section 52. Section 52 indicates the general data protection regulation, GDPR, and section 85 indicates the directive. I feel we might be at cross purposes. I know the Senator is withdrawing the amendment but I am making the point for the record in case this reappears.

Senator Alice-Mary Higgins: I accept it might be better placed.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 51:

In page 63, after line 37, to insert the following:

“(9) Should a data subject request information in relation to a personal data breach which affects them they have the right to be provided with all the pertinent information in respect of that breach and nothing in subsection (2), (4) or (6) shall place a restriction on their access to that information.”.

Senator Lynn Ruane: I second the amendment.

Senator Alice-Mary Higgins: Amendment No. 51 is one of the most important amendments and I will have to press it. There is a large section of the Bill relating to the communication of a personal data breach to a data subject. These are situations where people’s personal data have been breached. These are situations where people’s personal data have been breached, that is to say that improper or wrong use of their data has happened. Cases might include the situation in which people’s data were sold in Donegal by a social protection officer to private insurance agencies, situations where HSE files were left in the street, and other such situations. These are data breaches, cases where a person’s data have been improperly breached. A number of circumstances are set out in section 82 in which a public body or other data controller might not have to tell someone that his or her data have been breached. There are a number of circumstances set out in which it is considered acceptable not to inform somebody that his or her personal data has been breached.

My amendment, which I believe to be quite modest, addresses a couple of those circumstances including circumstances in section 82(2) which relates to cases in which there has already been a response and appropriate technological steps have been taken in terms of dealing with the issue so that it might not happen again, in section 82(4), which has regard to situations in which it is considered to involve disproportionate effort for a controller to inform someone that his or her data have been breached, and in section 82(6), which has regard to situations where there has already been action under the commission. My amendment does not seek to unwind this section completely. It leaves it intact. However, it adds the caveat that if a data subject directly requests information in respect of a personal data breach which affects him or her, he or she will have the right to be provided with that information and that nothing in section 82(2), 82(4) or 82(6) shall place a restriction on that access to information. For example, under section 82(7), a controller who is directly asked can refuse to give an individual that information if there are reasons of substantial public interest, but he or she would not be able to refuse an individual that information on the basis of it requiring a disproportionate effort to tell it to that individual or on the basis that other organisational reforms are under way. It basically says that if I go to a data controller and ask whether I am one of the individuals whose data

were sold to an insurance company in Donegal, or if my data were involved in any other leak of information, I will be entitled to know unless there is a substantial reason of public interest in not telling me.

Again, this is an important amendment which will improve the Bill. I hope that it will be supported by the Minister and by others in the House.

Deputy Charles Flanagan: I am not disposed to accepting this amendment, which would insert a new section 82(9) on the matter of the communication of personal data breaches to data subjects. Under this section there is already a clear obligation on a controller to inform a data subject if and when there is a high risk to the rights of the data subject and to his or her freedoms arising from a data breach. In such a case, the data subjects have to be notified by the controller in clear and plain language of the nature of the breach and its likely consequences, and a description of the measures taken or proposed to be taken to mitigate any possible adverse impact or effects must be given.

The amendment proposed by Senators Higgins and Ruane refers to a data breach “which affects” a data subject, that is to say, that it must affect a subject. It is not clear what this is intended to mean. Under both the law enforcement directive and the GDPR, the thresholds for informing the Data Protection Commission of a data breach and for informing the data subjects whose data protection rights are breached are defined in terms of the risk arising from the breach. What is the nature of the risk? What is its extent? If a data breach involves a high risk for a data subject, he or she must be provided with all relevant and appropriate information and has the power to request further information if he or she is not happy. If, on the other hand, the breach involves little or no risk, the data subject might not become aware that there has been a breach at all. We thrashed this out in some detail on Committee Stage. I am a bit concerned that the amendment would introduce a level of uncertainty which would give rise to some confusion. I am really not prepared to accept the amendment on that basis. I am concerned about the term “which affects” and the nature or manner of such an effect. I am more comfortable with the wording as it stands in the Bill and in the directive.

An Cathaoirleach: Is the Senator pressing amendment No. 51?

Senator Alice-Mary Higgins: Yes. I think the key question is that, in most instances, it would be the data controller - the public body or others - which would decide that question of risk. That is how it is provisionally. My amendment specifically addresses situations where somebody chooses to say that he or she is concerned about whether he or she is affected by a data breach. It is appropriate to give the power to somebody to request that information and to ensure that there are not technical and administrative reasons for not giving such a person that information. It is fair enough not to give a person that information when there is a really substantial reason of public interest, but when the reasons not to share that information are, for example, because it would require undue effort on the part of a body to have to communicate to an individual, such reasons do not stand up when an individual has gone to the trouble of trying to identify whether he or she has been affected. While I appreciate that the Minister may prefer to make small changes to the language to bring it more in tune with language he has used elsewhere, this amendment is constructive, it stands up and it will strengthen the process in respect of data breaches, so I will press it.

Deputy Charles Flanagan: I know it is Report Stage but I wish to come back in again because an issue has been brought to my attention. I can wait until the Bill returns to the Dáil,

but perhaps I can have a minute now.

An Cathaoirleach: Certainly.

Deputy Charles Flanagan: I thank the Cathaoirleach. Another issue has been brought to my attention. It is that the Senator's proposal will not actually cover data breaches under the GDPR but only those under Part 5 because we are strictly speaking about that Part. Even if the Senator's amendment is carried, it will not have the consequence she anticipates. The provisions will only refer to breaches under Part 5, which actually transposes the law enforcement directive. For example, this would include a breach by the office of the Director of Public Prosecutions. It would not cover the type of scenario which the Senator has raised in any event. That is a further reason I would not accept the amendment. I do know that the matter will be the subject of debate in the Dáil, but I understand that Senator Higgins is going to press the amendment in any event. I merely wanted to add that point, which I did not really make clear the first time I spoke.

Senator Alice-Mary Higgins: Perhaps I should just add that in the area of law enforcement, and even in terms of the McCabe trial and others, we have seen the importance of persons being able to know how their data have been used in the judicial context. I appreciate the Minister's point that similar clauses may need to go into other Parts of the Bill. I appreciate that. It is to be hoped that this might provide a template or example which could be improved upon, built upon and used in other areas.

Amendment put:

| The Seanad divided: Tá, 17; Níl, 18. | |
|--------------------------------------|--------------------------|
| Tá | Níl |
| Ardagh, Catherine. | Burke, Colm. |
| Black, Frances. | Burke, Paddy. |
| Clifford-Lee, Lorraine. | Butler, Ray. |
| Conway-Walsh, Rose. | Buttimer, Jerry. |
| Daly, Mark. | Byrne, Maria. |
| Daly, Paul. | Coffey, Paudie. |
| Gallagher, Robbie. | Coghlan, Paul. |
| Gavan, Paul. | Conway, Martin. |
| Higgins, Alice-Mary. | Lawless, Billy. |
| Horkan, Gerry. | Lombard, Tim. |
| Kelleher, Colette. | McFadden, Gabrielle. |
| Mac Lochlainn, Pádraig. | Mulherin, Michelle. |
| Nash, Gerald. | Noone, Catherine. |
| O'Sullivan, Grace. | O'Donnell, Marie-Louise. |
| Ruane, Lynn. | O'Mahony, John. |
| Warfield, Fintan. | O'Reilly, Joe. |
| Wilson, Diarmuid. | Ó Céidigh, Pádraig. |
| | Richmond, Neale. |

Tellers: Tá, Senators Alice-Mary Higgins and Lynn Ruane; Níl, Senators Gabrielle McFad-

den and John O'Mahony.

Amendment declared lost.

An Cathaoirleach: In terms of the result of the vote, this happens quite frequently. Bíonn níos mó rírá, caint agus ruaille buaille sa Teach seo.

Senator Martin Conway: Why not-----

Senator Paul Coughlan: Well said.

An Cathaoirleach: I think the machines can be verified. I wish to make it clear to Senator Conway that the problem does not lie with the machine. The original result was displayed on screen and showed the figures of 17 and 16. The amended version, for those who neglected to vote, is now as follows: Níl, 18; Tá, 17. Therefore, the amendment is lost. As a matter of fact, five times today votes have had to be redone. The reason is that people do not pay attention during the vote.

Senator Martin Conway: On a point of order, a Chathaoirligh.

An Cathaoirleach: It is not a point of order.

Senator Martin Conway: No. On a point of order, I can categorically state that both Senator Colm Burke and myself pressed the buttons. I believe there is something wrong with the machine.

An Cathaoirleach: The machines are checked and the machines verify otherwise. Leaving out what Senator Conway has said, when the votes are called and the bells ring everybody is chatting and talking.

Senator Marie-Louise O'Donnell: Hear, hear.

An Cathaoirleach: Inevitably, in every third vote somebody forgets to vote, which is not on.

Senator Marie-Louise O'Donnell: Hear, hear.

Senator Martin Conway: I have only forgotten to vote once in seven years.

An Cathaoirleach: Forgetting to vote happens two or three times every time there is a vote.

Acting Chairman (Senator Gerry Horkan): I ask Members who are not staying for the debate to leave the Chamber and for the rest to resume their seats.

I welcome the Minister for Justice and Equality back to the House. Amendment No. 52 is in the names of Senators Ó Donnghaile, Conway-Walsh, Gavan, Mac Lochlainn and Warfield.

Senator Paul Gavan: I move amendment No. 52:

In page 65, between lines 6 and 7, to insert the following:

“Protection of Data Protection Officers

84. (1) The Data Protection Commission shall provide a protection, whereby Data Protection Officers may seek the assistance of the Data Protection Commissioner, due to the fact that the Data Protection Office is not in a position to carry out their role fully, due to inappropriate interference from the Data Controller, or duress, harassment or victimisation.

(2) Where the Commission receives a complaint under *subsection (1)*, it shall, in addition, make a decision—

(a) as to whether a corrective power should be exercised in respect of the controller or processor concerned, and

(b) where it decides to so exercise a corrective power, the corrective power that is to be exercised.

(3) The Commission, where it makes a decision referred to in *subsection (2)(b)*, shall exercise the corrective power concerned.”.

It is our opinion that this amendment, as proposed, will afford protections against the attempted suppression of information in the instance that the data controller wishes to prevent a data protection officer from publishing information that the data controller is unhappy with being published, despite that information being in the public interest. That is very clear, is it not?

Senator Alice-Mary Higgins: I second the amendment.

Deputy Charles Flanagan: While I understand the reasoning behind this proposed new section, I regret I cannot accept it. The section seeks to deal with the risk that a data protection officer may encounter non-co-operation, duress, harassment or victimisation in the workplace and, as a result, is no longer in a position to perform his or her duties under the GDPR and under this legislation.

Since our earlier Committee Stage discussions, I have had the opportunity to consider this proposal. I have reached the conclusion that an effective remedy is already available to data protection officers under the Protected Disclosures Act 2014. As Senators will be aware, a disclosure of relevant information is protected if, in the reasonable belief of a worker, it tends to show a relevant wrongdoing and it came to his or her attention in connection with the worker’s employment. Relevant wrongdoing, as defined in section 5(3) of that Act includes “that a person has failed, is failing or is likely to fail to comply with a legal obligation”. In my view, this would include all obligations on a controller under the GDPR and this Bill, including the controller’s obligations towards the data protection officer.

Section 7 of the Protected Disclosures Act 2014 provides for protected disclosures to an external person who has been prescribed in an order made by the Minister for Public Expenditure and Reform. I refer to SI 339 of 2014 whereby the Minister for Public Expenditure and Reform has prescribed a range of persons that, by reason of the nature of their statutory responsibilities or functions, appear appropriate as persons to be recipients of protected disclosures. The Data Protection Commissioner has been prescribed as a recipient of disclosures in respect of all matters concerning compliance with data protection law. As I have said, I believe that this provides an effective remedy where a data protection officer is experiencing difficulty in the performance of his or her duties, or in the matter of any of his or her functions. A further advantage, which is an important aspect to be taken into account, is that any data protection officer making such a

protected disclosure would enjoy the extensive protections against dismissal, victimisation and any detriment provided under Part 3 of the Protected Disclosures Act 2014.

A further disadvantage with this amendment is that it would apply only to data protection officers appointed by competent authorities operating under Part 5 of the Bill. In the same way, I felt that the earlier amendment tabled by Senator Higgins was weak because it would only have the effect of making a change or alteration to Part 5. Similarly, this is confined to Part 5 and would not, therefore, protect the data protection officer operating under the GDPR. All data protection officers, whether operating under the GDPR or Part 5, as we are now discussing, will in any event have the protection and the remedies available under section 7 of the Protected Disclosures Act, as elaborated upon and further developed in SI 339 of 2014. I know from where the Senators are coming, but I do not accept the amendment as being an effective remedy, having regard to the fact that what we have already, between this Bill and the Protected Disclosures Act 2014, covers any issue Senators might have in terms of fear or weakness.

Senator Paul Gavan: I have heard what the Minister has said, but I still wish to pursue this issue.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 53:

In page 66, line 8, after “data” to insert “, and the procedure and mechanisms for so doing”.

Senator Paul Gavan: I second the amendment.

