



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 18 Aibreán 2019

Thursday, 18 April 2019

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Statement by the Taoiseach

An Cathaoirleach: I welcome our Taoiseach, Deputy Leo Varadkar, to the Chamber. It is a particular honour for myself and this Chamber that the Taoiseach is here today. I hope that his honour and dignity will be enhanced by the time he leaves here, so I wish him well.

(Interruptions).

Senator Terry Leyden: I hope he is not abolishing-----

An Cathaoirleach: It is just a personal wish, seeing as it is Holy Week and Easter week. I hope the decorum and dignity of the office he holds will be respected insofar as is possible. Taoiseach, ar aghaidh leat.

The Taoiseach: Go raibh maith agat a Chathaoirligh agus a Sheanadóirí. As Senators know, today marks the 70th anniversary of the Republic of Ireland coming into effect. Today 70 years ago, the President, Seán T. Ó Ceallaigh, signed into law the Republic of Ireland Act and, therefore, while it may be a coincidence, today is a fitting day for me to have the opportunity to speak in this august House. Becoming a republic changed our relationship with Britain. It resolved a number of constitutional issues, some significant, others symbolic, and enabled us to engage in the world in a different way. It was an important stepping stone on the way to our country taking its place among the nations of the world. While the Republic was declared many times in Irish history, this was the first and only time that it was recognised internationally. This morning I want to talk about those very same issues, 70 years later. These include our relationship with Britain and Northern Ireland, especially in the context of Brexit, and also how we as a small nation engage with the wider world.

To mark the 70th anniversary of the Republic, the Government has organised an event with the Royal Irish Academy later this evening to discuss the events of 1948 and 1949 and assess their significance. I am pleased that a Member of the Seanad, Senator Bacik, will be on the panel for that discussion tonight. In preparing for it I have been reading some of the debates

that took place in the Oireachtas during the passing of the Bill which had all-party support. Some of the best speeches were made in this Chamber. For example, the Fianna Fáil Senator Helena Concannon, who was a remarkable woman, captured the emotion of what was happening when she said it was “a poor Irish heart that would not feel its pulse quicken” when a Bill with the title of the “Republic of Ireland” was brought before it. She said it was proof that the death and suffering of those who had fought in 1798, 1848, 1867 and 1916 had not been in vain.

Ireland is one of the oldest continuous democracies in the world. The 1949 Act was an important stepping stone in the State’s constitutional evolution, one which is not yet complete. Today all of us in the Oireachtas follow on the same path. Recent events reminded us of the importance of national parliaments working together in the national interest. Both Houses of the Oireachtas have showed a unity of purpose in their approach to Brexit. I thank the Members of this House for their help and hard work in that regard. As Senators know, we have been working intensively across government to prepare for all eventualities, including a no-deal scenario. Members of this House played their part in assisting the swift passage of the Brexit omnibus Bill through this Chamber last month. The Bill was signed into law by the President on St. Patrick’s Day. This landmark legislation, which crosses the remit of nine Departments, focuses on protecting Irish citizens, assisting businesses and employees and securing ongoing access to essential services and products. Our work complements the steps under way at EU level to implement measures to mitigate the impact of a no-deal Brexit.

The withdrawal agreement contains a commitment from the United Kingdom that Brexit will not result in any diminution of the rights, safeguards and equality of opportunity as set out in the Good Friday Agreement. I have discussed with the British Prime Minister, Mrs. May, the responsibilities of the UK Government under the agreement, with or without a deal. No matter what happens, there are a number of areas in which we can provide reassurance for Irish citizens living in Northern Ireland. Irish citizens living in the North will continue to be European Union citizens in all circumstances. They will continue to enjoy the right to travel, work and study freely throughout the European Union, benefiting from the important rights not to be discriminated against on the grounds of nationality while doing so. The common travel area will also be maintained in all circumstances. This will enable Irish and British citizens to continue to move freely and reside in either jurisdiction. They will continue to enjoy a range of rights and privileges in each other’s countries, including the right to live and work, as well as to access healthcare, housing, education, pensions and social benefits, with the right to vote in each other’s local and national parliamentary elections. Even in the event that there is a no-deal outcome, we will ensure people in Northern Ireland will still have access to the European health insurance card. Similarly, we will work to ensure third level students in Northern Ireland will continue to be able to access the Erasmus+ higher education programme.

(Interruptions).

An Cathaoirleach: I am sorry about the interruption.

Senator David Norris: There is a child in the House.

An Cathaoirleach: I did not think we had a crèche here.

Senator Máire Devine: The Taoiseach is not that painful.

The Taoiseach: I welcome the proposal from the European Commission that will enable the current PEACE and INTERREG programmes to continue until the end of 2020, even in the

event that there is a disorderly Brexit. Work has already begun on a new PEACE+ programme that will build on and continue the work of the PEACE and INTERREG programmes. This will provide reassurance for all those who benefit from these vital cross-Border programmes in Northern Ireland and the Border counties.

Our ability to advance our national interests and exert our influence, both within and beyond the European Union, has never been more important. We are working to deepen our influence within the European Union, influence the debate on the future of Europe and diversify our trade with the wider world. We have an ambitious vision for our role in the world. We launched the Global Ireland initiative, which aims to double the scope and impact of Ireland's global footprint by 2025. This is something we should be doing, even if there was no Brexit. It means doing things differently, doing more and doing things better.

Ireland is opening new embassies and consulates around the world, including this year in Mumbai, Los Angeles, Cardiff and Frankfurt. It is hard to believe we do not have consulates in these places already. Mumbai is a city of 40 million people and the economic capital of India. Los Angeles is one of the cultural capitals of the world. Cardiff is in our nearest neighbour, Wales. Frankfurt is the financial and economic capital of Germany and home of the European Central Bank. All of the consulates will open this year. Some of them have already been opened and there will be others. We are also expanding some of our embassies.

We are investing more in our agencies such as IDA Ireland, Enterprise Ireland, Bord Bia and Tourism Ireland. We are sharing our cultural offering around the world because for so many people, particularly those who are not of Irish heritage, their first glimpse of Ireland is through the window of our unique culture, language, literature and dance. We are developing new air and sea connections. We are welcoming more international students to Ireland. We have become an observer member of la Francophonie. We have joined the Asian and African investment and development banks. We are expanding our international development programme, with an increase of €100 million in our overseas aid budget this year. This represents the most ambitious renewal and expansion of Ireland's international presence since the