Senator Alice-Mary Higgins: This amendment relates to cases in which individuals are trying to access personal data related to them that has been processed. There are a number of points in section 87 in which it is clear that the data controller must set out information detailing the right of the data subject to lodge complaints or request information. It should not need to do so, but the reality is it may need to specify procedures. People are informed that they have the right to complain or request and my very small amendment would simply suggest they also be informed of the procedures by which they make a request. They are more or less the rights someone has. It is really about making the GDPR usable for individuals and so forth. I am not pressing the amendment at this point, but I am asking that it be borne in mind and looked at. We need to watch out for cases in which people are simply told that they have a right but not told about the mechanisms by which they can access the right through procedures. I know that under the overall GDPR, there is a requirement for clarity and clear communication. It is really almost trying to send a signal down the line to controllers. I will not press the amendment now, but I trust the Minister understands the reasoning behind it.

Amendment, by leave, withdrawn.

Amendment No. 54 not moved.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 55 and 56 are related and may be discussed together.

Senator Alice-Mary Higgins: I move amendment No. 55:

In page 81, between lines 6 and 7, to insert the following:

“(2) The Commission shall maintain a guideline list of data controllers and processors regarded as preventative and counselling services under *section 30*.”.

Senator Paul Gavan: I second the amendment.

Senator Alice-Mary Higgins: These amendments relate to the earlier debate on Committee Stage about how we can ensure the preventive and counselling services we have available in Ireland, some of which are very small, can be assured that they will not be inadvertently considered to be in breach of the directive. There is a guideline as to what is a preventive and counselling service, given the special exemption under section 30 of the Bill. There is a little concern on the part of some of those who provide preventive and counselling services about this provision. They are often small organisations which deal with young people with specific issues such as eating disorders, questions about their sexual orientation and others. We should assure them that these well meaning services can be sure they are meeting requirements and will not find themselves inadvertently being considered to be in breach of the directive or not categorised as preventive and counselling services. This is an attempt to ensure there would be a guideline list, although it would not be exclusive, for those who genuinely intend to be as transparent as possible. They want the imprimatur in order that they will not find their qualification as a preventive and counselling service tested in the courts. That is the kind of thing that could prove prohibitive or that could potentially have a chilling effect on some very worthy preventive and counselling services.

I will not move amendment No. 56 as I recognise that the Minister has brought forward measures for a code of conduct. We have already discussed our concerns that it is a code of conduct, rather than statutory guidelines. However, in acknowledging that this is a work in progress, I will not press the amendment as there is no point in having two approaches to the same problem in the same Bill. I encourage others in the Dáil to try to push a requirement rather than encouragement into the code of conduct when it reaches that point.

Deputy Charles Flanagan: I acknowledge what Senator Alice-Mary Higgins said about amendment No. 56 and appreciate her disposition. However, I have a difficulty with amendment No. 55 which seeks to insert a new subsection into section 98 to impose an obligation on the Data Protection Commission to maintain a list of data controllers and processors which are regarded as providing preventive and counselling services for children. Section 98, in Part 5 of the Bill, deals with the functions of the Data Protection Commission with respect to bodies in the criminal justice system. Preventive and counselling services do not arise in that context. We are back to the earlier point of amending Part 5 which would not have the broad effect intended by the Senator in her amendment. I am concerned about any proposal to impose a requirement on the Data Protection Commission. I acknowledge the earlier votes and we will have an opportunity to discuss this matter again in the Dáil. There is a fundamental issue at stake - the Legislature providing in law for requirements on or mandating the Data Protection Commission in certain matters. It would not be appropriate for us to in any way have an impact on what is an independent statutory body. Imposing requirements on the commission could be problematic. Furthermore, I am not sure the commission would have the appropriate expertise to carry out vetting. As we all know, in the case of children, it would go well beyond the matter of data protection. Therefore, I am not comfortable with and will not accept the amendment. I know that the Senator will ensure the matter is aired considerably in Dáil Éireann. I will be happy to revisit the matter at that stage.

Senator Alice-Mary Higgins: The Minister has made one point that I consider valid and

that I might challenge a little. There is an overall problem with Part 5 that needs to be tackled. It is particularly in the areas of health and education that concerns such as this arise. However, the argument about imposing a requirement on the Data Protection Commission does not stand up. This is the section in which we are setting out the functions of the office. It is a brand new body that is being set up. We could go through every line setting out a function of the new commission and say it was imposing on it. This is the moment at which we say what the commission will be able to do and what its functions will be. That is why I explicitly seek to include this measure as a function of the commission. There is no reference to Ministers or the Government. This would simply be another function of the commission to allow it to perform to best effect. I should be clear that it would not be an additional requirement imposed by a Minister but a function of the commission. It would be as credible and good a function as many of the others set out by the Government.

The matter will arise again in the Dáil. It passed without a remark when we discussed questions about the code of conduct, etc., but I recognise positively that the Minister inserted the capacity of the commission to consult those it sees fit to consult, including, for example, a digital safety commissioner. It was inserted into the Bill at that point.

As the capacity was provided in the Bill at that point, perhaps, similarly, it could be provided in this instance to allow the commission, as one of its functions, to set out the list and consult those it sees fit to consult. However, I will not press the amendment, given the concerns about section 5 and the fact that this issue will no doubt be aired and the Bill improved in the Dáil.

Amendment, by leave, withdrawn.

Amendment No. 56 not moved.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 57 to 59, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 57:

In page 106, line 5, to delete “report.” and substitute the following:

“report,

(d) the total and proportionate number of data subjects to file complaints against a controller or processor.”.

Senator Paul Gavan: I second the amendment.

Senator Alice-Mary Higgins: All of the amendments relate to how the commission functions and ensuring its effective functioning. The concerns have been well aired in this House and I am sure they will be in the Dáil about the fact that the Data Commissioner may not take up individual cases that have been filed. He or she has the right not to proceed with individual cases or to dismiss them. There is a concern that when there is a large number of individual complaints which may or may not be taken up by the commission, there may be a pattern where there are multiple individual complaints about a specific data controller. While I recognise that the commission has the power to initiate a report, what I am trying to insert with this suite of amendments is, first, transparency in order that patterns will emerge and we will see “the total and proportionate number of data subjects to file complaints against a controller or processor”. If 600 or 1,000 complaints are made against a data controller - a private company or a public

body - or where 60% of those in contact with the data controller all complain, the Data Commissioner should have the power to initiate a report and ask questions and this would make the pattern apparent. For example, if there were two or three data controllers in the same sector, that is, two or three companies operating in the same field, we would be able to see if company A had 40 complaints made against it and company B of a similar size had 150 against it. That would give rise to concern and allow us to identify a pattern at an early stage.

I am not going to press amendment No. 58. Amendment No. 59 is a mechanism to try to instigate an almost automatic triggering of a request for a report where the Data Commission receives complaints about a specific data controller - a specific company or public body - from 400 or more individuals. The intention is to try to ensure that where there is a significant concern emerging, it would automatically trigger a response. This issue is a source of concern. Currently, every individual can take a case to the European Court of Justice, but not every individual will do so. This is to try to ensure each of the individual complaints would add up. There are precedents in other areas for the taking of test cases. The intention is there would be a collective response. Many individuals, when they make a complaint, do not necessarily want to push ahead and look for compensation in the courts system, rather they simply want to know that their complaint has been noted and that it will add to the pressure to have a bad practice addressed. That is what I am trying to do with this suite of amendments. As I said, I will not press amendment No. 58, but I am very interested in hearing the Minister's thoughts on how these issues should be addressed.

Deputy Charles Flanagan: Section 131 gives the Data Protection Commission the power to require a controller or a processor to provide a report for it on matters specified by it. The report would be produced by an independent expert, not the controller or the processor or the commission. The intention is that this enforcement mechanism will be used in important cases, for example, the deployment of new processing technologies, for the purposes of proper and effective monitoring of the application of the GDPR, in so far as the Bill and relevant regulations made under it give further effect to it.

The section does not relate to the carrying out of investigations by the commission into possible infringements of the GDPR. Therefore, the number of data subjects to file complaints against a controller or a processor and the likely benefit to complainants of providing a report would not be relevant factors to be taken into account in deciding whether to require the controller or the processor to provide a report for the commission under the section.

I am not sure whether the points raised by the Senator could even be achieved by the amendments. We are really at cross-purposes, having regard to the construct of the section. However, I note her comments on amendment No. 58. That is fine. However, I am concerned about the proposal made in amendment No. 59 to require the commission to provide the Oireachtas Joint Committee on Justice and Equality, or any committee of the Dáil and the Seanad, with a written rationale for a decision not to seek a report. Again, we are back to an assertion I would make about possible interference with the independence of the commission. That is something we need to avoid in this legislation, bearing in mind that it is a requirement under the GDPR. I have a difficulty with amendments Nos. 57 and 59 and accept that amendment No. 58 is being withdrawn, but I do not really see how, under the current framework, the amendments would produce the result she would regard as being applicable or feasible.

Senator Alice-Mary Higgins: I believe it would be beneficial. Acceptance of amendment No. 57 would mean that the commission would be deciding whether it should simply request

a report, not necessarily an investigation. It would, of course, then be in the armoury of tools available to it. I presume it would not automatically trigger an investigation. It would be the first stage - the requesting of a report. It would be recognised that a consideration for the commission in deciding whether it should ask for an independent report, as the Minister correctly described, would be the total and proportionate number of data subjects who were filing complaints against a controller or a processor. The Minister is correct that complaints may not be filed directly with the commission, that they may be filed with the data controller, but to ensure transparency the data controller should let us know what is the volume of complaints.

Amendment No. 57 would be useful, but I will not press it for now. I have indicated that I will not press amendment No. 58, but I do wish to press amendment No. 59 because it would dealing with the specific question of where the commission was receiving complaints about a data controller from 400 or more individual data subjects. It would then investigate matters. This is where we are setting out the functions of the commission and I do not believe this would constitute undue interference. It would simply indicate how the commission would function and build in this mechanism. This the appropriate point at which to do so when we are establishing the new commission. It would be very useful.

On the question of written rationale, again, we know that there are powers of compellability. I will only press the amendment to a voice vote, but it is something that needs to be done to ensure an automatic triggering where a large volume of complaints have been filed. That would benefit all of us because we do not want to see huge volumes of individual cases going through the courts. We want patterns to be identified. Perhaps the Minister might come up with another way to address the issue within the functions of the commission.

Amendment, by leave, withdrawn.

Amendment No. 58 not moved.

Senator Alice-Mary Higgins: I move amendment No. 59:

In page 106, between lines 5 and 6 to insert the following:

“(4) Where the Commission receives complaints in respect of a specific data controller or processor from 400 or more individual data subjects then the Commission will—

(a) give note for a report under subsection (1), or

(b) provide the Oireachtas Committee on Justice and Equality with a written rationale for a decision not to give notice for a report under subsection (1).”.

Senator Paul Gavan: I second the amendment.

Amendment put and declared lost.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 60 to 64, inclusive, are related. Amendments Nos. 61 and 62 are physical alternatives to amendment No. 60, while amendment No. 62 is a physical alternative to amendment No. 61. Therefore, amendments Nos. 60 to 64, inclusive, may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 60:

In page 113, to delete lines 11 to 13 and substitute the following:

“(3) Where the Commission decides to impose an administrative fine on a controller or processor that—

(a) is a public authority or a public body, but

(b) is not a public authority or a public body that acts as an undertaking within the meaning of the Competition Act 2002, the amount of the administrative fine concerned shall not exceed €1,000,000.”.

Deputy Charles Flanagan: Arising from concerns raised on Committee Stage about the exemption of public authorities and bodies from administrative fines under section 137 of the Bill, I committed to consider the issue further. Having given it careful consideration, amendment 60 provides for the insertion of a new subsection (3) in section 137. It provides that administrative fines of up to €1 million may be imposed on public authorities and bodies, other than those acting as undertakings, to which the higher GDPR limits will continue to apply. The rationale for setting fines on such authorities and bodies at a lower level is that although it will have a punitive effect, with attendant adverse publicity and damaged reputations, it will not imperil the services provided by the public authority or body concerned. This approach is permitted under the general data protection regulations, GDPR, and I understand a number of member states, including Sweden and Denmark, have adopted a similar approach. The amendment means that public authorities and bodies acting as undertakings under competition law will be subject to Article 83, which, in effect, means that they could be liable to fines of up to €10 million or €20 million, depending on the type of infringement involved.

Amendment No. 64 is a consequential amendment. Section 134 provides for an appeal to the Circuit Court or the High Court against a fine imposed by the Data Protection Commission. On appeal, the court may impose a different fine from that imposed by the commission. The amendment imposes a limit of €1 million on the amount of a fine that can be imposed by the Circuit Court or the High Court on a public authority.

Amendment No. 63 is a drafting amendment. As regards amendment No. 61, I note that Senators Alice-Mary Higgins and Lynn Ruane have also suggested a limit of €1 million. They may wish, therefore, to withdraw the amendment in favour of amendment 60. If they do, I give them credit for raising and pursuing the issue in a vigorous manner. I am pleased that there has been a meeting of minds on the issue.

Senator Alice-Mary Higgins: I very strongly commend the Minister, his staff and officials for the amendment. It is an incredibly positive decision. I am grateful that the Minister has listened to the concerns raised by me and other Members and genuinely applaud the amendment because it will make a significant difference in how the Bill will come into effect and the new data protection standards will be rolled out across public bodies. The fines which I accept are not at the full level provided for in the GDPR are sufficient to show a level of seriousness. This approach has been adopted in Sweden and several other countries. The fines are at a level sufficient to act not only as a deterrent to bad practice but, importantly, to help to drive and encourage good practice. They will strengthen the role and voice of a data processor within public bodies, as mentioned by other Senators, and ensure the considerations of data protection are felt and engaged with in such bodies, including in the area of finances. They will ensure a deeper engagement with those responsibilities, drive good practice and, crucially, ensure bad practice, where it occurs, is not engaged in with impunity. I applaud the Minister as the amendment strengthens the Bill. The fines will have to be imposed on some bodies, but there will be

positive impacts and careless steps will not be taken because of this important deterrent. I again thank the Minister and commend the amendment. It is one of the most fundamental changes he has made to the Bill and it will stand to us, as legislators, and the State.

Senator Paul Gavan: I echo the sentiments expressed by Senator Alice-Mary Higgins. I acknowledge that the Minister has listened to Senators and made a significant change. As he is aware, Sinn Féin expressed particular concerns on this issue. We recognise and welcome that he has listened to those concerns. In the light of that, we will be withdrawing amendment No. 62.

Amendment agreed to.

Amendments Nos. 61 and 62 not moved.

Government amendment No. 63:

In page 113, line 26, to delete “*subsection (4)*” and substitute “*subsections (4) and (5)*”.

Amendment agreed to.

Government amendment No. 64:

In page 113, between lines 32 and 33, to insert the following:

“(5) Where the decision the subject of the appeal is one to which *section 137(3)* applies, and the court decides under *subsection (3)(b)* to impose a different fine, the amount of the fine imposed by the court shall not exceed €1,000,000.”.

Amendment agreed to.

Amendment No. 65 not moved.

Bill, as amended, received for final consideration.

Question proposed “That the Bill do now pass”.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Acting Chairman and Senators-----

Acting Chairman (Senator Gerry Horkan): I was here for the majority of the Bill’s passage.

Deputy Charles Flanagan: You were. We have had a good debate and I acknowledge the contribution of Senators on all sides of the House. I thank them for their co-operation. Unlike other legislation passed through the Houses, there is a strict timeframe and deadline for the Bill that, as a state, we should regard as highly important and necessary. I thank all Members for their co-operation in ensuring the Bill was completed in the Upper House before the end of this term. I look forward to continuing the debate and, although Members of this House will not be present in the Lower House, their influence will continue. I particularly acknowledge the contribution of Independent Senator Alice Mary Higgins, with other Senators, and look forward to ensuring the legislation is enacted by both Houses of the Oireachtas and that Ireland, as a member state of the European Union, will be in a position to fully comply with its obligations.

Senator Martin Conway: I thank the Minister who has attended for all Stages of the Bill

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in the Seanad. He is an exceptionally busy man who runs a very important Department that requires significant day-to-day management. Although the legislation is extremely important, I acknowledge that he has been here to deal with it. We may have to consider increasing the number of Ministers of State in the Department of Justice and Equality because the Minister has had to go above and beyond the call of duty to be here for all Stages of the Bill.

I commend Senators for their work on the Bill. I also commend the Minister's officials. The genuine engagement between the Government and Members of the House has strengthened and will strengthen the Bill. I commend, in particular, Senator Alice Mary Higgins. The Acting Chairman will agree with me that she was determined and that her attention to detail in UCD 25 years ago was as significant as it is now. We are not one bit surprised that her level of detail is particularly significant. Gabhaim buíochas to all.

Senator Alice-Mary Higgins: I thank the Minister for his attendance and engagement. I specifically thank his officials who made themselves available for engagement between Committee and Report Stages. That was really important, very valuable and fruitful as the Bill has been strengthened. However, I have to add the caveat that there is still the specific issue of section 43 and openness with regard to the actions we see unfolding and that will continue to unfold in respect of companies such as Cambridge Analytica and others that will need to be addressed. I, therefore, urge the Minister to look at how the section can be strengthened further. I know that he is looking at the issue. I also commend him specifically for the introduction of fines and, with his officials, for taking on board some of the more detailed points about immigration, public bodies and proportionality. All of the detailed amendments which he has brought forward are very positive and will make a real difference to the lives of individuals. I thank him again and wish him well as moves forward with the Bill.

Acting Chairman (Senator Gerry Horkan): I thank Senator Alice-Mary Higgins. I do not think there have been too many pieces of legislation for which I have been in the Chair for so much time. There were more than 90 amendments on Committee Stage and a further 65 on Report Stage and I happened to be in the Chair for more of the debate than almost anyone else. That possibly might just have happened by coincidence. At one stage the snow slowed down the Bill a little, but it is good that it has been passed before the recess. I thank all of the participants, particularly the Minister, and all of his staff for their co-operation. It is good that the Bill is now to be brought to the other House where I hope it will be passed in time to meet the deadline which I believe is sometime in May. I again thank the Minister and his staff and all Senators for their co-operation.

Question put and agreed to.

Irish Language Support Services: Motion

Acting Chairman (Senator Gerry Horkan): I call Senator Pádraig Ó Céidigh to move the motion. I am not sure who is seconding it.

Senator Catherine Ardagh: Cuidíonn mise leis an rún.

Acting Chairman (Senator Gerry Horkan): It is the Senator. I will ask a Government Senator to move the Government amendment on the Order Paper when we come to it. The debate is to conclude within two hours.

Senator Pádraig Ó Céidigh: Tairgim:

Go n-aithníonn Seanad Éireann:

Seirbhísí Poiblí

Seirbhísí Stáit sa Ghaeltacht

- gur chóir don Stát cur chuige eiseamláireach teanga a ghlacadh i leith soláthar seirbhísí sa Ghaeltacht, rud a léireodh go soiléir a thiomantas d'úsáid agus do stádas na Gaeilge sna ceantair sin;

- chun an méid sin a bhaint amach gur chóir éifeacht a thabhairt d'fhoráil reachtúil a cheanglódh Gaeilge ar a dtoil a bheith ag oifigigh Stáit a bhíonn lonnaithe, nó i mbun soláthar seirbhísí pobal-dírthe, sna ceantair Ghaeltachta;

- gur chóir freisin go gcuirfí na tacaíochtaí teanga cuí ar fáil sna réimsí oibre nó gairme sin lena mbaineann sainscileanna faoi leith agus a bhféadfadh dúshlán a bheith ann daoine a mbeadh an inniúlacht chuí sa Ghaeilge acu a earcú ina leith;

- go n-aithníonn an Rialtas an ghéarchéim atá sa Ghaeltacht, ó thaobh mheath na Gaeilge agus bánú pobail de. Tá sé riachtanach go dtabharfar faoi fheachtas tarrthála bunaithe ar an obair atá ar siúl ag na pobail Ghaeltachta agus go dtabharfaidh gach roinn Stáit tacaíocht iomlán don obair seo;

Seirbhísí Stáit i gCoitinne

- gur cheart soláthar na seirbhísí Stáit inár dteanga dhúchais a éascú de réir an stádais a bhronntar ar an nGaeilge i mBunreacht na hÉireann, mar an teanga náisiúnta agus príomhtheanga oifigiúil na tíre;

- thar aon ní eile, go mbraitheann soláthar seirbhísí atá ar chomhchaighdeán trí Ghaeilge ar líon leordhóthanach daoine le Gaeilge a bheith fostaithe sa tseirbhís phoiblí. Dá réir sin, is cóir go socrófaí caighdeáin seirbhíse trí Ghaeilge, i ngach cuid den earnáil phoiblí, bunaithe ar mhúnla na tairisceana gníomhaí agus go dtabharfaí feidhm reachtúil don mhéid sin. Tá sé riachtanach leis go mbunófaí córas earcaíochta chun a chinntiú go mbeidh líon cuí fostaithe le hinniúlacht sa Ghaeilge ag obair sa tseirbhís phoiblí ionas gur féidir na caighdeáin sin a bhaint amach;

Oideachas Gaeltachta agus Oideachas Lán-Ghaeilge

- ó bunaíodh an Stáit, go bhfuil an córas oideachais i gcoilár na n-iarrachtaí chun ár dteanga dúchais a tharchur ó ghlúin go glúin. Ba cheart go dtacófaí leis na hiarrachtaí chun an Ghaeilge a chur chun cinn sa chóras oideachais—

- trí bheartas Stáit a fhorbairt i leith oideachas lán-Ghaeilge chun aitheantas a thabhairt do chearta tuismitheoirí go bhfaigheadh a leanáí oideachas trí Ghaeilge más mian leo sin;

- trí sholáthar comhionann agus ar chomhchaighdeán a chur ar fáil do scoileanna Gaeltachta agus scoileanna lán-Ghaeilge ó thaobh áiseanna, tacaíochtaí foghlama, tacaíochtaí oiliúna agus tacaíochtaí riaracháin de;

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- trína chinntiú gurb ann do líon leordhóthanach múinteoirí le Gaeilge, agus go mbunófaí cúrsa oiliúna lánaimseartha dírithe ar oiliúint a chur ar mhúinteoirí maidir le teagasc a thabhairt trí Ghaeilge;

Maoiniú Údarás na Gaeltachta agus Fhoras na Gaeilge

- gur chóir go mbeadh maoiniú Údarás na Gaeltachta agus Fhoras na Gaeilge ar chomhchéim (i gcomhthéacs an réimse dualgas) le maoiniú na bhforas stáit eile a bhíonn ag plé leis na réimsí céanna forbartha - mar shampla, leis an nGníomhaireacht Forbartha Tionscail igcás an Údaráis, agus leis an gComhairle Ealaíon i gcás Fhoras na Gaeilge. I gcomhthéacs na ndeacrachtaí atá ag an bhFeidhmeannas i dTuaisceart Éireann agus an bac atá á chur acu sin ar fhorbairt an Fhorais agus ar fhorbairt na Gaeilge ba chóir struchtúr nua a chruthú don Fhoras chun nach ndéanfar dochar don Ghaeilge de dheasca na srianta atá ar Fhoras na Gaeilge faoi láthair.

Go dtugann Seanad Éireann dá aire:

- tacaíocht an Taoisigh agus an Rialtais do Bhliain na Gaeilge, 2018;

- go bhfuil go leor oibre fós le déanamh chun ár dteanga dhúchais a chur chun cinn.

Cuirim fáilte roimh an Aire Stáit go dtí an Teach seo. Bímid ag caint go minic faoi chúrsaí Gaeilge agus cúrsaí teanga. Táim ag moladh an rún seo. Táim díreach chun cúpla pointe a dhéanamh, ní bheidh mé 12 nóiméad. Tá brón orm agus tá brón orainn uilig go raibh an tAire Stáit agus muid uilig ag fanacht timpeall anseo ar feadh roinnt uaireanta an chloig ach, mar atá a fhios ag an Aire Stáit, bhí díospóireachtaí eile ar siúl a thóg suas i bhfad níos mó ama ná mar a bhí pleanáilte.

Ba mhaith liom tosú ag rá leis an Aire Stáit - agus dúirt mé sin leis go minic cheana - on the record, mar a deirtear, go bhfuil meas agam ar an obair atá sé fèin agus an Rialtas ag déanamh ó thaobh na Gaeilge de agus go bhfuil mé buíoch as ucht an obair atá sé ag déanamh agus mar sin de. Anseo, tá mé ag caint ar pholasaithe. Seo an áit, Teach Laighean, ina gcuirtear polasaí le chéile. Séard atá i gceist anseo ná dúshlán don Aire Stáit agus don Rialtas agus, ag an am céanna, tacaíocht ó thaobh polasaithe foirfe cuimsitheacha a bheith againn ó thaobh na Gaeilge de.

Níl ach cúpla pointe le déanamh agam. I dtosach báire, mar gheall ar fhís - vision - céard é an fhís a bheadh againn ó thaobh na Gaeilge de? Mar a dúirt mé anseo cheana, ba cheart go mbeadh gach saoránach sa tír seo ábalta ár dteanga dúchais a úsáid má tá sé nó sí ag plé le Ranna Stáit nó le cúrsaí oideachais. Ba cheart go mbeadh an rogha sin ann. Tá Bunreacht na hÉireann agam anseo, the Irish Constitution. Tá sé ráite anseo in Airteagal 8 gurb í an Ghaeilge ár dteanga náisiúnta agus gur príomhtheanga oifigiúil í. Tá sin sa Bhunreacht. Tá go leor caint ar an mBunreacht na laethanta seo ó thaobh cúiseanna eile de. Ní dóigh liom go raibh muid dáiríre faoi Airteagal 8 den Bhunreacht le blianta fada siar.

Ba cheart go mbeadh chuile dhuine ábalta ár dteanga dúchais a úsáid go laethúil mas mian leo é sin a dhéanamh. Níl mé ag iarraidh ach go mbeadh cothrom na Féinne ag lucht na Gaeilge - ní muintir na Gaeltachta amháin, ach lucht na Gaeilge sa tír. I am asking for us to be treated equally. Sin an méid. Má táimid ag iarraidh úsáid a bhaint as an nGaeilge, ba cheart go bhféadfadh muid é a dhéanamh ar a laghad le Ranna Stáit. Bheadh súil agam freisin go bhféadfadh muid é a dhéanamh le comhlachtaí príobháideacha. Mar atá a fhios ag an Aire Stáit, toisc go

dtugann sé tacaíocht airgid dó, tá Foras na Gaeilge ag déanamh an t-uafás oibre ó thaobh an Ghaeilge a leathnú amach ó thaobh cúrsaí gnó de. Tá seimineár mór - an all-Ireland seminar - ó thaobh cúrsaí gnó de ar siúl i bPáirc an Chrócaigh i mí Aibreáin ina mbeidh an foras páirteach ann. Tá sé sin fíorthábhachtach san am céanna.

Caithfidimid mar Stát ceannródaíocht a léiriú, in other words leadership a thógáil, ó thaobh na Gaeilge de. Caithfidimid a bheith proactive in áit a bheith reactive. Rinne mé taighde ar ról an Stáit maidir le seirbhísí as Gaeilge. Ní fheicim go bhfuil aon phlean ann faoi láthair do sheirbhísí phoiblí as Gaeilge go hiomlán. Molaim go mbeadh orainn smaoinemh air sin agus é a thógáil san áireamh. Freisin, caithfear cur chuige agus, mar a deirtear i mBéarla, key performance indicators, KPIs, maidir le cén chaoi atá ag éirí linn a bheith againn. Caithfidh accountability a bheith againn. Cén chaoi a bhfuil ag éirí linn leis an airgead agus an infheistíocht atá á déanamh ó thaobh na Gaeilge de?

Maidir le cúrsaí oideachais, ní féidir baitsiléir oideachais, B.Ed., a dhéanamh as Gaeilge faoi láthair. Bheadh sé iontach dá bhféadfadh an tAire Stáit comhoibriú leis an Roinn Oideachais agus Scileanna chun go bhféadfadh scoláirí agus daoine atá ag traenáil le bheith mar mhúinteoirí céim mhúinteoireachta a fháil trí mheán na Gaeilge - ceim trí bliana nó ceithre bliana. Cabhródh sé sin go mór mar tá fadhbanna móra ann ó thaobh cúrsaí oideachais de. I dtosach báire, níl dótháin daoine ag dul isteach sa mhúinteoireacht. Tá fadhb eile ó thaobh cúrsaí pá de agus tá fadhb ann ó thaobh chaighdeán mhúineadh na Gaeilge. Is fíor-drochrud é go bhfuil go leor de na daoine a théann isteach ag an scoil ag a cúig bliana d'aois agus a fhágann í ag 18, tar éis 13 bliana sa scoil, ar bheagán Gaeilge nuair a fhágann siad an scoil. Tá rud éigin mícheart leis an gcóras oideachais mar gheall air sin. Más rud é go mbeadh daoine ag iarraidh go mbeadh a gcuid gasúr múinte trí mheán na Gaeilge, ba chóir go mbeadh an Stát in ann é sin a chur ar fáil.

If the Minister of State, Deputy McHugh, or my colleagues wanted their sons or daughters to be taught through the medium of Irish in primary and secondary school, the State should ensure they had that opportunity as a basic right. It is not there at the moment. It is certainly a little haphazard. Ach tá go leor gur féidir a dhéanamh leis seo. Caithfidimid an dúshlán a ghlacadh, we have to challenge ourselves, to continually make it better. Mar a dúirt mé don Aire Stáit, tá mé an-bhuíoch don cheannaireacht atá sé ag tógáil ó thaobh na Gaeilge de, ach tá mé ag iarraidh an liathróid a bhrú céim eile chun cinn, le tacaíocht an Aire Stáit. Freisin, ba chóir go mbeadh áiseanna ar chomhchaighdeán idir scoileanna Gaeltachta agus scoileanna lán-Ghaeilge ó thaobh cúrsaí infheistíochta de. Tá a fhios agam go bhfuil plean teanga ann agus go bhfuil plean oideachais ann ó thaobh scoileanna agus scoláirí atá sna Gaeltachtaí, agus is mór is fiú é sin. Sin céim an-mhaith sa treo ceart. Tá i bhfad eile ag teastáil sa bhreis air sin. Níl an polasaí Gaeloideachais ag an Stát, ar chor ar bith. Tá sé fíor-thábhachtach é sin a thabhairt isteach. Mar shampla, in 2018 dúirt an Taoiseach agus an Rialtas go mbeadh 2018 mar Bhliain na Gaeilge. Ní osclófar aon Ghaeilscoil nua i rith 2018. Sin rud le breathnú siar cúpla bliain, because ní tharlaíonn sé thar oíche, ach is rud fíor-thábhachtach é sin. Freisin, níl an smaoinemh chomhleanúnach ann, joined-up thinking, idir Ranna Stáit éagsúla, ó thaobh na Gaeilge de. Tá sé fíor-thábhachtach go dtarlódh sé sin. De réir mar a fheicimse, tá dreamanna éagsúla ag obair in silos, agus ag déanamh a rud féin. Is féidir go leor airgid Stáit a shábháil, más rud é go mbíonn an comhleanúnachas ann, ó thaobh smaointe de, agus go mbíonn daoine ag obair as lámh a chéile.

Maidir le maoiniú Údarás na Gaeltachta agus Foras na Gaeilge, mar a dúirt mé leis an Aire Stáit cheana - agus tá na figiúirí agam anseo - tá laghdú de 70% tagtha ar an tacaíocht atá Údarás na Gaeltachta ag fáil ó thaobh poist a chruthú. Níl mé ag iarraidh ach go mbeadh sé ar

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chomhcéim leis an IDA agus le Fiontar Éireann ó thaobh na poist a chuireann sé ar fáil agus an t-airgead a chuirfear ar fáil dó. All I am looking for is equality. Mar is eol don Aire Stáit, toisc gur as Gaeltacht na nDúnaibh é, tá sé i bhfad níos deacra poist a chruthú in áiteanna ar nós na nDúnaibh, Gaoth Dobhair, Baile an Fheirtéaraigh, Conamara agus áiteanna eile le hais ceantacha nach bhfuil in aice agus timpeall ar Bhaile Átha Cliath. Fós, tá laghdú mór tagtha ar an méid tacaíochta atá Údarás na Gaeltachta ag fáil.

Ó thaobh Fhoras na Gaeilge de, molaim go mbeadh sé ar an leibhéal céanna leis an gComhairle Ealaíona. Ba chóir go mbeadh an cothromas sin curtha i bhfeidhm laistigh de trí bliana, ar a mhéid. Ní maith liom an nós ina ndéarfaí go ndéanfar rud nuair a chiallaíonn sin go dtarlóidh sé amach anseo sa todhchaí. Is féidir é a dhéanamh anois agus is féidir an béim a thabhairt air go mbeidh sé sin againn taobh istigh de trí bliana.

Tá comharthaí dháttheangacha againn, don chuid is mó sa tír, ó thaobh na bóithre de. Feictear dom go bhfuil an píosa i nGaeilge i bhfad níos lú ná an píosa i mBéarla. Ta síceolaíocht éigin ag baint leis sin. Sa Bhreatain Bheag agus áiteanna eile, tá siad ar chomhcéim ó thaobh an font, méid an font agus mar sin de. Má amharcaimid air, nílím ag chomhlíonadh Airteagal 8 ar chor ar bith. Nílím ag baint amach an fhís - goal an Stáit - go mbeadh muid mar cheannródaithe, leaders, air seo. Is féidir é a dhéanamh agus tá muinín agam as an Aire Stáit gur féidir leis é a dhéanamh. Tá cúrsaí oideachais fíor-thábhachtach. Luaigh mé cupla rud ansin ó thaobh cúrsaí oideachais de agus nach bhfuil an polasaí Gaeloideachais ann. Níl aon smaoinemh chomhleanúnach á dhéanamh ag an Stát. Luaigh mé maoiniú Údarás na Gaeilge agus Foras na Gaeilge freisin. Caithfear rud a dhéanamh freisin mar gheall ar an dTuaisceart agus Comhaontú Aoine an Chéasta le cead a thabhairt d'Fhoras na Gaeilge comhoibriú i gceart lena chéile. Tá a fhios agam gur luaigh go leor daoine cheana go dtugann siad tacaíocht do na hiarrachtaí atá ar siúl i dTuaisceart Éireann chun an Ghaeilge a chur ar chomhionann le Béarla. Má tá daoine ag iarraidh na Gaeilge a labhairt i dTuaisceart Éireann, caithfidh go mbeadh an cead sin acu, ó thaobh cúrsaí dlí de agus eile.

Senator Catherine Ardagh: Ba mhaith liom tacú leis an rún seo go foirmiúil inniu. Tacaíonn Fianna Fáil leis an rún maidir leis an nGaeilge atá á thabhairt isteach le linn am na gComhaltaí Príobháideacha sa Seanad ag Seanadóir Ó Céidigh. Tá sé ar cheann de chuspóirí Fhianna Fáil ón tráth a bunaíodh é, an Ghaeilge a chur chun cinn mar theanga bheo i measc na ndaoine, agus cearta daoine a labhraíonn an teanga a chosaint. Tá an teanga náisiúnta ar sheoid de chultúr na tíre seo agus ní féidir cur síos a dhéanamh ar an tábhacht cinniúnach atá léi dá réir. Tá polasaí láidir ag Fianna Fáil i leith na Gaeilge, agus bhí cur chun cinn na Gaeilge mar bhunaidhm an pháirtí ó bunaíodh é in 1926. Idir 1997 agus 2001, thóg Fianna Fáil céimeanna móra chun an Ghaeilge a chur chun tosaigh. Mar shampla, ritheamar reachtaíocht le haghaidh Acht na dTeangacha Oifigiúla 2003, bhunaigh muid Oifig an Choimisinéara Teanga, Foras na Gaeilge agus an Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta. Chuireamar cearta teanga san áireamh i dlíthe éagsúla, in Achtanna oideachais, mar shampla, agus in Achtanna pleanála. D'fhorbraíomar agus ghlacamar leis an straitéis 20 bliain don Ghaeilge chomh maith. In ainneoin iarrachtaí pearsanta an Aire Stáit le seacht mbliain anuas, theip ar an Rialtas faoi cheannas Fhine Gael ar an nGaeilge agus ar an nGaeltacht. Tháinig laghdú ar líon na ndaoine a deir go bhfuil Gaeilge acu agus orthu, siúd a labhraíonn an Ghaeilge gach lá. Níor cuireadh an straitéis 20 bliain don Ghaeilge i bhfeidhm agus ghearr sé ar acmhainní don teanga. Cuireadh deireadh le togha ionadaithe ó phobal na Gaeltachta ar bhord Údarás na Gaeltachta freisin. Sa chomhaontú a rinneadh idir Fianna Fáil agus Fine Gael sular bunaíodh an Rialtas seo, d'éiligh Fianna Fáil agus d'aontaigh Fine Gael, go gcuirfí gealltanas sa chomhaontú muiníne agus éil-

imh maidir le breis acmhainní don Ghaeilge. Tá an gealltanas seo fós le comhlíonadh ag an Rialtas. Beidh Fianna Fáil ag brú go láidir go ndéanfar é sin. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire Stáit as ucht teacht anseo arís inniu. Tá a fhios agam go bhfuil a lán paisin aige maidir le cur chun cinn a dhéanamh ar an nGaeilge. Tá sé tar éis mé féin a spreagadh dul go dtí an Gaeltacht i nDún na nGall an samhradh seo chugainn, ach caithfimid fíis níos cróga a bheith againn, mar gheall ar chur chun cinn na Gaeilge. Caithfimid níos mó iarracht a chur isteach leis an nGaeilge a chur chun cinn. Caithfimid na hacmhainní cearta a thabhairt do na heagraíochtaí a thacaíonn le cúis na Gaeilge. Caithfimid an gcaoi ina bhfoghlaimítear an Ghaeilge inár scoileanna go léir a athrú, mar níl sé ag obair. Ba mhaith liom arís tacaíocht a thabhairt don rún.

Senator Joe O'Reilly: Ar dtús báire, ba mhaith liom-----

An Leas-Chathaoirleach: An bhfuil an Seanadóir ag moladh an leasaithe?

Senator Joe O'Reilly: Tairgim leasú a 1:

Go scriosfar na focail go léir tar éis “Go n-aithníonn Seanad Éireann:” agus go gcuirfear an méid seo a leanas ina n-ionad:

“Seirbhísí Poiblí

Seirbhísí Stáit sa Gaeltacht

Seirbhísí Stáit go ginearálta

i bhfianaise na bhforálacha i ndáil le hearcaíocht san earnáil phoiblí agus le seirbhísí poiblí i nGaeilge i gCeannteidil Bhille na dTeangacha Oifigiúla (Leasú) a foilsíodh in 2017 agus atá á dhréachtú faoi láthair, leis an gcuspóir:

- gur Gaeilgeoirí 20% d'earcaigh nua don tseirbhís phoiblí;
- go mbeidh gach oifig phoiblí atá lonnaithe i gceantair Ghaeltachta ag feidhmiú trí mheán na Gaeilge;
- go méadófar cumas comhlachtaí poiblí seirbhísí poiblí a chur ar fáil trí Ghaeilge;
- go bhforchuirfear oibleagáidí ar chomhlachtaí poiblí caighdeán a thabhairt isteach agus a chur i bhfeidhm i leith na Gaeilge a fhorordóidh an tAire Cultúir, Oidhreacht agus Gaeltachta;

gur cheart go mbeadh díospóireacht chuimsitheach ag an Teach seo maidir leis na forálacha atá sa Bhille, tar éis a fhoilsithe;

Oideachas Gaeltachta agus Lán-Ghaeilge

- go n-aithníonn an Teach seo na céimeanna a ghlac an Rialtas seo chun oideachas trí mheán na Gaeilge a neartú agus chun teagasc agus úsáid na Gaeilge sa Ghaeltacht a chothú, lena n-áirítear an chéad Pholasaí don Oideachas Gaeltachta a fhoilsiú agus a chur i bhfeidhm ó bunaíodh an Stát;

Údarás na Gaeltachta agus Foras na Gaeilge

- go n-aithníonn an Teach seo tiomantas an Rialtais i dTionscadal Éireann 2040 chun

28 March 2018

leithdháileadh caipitil bliantúil Údarás na Gaeltachta a mhéadú go €12m go céimiúil;

- go n-aithníonn an Teach seo tábhacht an struchtúir agus na socrúithe reatha maoinithe uile-oileáin faoina bhfeidhmíonn Foras na Gaeilge i gcomhthéacs Chomhaontú Aoine an Chéasta.

Tarraingíonn Seanad Éireann aird:

- ar thacaíocht an Taoisigh agus an Rialtais do Bhliain na Gaeilge 2018;
- ar an ngá le tuilleadh oibre a dhéanamh chun ár dteanga dhúchais a chur chun cinn.

Tá mé ag moladh an rún. Ar dtús báire ba mhaith liom fáilte a chur roimh an Aire Stáit. Táimid go léir sásta go bhfuil an tAire Stáit ag obair go díograiseach agus go héifeachtach ar son ár dteanga agus na Gaeltachta. Molaim na Seanadóirí, go háirithe an Seanadóir Ó Céidigh, a chuir an rún seo ar an gclár. Cé go bhfuil rún malartach ag an Aire Stáit agus an Rialtas, is fiú an díospóireacht agus an rún. Tréaslaím go mór leis na haidhmeanna atá luaite. Ba chóir go mbeadh seirbhísí poiblí agus seirbhísí Stáit ar fáil as Gaeilge sa Ghaeltacht.

Is ceart bunúsach é do shaoránaigh, go háirithe do mhuintir na Gaeltachta. Tá sé geallta i gceannteidil Bhille na dteangacha oifigiúla, a foilsíodh in 2017, go mbeidh gach oifig phoiblí atá lonnaithe i gceantar Gaeltachta ag feidhmiú trí mheán na Gaeilge. Tá sé sin geallta. Tá díomá orainn uilig go bhfuil meath nó laghdú ag teacht ar an nGaeilge labhartha sna Gaeltachtaí. Sin fáth amháin go bhfuil sé riachtanach go mbeadh na seirbhísí go léir ar fáil as Gaeilge sna Gaeltachtaí. Tá an t-éileamh ann sna Gaeltachtaí agus tá sé sin soiléir ón taighde. Ba chóir go mbeidh comharthaí thart faoin áit as Gaeilge. Mar a deir an tAire Stáit, ba chóir go mbeidh na seirbhísí as Gaeilge ar chomhchéim leis na seirbhísí as Béarla. Táim dáiríre faoi sin. Níor cheart go mbeadh aon difear eatarthu. Ba cheart go mbeadh siad ar chomhchéim. Chomh maith leis sin, tá sé riachtanach go mbeadh eolas ag gach saoránach go bhfuil na seirbhísí ar fáil as Gaeilge.

Tá caighdeán ard Gaeilge labhartha riachtanach chun na seirbhísí a chur ar fáil i mbealach éifeachtach agus ba chóir go mbeadh sé sin sa dlí. Táim féin an-chinnt gur chóir go mbeadh, agus go mbeidh, 20% d'earcaigh nua sa Státseirbhís líofa agus éifeachtach sa Ghaeilge. Murrach sin, ní féidir ár ndualgas a líonadh go mbeidh gach saoránach ábalta na seirbhísí uilig a fháil trí mheán na Gaeilge. Tá sé seo mar chuspóir lárnach ag an Rialtas. Caithfidh é a chur i bhfeidhm. Buíochas le Dia, tá na hacmhainní ann anois chun é a dhéanamh. Molaim féin don Aire Stáit teacht isteach i dTithe an Oireachtais chun cuntas a thabhairt ar stádas na hearcaíochta sin ar a laghad gach bliain. Molaim dó teacht chugainn gach bliain chun stádas na hearcaíochta sin a chur in iúl dúinn ionas go mbeadh díospóireacht agus comhrá againn faoi.

Tá an scéim aitheantais do scoileanna Gaeltachta ag dul ar aghaidh agus beidh maoiniú breise agus tacaíocht teagaisc ar fáil. Beidh réimse leathan tacaíochta curtha ar fáil do na scoileanna. Tá tús le hoiliúint mhúinteoirí sna Gaeltachtaí á fhorbairt. Caithfidh an Roinn cúrsaí oiriúnacha sa teanga labhartha a chur ar fáil go rialta do mhúinteoirí, fiú amháin dóibh siúd atá taobh amuigh de na Gaeltachtaí. Tá cumas na múinteoirí thar a bheith tábhachtach. Tá sé bunúsach. Chomh maith le cúrsaí oideachais agus teanga, tá forbairt eacnamaíoch agus shóisialta sa Ghaeltacht thar a bheith tábhachtach. Is cúis áthais dom tiomantas an Rialtais i Project Ireland 2040 chun an deontas caipitil bliantúil d'Údarás na Gaeltachta a mhéadú go €12 milliún go céimniúil. Is fiú é sin a dhéanamh agus molaim an rud sin. Is cabhair mhór é agus oibreoidh sé ar leas na Gaeltachta agus ar leas ár dteanga. Tréaslaím go mór leis sin.

Is cuidiú mór é gur fhógair an tAire Stáit 2018 mar Bhliain na Gaeilge. Sílim go bhfuil sé seo ag cur béim bhreise fhiúntach ar ár dteanga náisiúnta agus is deis luachmhar é d'oidhreacht agus cultúr na hÉireann. Ba chóir go mbeadh sé lárnach inár dtír. Tá moladh agam don Aire Stáit maidir le Bliain na Gaeilge. Is moladh pearsanta speisialta é atá taobh amuigh de na rudaí atá scríofa feasta. Molaim don Aire Stáit airgead breise a fháil sa bhuiséad atá le teacht agus é a úsáid chun deontais dhíreacha a thabhairt do mhic léinn meánscoile chun dul go dtí an Ghaeltacht. Molaim dó scéim phiólótach a chur i bhfeidhm i scoileanna éagsúla ar dtús agus an scéim a leathnú de réir a chéile nuair atá na hacmhainní ar fáil. Sílim go gcabhródh sé go mór le forbairt na Gaeltachta agus lenár dteanga agus ár gcultúr tríd an tír. Táim lánchinnte faoi sin ós rud é gur chaith mise tamall fada mar mhúinteoir i mbunscoil agus toisc gur tuismitheoir mé. Téann mo leids féin go dtí an Ghaeltacht i rith na mblianta. Is cabhair iontach é. Chuaigh mé féin ann nuair a bhí mé i mo dhéagóir. Is cabhair iontach é. Tugann sé grá don cheantar, don chultúr agus don Ghaeilge féin. Molaim don Aire Stáit rud éigin a dhéanamh faoi sin. Níl go leor mac léinn thart faoin tír nó thart faoin nGalltacht ag dul go dtí an Ghaeltacht. Sílim go bhfuil sé sin riachtanach agus fiúntach. Táim lánchinnte go mbeidh torthaí iontacha as má dhéanann an tAire Stáit é sin.

Tá a fhios agam go mbeidh sé deacair agus go gcaithfear scéim phiólótach a chur ar siúl ar dtús báire, ach leathnódh sé de réir agus go bhfaigheann an tAire Stáit na hacmhainní. Feicfidh sé na torthaí iontacha a thiocfaidh as. Tá an easpa airgid bunúsach do chuid mhaith tuismitheoirí nach gcuireann a ndaltaí féin go dtí an Ghaeltacht. Tugtar spreagadh do na dáлтаí dul ann nuair nach bhfuil siad saibhir go leor chun é sin a dhéanamh.

Mar fhocal scoir, molaim mo chomhghleacaithe a chur an rún ar an gclár chun díospóireacht a spreagadh ar leas na Gaeltachta agus ar leas ár dteanga go forleathan. Tá jab iontach déanta acu. Is fiú an díospóireacht seo. Ba chóir go mbeadh an díospóireacht seo againn gach cúpla mí agus go mbeadh muid ag plé na ceist lárnaí, tábhachtaí seo.

Senator Rose Conway-Walsh: Cuirim fáilte roimh an Aire Stáit. Tá Sinn Féin ag tacú leis an rún seo. Gabhaim mo bhuíochas leis an Seanadóir Ó Céidigh as an rún seo a chur le chéile. Tá sé soiléir nach bhfuil na háiseanna ann sa Ghaeltacht. Tá daoine sa Ghaeltacht, leithéidí mé féin, ag iarraidh fanacht ann agus clanna a thógail ann. Ba cheart go mbeadh na seirbhísí céanna ann trí Ghaeilge is atá ar fáil ar fud na tíre. Gan an pobal ní fiú don Ghaeltacht a bheith ann. Caithfidh pobal beo a bheith ag fás sa Ghaeltacht ach tá brú ama ann. Níl ach 20 bliain ann don Ghaeltacht sular gheobhaidh sí bás. Caithfidh an Rialtas gníomhú chun cinntiú go bhfanann clanna sa Ghaeltacht. Ní tharlóidh sé seo gan na bunseirbhísí mar aon le leathanbhanda, bóithre agus fostaíocht.

Maidir le fostaíocht, tá daoine buartha faoi chláracha cosúil le Leader. Tá an cumhacht anois ag na bainisteoirí sna comhairlí contae – níl an cumhacht ag an bpobal féin. Níl sé sin ceart go leor. Is iad na daoine atá ina gcónaí sna háiteanna seo na daoine is fearr chun na cinntí a dhéanamh maidir leis an airgead a chaitheamh. San áit a bhfuil cónaí orm in Iorras níl seirbhís leathanbhanda nó seirbhís fhóin póca maith go leor againn. Tá sé chomh deacair ar éinne gnó a dhéanamh nó comhlacht a bhunú más rud é nach féidir leo bheith i dteagmháil le daoine an t-am ar fad. Sin an fáth go bhfuil daoine ag imeacht ón nGaeltacht mar nach féidir leo gnó a dhéanamh óna dteach féin. Tá mé an-sásta go bhfuil an plean teanga do Mhaigh Eo thuaidh foilsithe anois. Chuir an pobal an-obair isteach agus anois tá sé in am don Rialtas beart a dhéanamh de réir briathair. Bhí an pobal réidh cuidiú leis an rialtas agus anois caithfidh sé an gnó a dhéanamh. Tá €100,000 ar fáil don phlean seo uilig agus níl seo maith go leor. Caithfidh daoine bheith ag obair chun na pleananna a chur i bhfeidhm.

Leis na blianta tá muintir na Gaeltachta ag baint is ag bailiú feamainne de réir thraidisiúin agus cearta teaghlaigh. Tá imní ar na bailitheoirí seo ó 2014 nuair a dhíol Údarás na Gaeltachta cearta d'Arramara Teoranta. Sheol an Comhchoiste um Chomhshaol, Cultúr agus Gaeltacht tuarsacáil in 2015 inar moladh córas ceadúnais do na bailitheoirí traidisiúnta cladaigh. Ó shin i leith níl moran dul chun cinn déanta chun an córas sin a bhunú. Ní mór don Rialtas anois an fhís atá aige féin do bhainistiú agus rialú thionscal na feamainne a shoiléiriú agus caithfidh sé cinntiú go dtabharfar aire mar is ceart do chearta pobail cois chósta.

Senator Rónán Mullen: Gabhaim buíochas leis an Leas-Chathaoirleach. Tá mo lá tágtha mar a déarfadh an Seanadóir Conway-Walsh. I dtosach báire, ba bhreá liom tréaslú le mo chomhghleacaí, Seanadóir Ó Céidigh, as an rún seo a chur os comhair an tSeanaid anocht. Bhí athás orm ar bhealach gurb í an Seanadóir Ardagh a tháinig chun tosaigh chun tacú leis an rún mar thug sé deis dom dul ar ais tríd an rún a scríobh an Seanadóir Ó Céidigh agus cur amach níos géire a fháil ar an téarmaíocht. D'fhoghlaim mé go leor sa deich nóiméad atá thart agus mé ag fanacht le labhairt.

Tá rudaí fíorthábhachtacha á rá ag an Seanadóir Ó Céidigh sa rún seo anocht agus tá áthas orm tacú leis go huile agus go hiomlán. Leagann sé béim ar cheithre rud ach go háirithe: soláthar seirbhísí Stáit sa Ghaeltacht; soláthar seirbhísí Stáit go ginearálta; cúrsaí oideachais sa Ghaeltacht agus cúrsaí oideachais trí Ghaeilge; agus, dar ndóigh, maoiniú d'Údarás na Gaeltachta. Ní gá le rá gur rud casta é mionteanga a láidriú agus a shealbhú nuair a bhíonn go leor rudaí ag dul ar aghaidh sa tír agus nuair atá cultúr Béarla chomh láidir, ní hamháin sa tír seo, ach thar lear san Eoraip agus sa domhan i gcoitinne. Mar sin, ní leor go mbeadh an toil ann an Ghaeilge a chosaint agus a chur chun cinn, caithfidh a bheith smaointeach faoi. Tá gá le, mar a deirtear sa Bhéarla, creativity le teacht ar chur chuige, modhanna agus bealaí inar féidir grá don Ghaeilge a chothú i measc daoine atá gnóthach agus a bhfuil go leor rudaí ag dul ar aghaidh ina saolta acu. Ní hamháin sin, ach caithfear cinntiú nach gcailleann daoine amach riamh toisc gur mhaith leo a chuid ghnó a dhéanamh trí Ghaeilge.

B'fhéidir go bhfuil sé sin ráite agam cheana féin, ach is cuimhin liom nuair a bhí mise san ollscoil i nGaillimh nach ndearna mé Gaeilge mar ábhar céime. Béarla agus Fraincis a rinne mé. Ach toisc an obair iontach a bhí ar siúl ag roinn na Gaeilge san ollscoil ag an am - agus obair fear áirithe, stiúrthóir na Gaeilge labhartha ag an am, Peadar Mac an Iomaire - bhí deis agam freastal ar chúrsaí Gaeilge ar an gCeathrú Rua in Áras Mháirtín Uí Chadhain. Ag an am sin bhí teagasc agus lóistín saor in aisce ar fáil. Is cuimhin liom go gcaitheamar trí seachtaine le chéile le linn Italia 90 agus gur bhaineamar an-taitneamh as an ócaid sin agus muid ag foghlaim na Gaeilge an t-am ar fad agus ag dul níos doimhne agus ag cur níos mó aithne ar chultúr mhuintir na Gaeltachta agus mar sin de. Ba é coincheap na scéime sin, ina raibh mo leithéidí in ann freastal ar chúrsaí Gaeilge sa Ghaeltacht, ná a chinntiú go mbeadh daoine in ann seirbhísí a sholáthar do mhuintir na Gaeilge agus na Gaeltachta, is cuma cén rud a bhí á dhéanamh acu sa saol - dochtúireacht, innealtóireacht, nó cibé rud a bhí i gceist ag daoine san ollscoil. Ba é coincheap na scéime ní hamháin go mbeadh an mhian ag na daoine sin, ach go mbeadh an cur chuige, an tearmaíocht agus go leor rudaí eile acu.

Is cuimhin liom go raibh an BA ar siúl agam ag an am. Céard a déanann duine le BA? Deireann a lán daoine go dtéann sé nó sí ag obair le Supermacs ach - buíochas le Dia - nach mar sin atá. Ach ag an am sin ní raibh tuairim agam faoi céard a dhéanfadh mé. An bhfaigheadh an ollscoil luach a cuid infheistíochta le cúrsa Gaeilge a chur ar fáil do mo leithéidse? Bhí dochtúirí agus innealtóirí ann agus ba léir go ndéanfadh sé maitheas sa chaoi sin. Samhláimís faoin dochtúir a bheadh in ann éisteacht leis an bhfear nó an mbean a thagann isteach ón nGael-

tacht agus gur fearr leis nó léi labhairt faoin rud atá ag cur isteach air nó uirthi ina theanga féin. Ach ag an am ní raibh tuairim agam faoi céard a bheadh á dhéanamh agam. Le himeacht ama bhí mé ag obair i ról ina raibh gá le bheith mar urlabhraí agus tháinig na meáin cumarsáide Gaeilge chugam mar go raibh siad ag lorg daoine - “talking heads” mar a dtugtar orthu. Toisc na cúrsaí a bhí déanta agam ar an gCeathrú Rua bhí an dóthain féinmhuiníne agam. Cloisfidh na Seanadóirí - agus tá a fhios acu - go bhfuil go leor lochta ar mo chuid Ghaeilge go fóill ach bhí feinmhuinín sách láidir agam le go raibh mé sásta dul ag labhairt sna meáin cumarsáide. Sa chaoi sin, bhí cultúr na Gaeilge á leathnú beagáinín. Tréaslaím go mór leis an tsamhlaíocht a bhí ag Peadar Mac an Iomaire agus na daoine eile sa choláiste ag an am sin. Sin an sórt rud atá i gceist agam.

Táim an-tógtha leis an méid atá ráite ag an Seanadóir Ó Céidigh maidir le cúrsaí oideachais mar tá an-suim agam iontu. Maidir le hábhar eile a bhíonn á phlé againn amanna, bíimid ag labhairt - agus an ceart againn - faoi thábhacht toil na dtuismitheoirí. Cuir i gcás nuair atáimid ag labhairt faoi ethos na scoile. Is bunphriosabal é de réir ár mBunreacht gur chóir go mbeadh an rogha ag tuismitheoirí go bhfreastalódh a gcuid páistí ar scoil de réir na luachanna atá acu féin. Chomh fada agus is féidir ba chóir don Stát soláthar a dhéanamh do mhian na dtuismitheoirí. Má tá sé fíor i gcás creidimh agus ethos na scoile, ba chóir go mbeadh sé fíor maidir le rogha agus toil teaghlai gh ní hamháin Gaeilge a fhoghlaim sa scoil, ach oideachas ceart a fháil trí Ghaeilge.

Tá go leor dul chun cinn déanta sa tír. Tá a fhios againn faoi na héachtaí atá ar siúl sna Gael-scoileanna agus mar sin de. Tacaím go mór leis an méid atá ráite ag an Seanadóir faoi cé chomh tábhachtach atá sé go mbeadh áiseanna, tacaíochtaí foghlama, tacaíochtaí oiliúna agus tacaíochtaí riaracháin ar chomhchéim. Smaoinímís faoi leabhair scoile, mar shampla, agus cé chomh tábhachtach atá sé go mbeadh na hacmhainní atá ar fáil dóibh siúd atá ag foghlaim trí Ghaeilge ar chomhchéim ó thaobh caighdeán de. Táim tógtha go mór leis an moladh go mbeadh cúrsa oiliúna lánaimseartha á chur ar fáil do mhúinteoirí dírithe ar theagasc a thabhairt trí Ghaeilge. Sa lá atá inniú labhraímid faoi cé chomh tábhachtach is atá sé go mbeadh céim sa mhatamaitic ag múinteoirí matamaitice. Deirtear faoi chúrsaí creidimh freisin gur minic nach mbíonn sórt méine sna múinteoirí. Tá an rud céanna fíor i gcás na Gaeilge. Ní chóir gur an dara rogha a bheadh i gceist ach daoine a chreideann sa rud. Táim ag teacht chun deiridh.

An Leas-Chathaoirleach: Tá an t-am istigh.

Senator Rónán Mullen: An bhfuil an t-am istigh? Ba bhreá liom rud amháin eile a lua. Agus muid ag labhairt faoi chúrsaí oideachais, ní chóir dearmad a dhéanamh ar an réamhscolaíocht. Is gá béim a chur ar an réamhscolaíocht go sonrach maidir le cúrsaí oideachais Gaeltachta agus lán-Ghaeilge. Tá go leor béime á leagan ar oideachas Gaeltachta agus ar Ghaelscolaíocht i láthair na huairé - curaclam nua, cúrsaí teagaisc nua, MA san oideachas Gael-scolaíochta agus Gaeltachta i Marino, maoiniú breise á chur ar fáil le háiseanna a cheannach agus mar sin de - ach is é an tréimhse ó sé mhí d’aois go dtí cúig bliana d’aois an aois chriticiúil le haghaidh sealbhú teanga. Amanta, faoin am a dtosaíonn gasúr sna naíonáin bheaga tá sé ródheireanach. Ní aithníonn an Stát é sin a bheag nó a mhór. Is minic a bhfághtar faoi choistí deonacha é naíonraí Gaeilge agus Gaeltachta a reachtáil ó cheann ceann na tíre gan treoir ná tacaíocht dá laghad ón Stát. Déarfainn go bhfuil codarsnacht mhór, más é sin an focal ceart, idir an méid infheistíochta a dhéanann an Stát i gcás scoileanna a bhunú ar lámh amháin agus naíonraí réamhscolaíochta a reachtáil ar an lámh eile. Measaim go bhfuil géarghá le haird a thabhairt don réamhscolaíocht trí Ghaeilge sa Ghaeltacht agus do lucht na Gaeilge amach anseo.

Senator Brian Ó Domhnaill: Ar dtús báire ba mhaith liom tréaslú leis an rún atá os comhair an tSeanaid tráthnóna agus leis an réamhobair atá déanta ag an Seanadóir Ó Céidigh leis an rún seo a thabhairt os comhair an tSeanaid. Sa bhliain atá ann tá sé fíorthábhachtach go mbeadh an Rialtas agus na Tithe seo ag tabhairt airde ar na fadhbanna a bhaineann le cúrsaí teanga sa tír, go háirithe nuair a chuirtear é sa chomhthéacs gurb í an Ghaeilge an chéad teanga oifigiúil sa Stát. Go minic, nuair atáimid ag iarraidh seirbhísí nó seirbhís a bhaint amach trí mheán na Gaeilge, níl siad ar fáil. Ardaíonn sin go leor ceisteanna. Ardaíonn sé ceisteanna faoin pholasaí Stáit atá i bhfeidhm faoi láthair. An bhfuil an polasaí sin ag obair? Muna bhfuil, cén fáth? An bhfuil aon mhachnamh déanta ar an pholasaí sin? Mar shampla, an bhfuil an straitéis 20 bliain don Ghaeilge ag obair? An bhfuil na spriocanna a bhí leagtha amach sa straitéis sin á mbaint amach? An bhfuil aon scrúdú á dhéanamh ar an pholasaí sin taobh istigh don Roinn féin? Muna bhfuil, cén fáth? An bhfuil sé déanta? Níl a fhios againn.

Go minic nuair atá an Stát ag iarraidh polasaí a chur i bhfeidhm, caitear slat tomhais éigin a úsáid chun a bheith réadúil agus chun machnamh a dhéanamh ar an pholasaí sin. Ó thaobh na Gaeilge de, d'fhéadfaí breathnú air seo agus a rá go bhfuil gach rud go maith, go bhfuil muid ag dul ar aghaidh de réir a chéile, go bhfuil Gaelscoileanna ag teacht chun tosaigh, go bhfuil an Ghaeilge ag fás agus mar sin de, but ní sin a insíonn an daonáireamh dúinn. Sin an t-aon slat tomhais atá ar fáil faoi láthair. Tá a fhios againn gur labhair an Seanadóir Ó Céidigh air seo roimhe nuair a labhair sé faoin ábhar seo sa Seanad. Maidir leis an slat tomhais sin, tá a fhios againn, de réir an dhaonáirimh dheireanaigh in 2016, go bhfuil 73,803 duine ag labhairt na Gaeilge go laethúil taobh amuigh den chóras oideachais ar fud an Stáit. Nuair a bhristear é sin síos, is féidir linn féachaint ar an Ghaeltacht - tobar na Gaeilge - áit ina bhfuil go leor oibre ar siúl ó thaobh fhorbairt na Gaeilge, na coláistí Gaeilge, na mná tí agus mar sin de. Nuair a théann muid isteach sna figiúirí atá ar fáil ón daonáireamh deireanach, thiocthadh linn a rá go bhfuil titim tagtha ar líon na gcainteoirí de bharr obair nó polasaithe an Stáit. Thiocthadh linn a rá nach bhfuil na polasaithe sin ag obair mar tá titim shuntasach tagtha ar líon na gcainteoirí Gaeilge laethúla sa Ghaeltacht taobh amuigh den chóras oideachais. Thit an líon seo ó 23,175 in 2011 go 20,586 in 2016. Is titim é sin de 2,589 sa tréimhse ama sin. Ag cur na bhfigiúirí sin san áireamh, tá sé soiléir go bhfuil rud éigin cearr agus nach bhfuil an polasaí ag obair.

Tá a fhios agam go bhfuil an tAire Stáit ag tabhairt isteach reachtaíocht úr agus fáiltím roimpi. Tá Comhchoiste na Gaeilge, na Gaeltachta agus na nOiléan - a bhfuil cuid againn air - ag déanamh réamhmhachnaimh ar an Bhille sin faoi láthair. Caithfidh a bheith cinnte go gcuirfead na polasaithe i bhfeidhm mar atá molta. Tá moltaí iontacha déanta anseo ag an Seanadóir Ó Céidigh i dtaca leis an Ghaeilge ó thaobh an Státchórais féin agus ó thaobh na seirbhísí Stáit atá ar fáil trí mheán na Gaeilge ní hamháin sa Ghaeltacht, ach taobh amuigh di freisin. Caithfidh tabhairt faoi sin. Muna bhfuil an Stát sásta na seirbhísí Gaeilge a chur ar fáil, ní bheidh Gaeilge againn in 30 ná 50 bliain eile.

Go minic nuair a chuirtear an cheist ar eagraíochtaí Stáit cén fáth nach bhfuil seirbhísí Gaeilge ar fáil san eagraíocht, deirtear nach bhfuil éileamh orthu. Is féidir sin a thiontú thart agus a rá gurb é an fáth nach bhfuil éileamh ar na seirbhísí ná nach bhfuil siad ar fáil. Mar shampla, dá rachfaí isteach ag an HSE ag iarraidh freagra ar cheist agus dá gcuirfí an cheist sin i nGaeilge, b'fhéidir go nglacfaidh sé trí mhí an freagra a fháil. Dá gcuirfí an cheist chéanna i mBéarla bheadh an freagra ar fáil taobh istigh de sheachtain. De bhrí sin, chuirfí an cheist i mBéarla mar bheadh an freagra ar fáil i bhfad níos gaiste. Sin an rud atá ag tarlú. Tá aithne agam ar chainteoirí dúchais i mo chontae féin agus fiú i mo pharóiste féin. Bhí mé ag caint le duine thar an deireadh seachtaine a bhí ag iarraidh teacht ar sheirbhísí taobh istigh den Roinn

Sláinte nó an HSE agus ní raibh an duine sin in ann teacht ar an sheirbhís chéanna trí mheán na Gaeilge. De bhrí sin, chuir an duine ríomhphost i mBéarla agus bhí an tseirbhís ar fáil i bhfad níos gaiste. Tá rud éigin cearr leis na seirbhísí atá ar fáil do phobal na Gaeltachta muna bhfuil siad ag obair trí mheán na Gaeilge chomh fiúntach agus ba chóir go mbeadh siad. Tá rudaí ann a chaithfear a bheith ceartaithe. Tá cuid acu aitheanta anseo ag an Seanadóir Ó Céidigh inniu.

Tá an córas oideachais fíorthábhachtach. Tá bánú na tuaithe i gceist i gceantair Ghaeltachta. Tá Údarás na Gaeltachta ag déanamh sár-obair. Tá sé faoi bhrú airgid. Níl aon dabht faoi sin. Tá a fhios agam go bhfuil níos mó buiséid ar fáil dó anois ná mar a bhí. Cuirim fáilte roimhe sin. Ag an am céanna, tá eacnamaíocht na Gaeltachta faoi bhrú. Má tá an Stát dáiríre faoin Ghaeilge, ba chóir dúinn deis a thabhairt do gach dalta ar fud an Stáit atá ag déanamh freastal ar oideachas dara leibhéal - is é sin na meán scoileanna - dul go dtí an Ghaeltacht má tá siad ag iarraidh é sin a dhéanamh. Ba chóir go mbeadh sparántacht ar fáil chun é sin a dhéanamh. Níl an t-airgead ag cuid de na daltaí, nó a dtuismitheoirí, le dul ansin iad féin. Chuideodh sparántacht leis na mic léinn an Ghaeilge a fhoghlaim agus bhainfeadh an Ghaeltacht buntáiste eacnamaíochta as. Rachadh sé chun tairbhe do na mná tí, na coláistí Gaeilge agus gach rud a théann leo sin. Sa bhliain atá ann, measaim gur fiú dúinn smaoineamh ar sparántacht den chineál sin a chur ar fáil. Ní chosnódh sé an oiread sin airgid, ach bheadh buntáistí ollmhóra ann don teanga agus d'eacnamaíocht na Gaeltachta.

Tá súil agam go nglacfaidh an tAire Stáit leis an rún atá os comhair an tSeanaid inniu. Tá sé tábhachtach glacadh leis an mhúnla seo atá leagtha amach ag an Seanadóir Ó Céidigh, go háirithe sa chomhthéacs go bhfuil Bille le teacht os comhair na dTithe seo. Tá go leor den mhéid atá molta ag an Seanadóir Ó Céidigh tábhachtach i gcomhthéacs an Bhille sin agus ba chóir go mbeadh sé sa reachtaíocht. Gabhaim buíochas leis an Seanadóir Ó Céidigh. Molaim é agus tréaslaím leis arís. Is ábhar tábhachtach é an t-ábhar seo. B'fhéidir go mbeadh níos mó Seanadóirí anseo ach go raibh lá fada againn anseo inniu. Bhí oíche dhéanach againn aréir freisin. Tá an t-ábhar seo chomh tábhachtach le haon ábhar eile atá á phlé againn istigh anseo inniu.

Senator Michael McDowell: Níl a lán le rá agam faoin rún seo, ach ba mhaith liom tréaslú leis an Seanadóir Ó Céidigh as an díospóireacht thábhachtach seo a spreagadh anocht. Leis an mhéid sin ráite agam, leanfaidh mé as Béarla. I believe the biggest failure of the independent Irish State has been the failure to build on the enthusiasm to bring the Irish language to the heart of our culture and imagination that existed at the time when we achieved our independence. As I have said to the Minister of State on a number of occasions, the primary aim of the provision of Irish-language education to Irish students - I am thinking especially of the vast majority who are from the Galltacht rather than the Gaeltacht - must be that after their years in primary and secondary education, they are able to conduct an ordinary conversation in Irish with some degree of fluency. He has heard me make that point in Irish and I am making it in English this evening.

The decent teachers I had during my own time in education, including some who were very enthusiastic for the Irish language, made huge efforts to get me to participate in Irish-language debates. Indeed, I was part of a team who won a prize at a Gael Linn debate in Inchicore. The biggest failure of the education system of that time was that it did not create among students in Dublin a sustainable capacity to use the Irish language after they had left school. I listen to Raidió na Life to try to get back into my own head the fairly basic vocabulary that youngsters use. I had three sons at an Irish-speaking school. All of that brought me back into using Irish. I had to help my sons with their homework and all the rest of it. One of them has maintained

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his fluency but the fluency of the others withered away after they left school. I know there is a greater emphasis on spoken Irish in the leaving certificate now. It counts for much more than it used to. I put it to the Minister of State, Deputy McHugh, that people who have studied Irish for ten years or more must somehow be put in a position where they can use Irish with facility and fluency in the ordinary course of their business.

I agree completely with Senator Mullen that where it is appropriate, preschool as Gaeilge is hugely advantageous. I have no doubt about that. It will not be possible for every parent in leafy Dublin 6 to arrange for their kids to go to preschool, as well as to primary school, through the medium of Irish. I was in the happy position that my sons were able to go to a naíonra as Gaeilge and that was a good thing. It might sound slightly ridiculous, but I suggest that by broadcasting rugby games with an Irish commentary, TG4 is probably doing more than many other bodies to maintain fluency, to sustain the capacity to understand Irish and to help people to remember Irish and keep it in their minds.

I fully agree with the motion that Senator Ó Céidigh has proposed this evening. It is important for Gaeltacht areas that there is a willingness on the part of the State to sustain the use of Irish at every level of the interaction between the citizen and the State. I have no problem with that and I am not saying in any sense that we should abandon the Gaeltacht. However, we also have to raise our eyes to the bigger problem, which is that the great majority of people whom we claim to educate in the Irish language - I should mention that I believe in compulsory Irish - do not maintain their interaction with the language at the end of their time in education. They might be able to write an essay in Irish at the age of 18, but by the age of 22 they cannot order a bag of chips in Irish. It is very strange and very sad. I congratulate Senator Ó Céidigh again for raising this matter. If this debate had taken place in the morning, I might have made the effort to say all of this trí Ghaeilge.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh): Gabhaim buíochas leis an Seanad arís fá choinne an chuiridh teacht go dtí an Teach speisialta seo. Tá sé ar dóigh go bhfuilimid ag dul ar aghaidh leis an díospóireacht seo trí Ghaeilge cé go bhfuil Seachtain na Gaeilge críochnaithe. Ba mhaith liom aitheantas agus buíochas a thabhairt don Seanadóir Ó Céidigh as na hiarrachtaí atá déanta aige ar son na teanga. Cé go bhfuilimid ag amharc i dtreo cuid mhór de na bealaí agus na polasaithe difriúla atá ardaithe aige, nílimid in ann glacadh lena gcuid moltaí ar fad. Mar a dúirt an Seanadóir Ó Domhnaill, tá comhchoiste Oireachtais i lár an chomhrá agus an díospóireacht faoi Bhille na dteangacha oifigiúla (leasú) 2017, atá le foilsíú roimh an samhradh. Sa pholasaí sin, beidh achan Roinn ag iarraidh daoine breise a fháil. Tá mé dóchasach go mbeidh sprioc de 20% i gceist sa reachtaíocht sin.

Bhí an Seanadóir McDowell sa Rialtas sa bhliain 2003 nuair a dhein an Teachta Éamon Ó Cuív, a bhí mar Aire na Gaeltachta ag an am, iarracht mhór Acht na dTeangacha Oifigiúla a thabhairt chun cinn. Bhí mise sa Seanad ag an am sin agus bhí díospóireacht ollmhór againn. Bhí mé ag lorg freagraí ón Rialtas ag an am. Ní raibh mórán Gaeilge agam, ach dhein mé mo dhícheall. Tháinig an t-aitheantas ón Eoraip in 2007. Anois tá deiseanna agus buntáistí móra ag daoine óga sa tír seo. Mar shampla, in 2021 beidh an maolú ar siúl agus beidh an t-ionad aistriúcháin agus na hionaid i Lucsamburg, Strasbourg agus Brussels ag iarraidh daoine a fháil do na poist a bheidh ann do 180 duine ón am seo go dtí an am sin. Tá deiseanna ar dóigh. Beidh seans mór ann agus beidh seans ag na Seanadóirí an teachtaireacht dearfach sin a chur amach nuair a bheidh siad sna scoileanna ag labhairt chuig na daoine óga. Beidh seans acu labhairt faoi na poist sin mar aistritheoirí i Lucsamburg nó Strasbourg. Beidh an pá a bheidh ar fáil thar

a bheith níos airde fosta. Beidh seansanna móra ann faoi choinne na tacaíochta a bheidh á lorg chomh maith.

Beidh na rudaí sin sa díospóireacht. Níor cheart go mbeadh an díospóireacht ag leanúint agus daoine ag rá na rudaí chéanna, mar shampla, nach mbeidh breis airgid ar fáil nó nach bhfuil an Rialtas ag déanamh a iomlán maidir leis an dteanga. Dá mbeadh Fianna Fáil i gcumhacht bheadh Fine Gael nó daoine ar an taobh eile ag rá nach raibh Fianna Fáil ag déanamh iarrachta. Más rud é go bhfuil an díospóireacht istigh sa rannóg polaitíochta, ní bheidh an teanga ag fás. Tá an teanga ag fás ar an dtalamh. Tá an teanga ag fás, mar a deir an Seanadóir Ó Domhnaill, i dtobar na Gaeilge - sa Chlochán Liath, Gaoth Dobhair nó Conamara. Tá na daoine uilig ansin ag coimeád na teanga beo. Is iad na daoine a úsáideann í go nádúrtha. Usáideann siad an teanga agus iad ag dul go dtí an siopa nó go dtí an séipéal Dé Domhnaigh. Táim ag caint faoi na daoine uilig a úsáideann an teanga ó lá go lá agus faoi dhaoine le Gaeilge, mar shampla an Seanadóir Mullen nó an Seanadóir Ó Céidigh, a bhfuil canúint agus caighdeán thar barr acu. Tá an dualgas orainn. Tá dualgas ormsa anois. Bíim ag casadh le daoine ó dhubh go dubh, tríd an lá, agus tá mé ag úsáid na Gaeilge agus tá mé ag fáil ráitis. Nuair a bhí mé i mBoston cúpla bliain ó shin, tháinig mé tras an bhean fheidhmiúil, Máire Concannon. Thug sí ráiteas mór ó Chonamara. Castar na daoine ar a chéile ach ní chasann na sléibhte ná na cnoic. The people meet together, but the hills and the mountains do not. Bhí sí ag caint faoin dteanga. Cé gur fhág na daoine ó Éirinn agus go ndeachaigh siad go dtí Meiriceá nó an Astráil, choimeád siad an teanga agus tá sé cóngarach don chroí. Bhí mise i mBrazil, i Sao Paulo, an tseachtain seo caite agus chas mé le na daoine i mBrazil ag úsáid na teanga, mar shampla, an Ambasadóir Brian Glynn, a bhí ar scoil leis an Seanadóir Mullen. Bhíomar ag déanamh an-----

Senator Rónán Mullen: An as Áth Eascrach, mo pharóiste féin, é?

Deputy Joe McHugh: An paróiste céanna. Sin a dúirt sé.

Senator Rónán Mullen: Tá súil agam gur chuir an t-Aire Stát mo deá-mhianta in iúl.

Deputy Joe McHugh: Bhí meas mór aige ar an Seanadóir Mullen. Bhí dualgas orainn uilig. Nuair a bhí mise ag déanamh mo dhíospóireachta leis na daoine uilig le Portuguese, bhí mise ag úsáid teanga mo dhúchais, an teanga Ghaeilge. Bhí an tAmbasadóir ag aistriú ón Ghaeilge go Portuguese, agus ó Portuguese go English. Bhí sé thar a bheith suimiúil, ach sin scéal difriúil.

Maidir le hÚdarás na Gaeltachta, tá sár-jab déanta aige. Tá 80 duine ag obair le hÚdarás na Gaeltachta agus tá an Seanadóir ceart maidir le cúrsaí eacnamaíochta. Dá mbeadh poist ar fáil i gceantair na Gaeltachta, bheadh deiseanna do dhaoine an teanga a úsáid agus a choimeád fosta. Istigh sa phlean náisiúnta, beidh €178 milliún ar fáil amach anseo taobh istigh de deich mbliana. Faoi láthair, nílimid san áit céanna agus a rabhamar in 2008. Mar is eol do na Seanadóirí, bhí 2008 an-difriúil ón am seo. Ach táimid ar an mbealach ceart anois agus ag dul go dtí an €12 milliún. Sin an sprioc atá agamsa amach anseo.

Maidir le Foras na Gaeilge agus na moltaí, bhí an Seanadóir ag caint faoi athrú ar an struchtúr sin. Tá struchtúr Fhoras na Gaeilge thar a bheith tábhachtach. Caithfidh fanacht leis an struchtúr seo. Tá dualgas mór ar Fhoras na Gaeilge maidir leis na ceantair taobh amuigh den Ghaeltacht, mar shampla, na bailte seirbhíse Leitir Ceanainn, Gaillimh, Daingean Uí Chúis agus sa Tuaisceart fosta. Tá sé ag dul ar aghaidh maidir leis an dualgas fosta.

Maidir le Bliain na Gaeilge, nuair atá mise timpeall na tíre, i gcathair Bhaile Átha Cliath,

i nGaillimh, i nDún na nGall nó sa Tuaisceart, tá achan duine ag labhairt faoi agus ag amharc ar na tograí i leith Bhliain na Gaeilge. Níor mhaith liom Bliain na Gaeilge a chríochnú ag deireadh na bliana. B'fhéidir go mbeidh daoine ag smaoineamh uirthi i gcónaí. Dúradh nár cheart go mbeadh seachtain na Gaeilge ar siúl ar feadh coicís amháin, ach achan bhliain agus achan seachtain.

Tá an polasaí oideachais socraithe anois agus i mbliana beidh tacaíocht agus cuidiú breise ag daoine agus na múinteoirí scoileanna istigh sa Ghaeltacht. Cinnte, tá easpa maidir leis an tacaíocht taobh amuigh den Ghaeltacht agus tá dualgas orainn uilig faoi sin.

D'ardaigh an Seanadóir Mullen ceist na naíonraí. Tá dualgas orainn maidir leis na naíonraí agus sin sprioc atá againn sa Roinn chomh maith.

D'ardaigh an Seanadóir O'Reilly moltaí thar a bheith tábhachtach faoin mbearna agus an easpa airgid atá ag tuismitheoirí. Tá sé soiléir go bhfuil tuismitheoirí ag smaoineamh faoina bpáistí a thógáil trí Ghaeilge ach tá siad ag amharc ar an airgead atá i gceist dul go dtí an cholaíste nó campaí samhraidh. Sin an dualgas agus dúshlán atá againn maidir leis sin.

D'ardaigh an Seanadóir Ó Domhnaill an cheist an bhfuil an straitéis ag obair nó an bhfuil scrúdú ar fáil. Tá an plean gníomhach cúig-bliana ann. Táimid níos cóngaraí anois. B'fhéidir go mbeimid san áit cheart maidir leis sin laistigh de choicís. Beidh scrúdú maidir leis an straitéis 20 bliain, ach an rud is mó is é Acht na dTeangacha Oifigiúla 2003 a leasú. Beidh seans ann maidir leis an earcaíocht agus an tseirbhís atá ar fáil sa Ghaeltacht. Tá sé thar a bheith tábhachtach go mbeadh daoine atá ag dul go dtí an comhairle contae, i nGaillimh, Dún na nGall nó Maigh Eo in ann cead pleanála a fháil nó freagraí ar cheisteanna a fháil i nGaeilge. Tá sin tábhachtach. Nuair atá an Bille réidh, beidh díospóireacht chuimsitheach sa Teach seo agus beidh mé sásta a bheith ar ais, dá mbeadh an Rialtas le chéile ag an am sin. Tá mé dóchasach go mbeidh an Rialtas i gceart roimh an samhradh.

Rinne an Seanadóir Ó Domhnaill tagairt do shlat tomhais agus do thobar na Gaeilge fosta. Tá dualgas orm, mar a dúirt mé níos luaithe, i leith na ndaoine le Gaeilge atá ag úsáid na teanga. Dá mbeadh duine ag dul trasna Theach Laighean ag labhairt le na daoine atá ag obair sa Teach seo, cloisfí Gaeilge. B'fhéidir go bhfuil athrú mór tagtha ar chúrsaí sa tír seo. Tá na daoine uilig ag smaoineamh ar dhul ar ais ag foghlaim nó ag úsáid na teanga. Tá siad ag iarraidh ceisteanna a chur. Tá mé ag fáil ceisteanna ó thuismitheoirí atá ag iarraidh cuidiú chun a bpáistí a thógáil trí Ghaeilge. Tá sin ar m'intinn fosta. Tá buiséad sa Roinn Oideachais agus Scileanna suas chuig €10 billiún i mbliana. Tá dualgas mór ar an Roinn Oideachais agus Scileanna maidir leis na múinteoirí scoileanna agus le caighdeán na ndaoine uilig a bheidh ag dul go dtí an ollscoil. Beidh dea-scéal amárach maidir le daoine breise agus múinteoirí breise ag dul go dtí ceantair na Gaeltachta. Tá ceantair na Gaeltachta mar chroílár an freagra maidir leis an teanga. Tá daoine a ndeachaigh thar lear, go dtí an Astráil nó Londain, ag dul ar ais, agus tá siad ag smaoineamh faoin dteanga a fhás, a athfhoghlaim nó a fhoghlaim. Tá na daoine sna ceantair Ghaeltachta, ag dul go dtí an siopa, ag dul go dtí an séipéal nó atá timpeall na sráide, ag labhairt le daoine agus ag úsáid na teanga.

Bhí óráid agam. Táim sásta agus fuair mé spreagadh sa Seanad inniu. Tá na Seanadóirí ag lorg bealaigh dhifriúil agus tá siad ag smaoineamh faoi na dtograí difriúla agus rudaí mar sin ach tá go leor polasaithe ag dul ar aghaidh. Tá an polasaí de dhíth. Tá gá mór leis an pholasaí. Tá gá mór leis an straitéis 20 bliain. Tá gá mór le Acht na dTeangacha Oifigiúla. Tá gá mór le Bille na dteangacha oifigiúla. Chomh maith leis sin, dá mbeadh bealach difriúil ag teacht

amach as an dTeach seo, maidir leis an teanga a bhogadh ar aghaidh, nó dul chun cinn a dhéanamh, nó smaointe difriúla, beidh mé sásta é sin a bhogadh ar aghaidh fosta, go háirithe i dtaca le smaointe tras-pháirtí. Anocht, mar shampla, chuir an Seanadóir O'Reilly leasú maidir leis an moladh anocht. Níl na huimhreacha againn agus beimid ag cailleadh an vóta anocht. Cén ciall atá leis sin? Níl aon chiall leis sin maidir leis an todhchaí. Tá todhchaí na teanga ag brath ar an phlean an teanga a úsáid ó dhubh go dubh, ó lá go lá. Is é sin an teachtaireacht. Tá an dualgas tras-pháirtí orainn leis sin.

Mar gheall ar an phlean náisiúnta 20 bliain, an plean náisiúnta 2040 agus an plean capital deich mbliana, tá €178 milliún ar fáil trasna an deich mbliana. Beidh airgead chun na tograí a bhogadh ar aghaidh. Is féidir na tograí a fheiceáil, mar shampla, i gCarna in Ionad Cuimhneacháin na nMírceach. Bhí duine amháin ag labhairt faoi Mháirtín Ó Cadhain, an ceannaireacht nó ceannasaíocht, níl a fhios agam cén focal a bhí ann, bím ag déanamh botúin i gcónaí, leadership, tá na daoine-----

Senator Pádraig Ó Céidigh: Ceannaireacht.

Deputy Joe McHugh: Tá mé ag foghlaim i gcónaí. Bhí an Seanadóir ag caint faoi cheannaireacht ar an dtalamh agus faoi dhaoine macasamhail le Máirtín Ó Cadhain agus na daoine uilig i bparóiste an Seanadóir Ó Céidigh. Tá an dualgas orainn maidir le tacaíocht nó cuidiú a ghabháil chuig na daoine a bhíonn ag obair go dian ar an talamh. Dá mbeadh aon bhealach ar fáil agam é sin a dhéanamh sa todhchaí, tá mé sásta é sin a ghabháil. Sin é, tá mé sásta, aon am, bogadh ar aghaidh leis an díospóireacht. Tá brón orm faoi na moltaí nach raibh mé ábalta a ghlacadh. Achan rud a bhí le feiceáil sna moltaí, tá sé ag bogadh ar aghaidh maidir leis an bpolasaí, maidir le Bille na dTeangacha Oifigiúla, maidir leis an bpolasaí oideachais agus tá sé sin ar fáil. Is soiléir gur an bearna is mó, an tipping point, ná an cinneadh maidir le daoine uilig na tíre seo a chur ag úsáid an teanga ó lá go lá.

Senator Pádraig Ó Céidigh: Gabhaim buíochas leis an Aire Stáit as ucht teacht ar ais agus na pointí sin a dhéanamh. Tá mé an-bhuíoch do chuile dhuine de na cainteoirí a bhí anseo tráthnóna agus as an cur chuige agus an cur i láthair. Ní raibh mórán againn ann, ach le bheith fírinneach faoi, bhí díospóireacht agus pointí fíor láidir agus fíor-thábhachtach déanta. Tá mé an-bhuíoch as sin. Chomh maith freisin, tá mé an-bhuíoch do chuile dhuine de na Seanadóirí a thug tacaíocht don rún seo. Tá formhór, mar a dúirt an t-Aire Stáit, ag tabhairt tacaíochta dó seo. Tá mé buíoch don Aire Stáit, because le breathnú ar a lámh ansin, tá seisean lán dáiríre. Is Éireannach é agus tá sé bródúil as an dtír seo. Tá ár dteanga fíor-thábhachtach. Cé as a tháinig muid? Mar a dúirt mé cheana, agus muid ag dul amach ar fud na hEorpa agus ar fud an domhain, ba é an rud is tabhachtaí dúinn ná ár dteanga. Rud beag ach rud iontach faoi na Gaeltachtaí ná go bhfuil go leor daoine as taobh amuigh den Ghaeltacht a thagann isteach sa Ghaeltacht. Cuireann siad go mór leis an nGaeltacht. B'fhéidir gur phós siad isteach ach déanann siad difríocht mhór ó thaobh chuile ceann de na Gaeltachtaí de. Tá an Ghaeltacht agus an Ghalltacht fite fuaite, tá siad ag brath ar a chéile, as lámh a chéile. Tá sé sin fíor-thábhachtach.

Tá cúpla pointe beag eile, díreach le déanamh agam. Luaigh an t-Aire Stáit ansin an straitéis deich mbliana agus €178 milliún. Má dhéantar thar thréimhse deich-mbliana é, má dhéantar discounting cash flow, DCF, air sin, le fáil amach, céard is fiú é sin inniu, tá an tAire Stáit ag caint ar thart ar €145 milliún. Is ionann é sin agus thart ar €14.5 milliún sa bhliain. Sin an rud atá mé ag caint ar in today's language. Má tá an tAire Stáit ag caint ar thacaíocht Údarás na Gaeltachta a thabhairt go dtí €12 milliún, níl san áireamh ach €2.5 milliún sa mbliain, ag úsáid figiúirí an lae inniu. Sin é an chaoi go mbreathnaíonn lucht gnó, mar shampla, ar infheistíocht. Céard is fiú inniu an t-airgead a bheidh duine ag caitheamh, faoi cheann cúig, sé, seacht, ocht, naoi nó deich de bhlianta? Is maith

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an rud go bhfuil sé ann, mar sin, ach níl sé chomh mór go mbeidh €178 milliún thar thréimhse deich mbliana. Nuair a ritear tríd é, níl sé chomh láidir sin.

Bheadh súil agam go dtabharfaí tacaíocht don rún agus do na moltaí atá déanta, ní hamháin as an méid oibre atá déanta leis seo a chur le chéile, an méid cruinnithe agus comhráite a bhí agam agus againn le heagrais agus dreamanna éagsúla a bhfuil baint acu le cúrsaí Gaeilge. Seo é an méid atá siad ag iarraidh. Tá a fhios agam go bhfuil an tAire Stáit, a Roinn agus a chomhghleacaithe in ann é seo a chur i gcrích. Bheadh an tAcht a luaigh an tAire Stáit ansin mar chuid den pholasaí, ach caithfidh an polasaí a bheith ann i dtosach. Nuair atá an polasaí sin ann, is uaidh sin a dhéantar reachtaíocht. Is uaidh sin a bhfaightear an dul chun cinn agus na féidirtheachtaí, ach caithfear bunpholasaí a bheith ann i dtosach. Tá mé ag iarraidh ar an Aire Stáit glacadh leis an rún. Tuigim go bhfuil an tAire Stáit dáiríre, go bhfuil go leor oibre déanta ann, go bhfuil pobal na Gaeilge agus na Gaeltachta go formhór ag tabhairt tacaíochta dó. Níl mé ag iarraidh vóta a tharraingt, ach más gá, déanfaimid é sin, ach ba mhaith liom tacaíocht an Aire Stáit a fháil.

An Leas-Chathaoirleach: Is amendment No. 1 agreed to?

Senator Joe O'Reilly: No. Táimid ag tarraingt an leasú ar ais. Nílimid ag dul ar aghaidh leis, os rud é go bhfuil an t-Aire Stáit sásta go bhfuil comhaontú sa díospóireacht.

An Leas-Chathaoirleach: The amendment is being withdrawn.

Senator Joe O'Reilly: Beimid ag dul i gcoinne an rúin, ach nílimid ag cur an leasaithe.

An Leas-Chathaoirleach: The amendment is withdrawn.

Senator Joe O'Reilly: Is ea.

Tarraingíodh siar an leasú faoi chead.

Aontaíodh an tairiscint.

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

Senator Joe O'Reilly: Molaim go gcuirfear an Seanad ar athló go dtí 10.30 a.m. maidin amárach.

The Seanad adjourned at 8.40 p.m. until 10.30 a.m on 29 March 2018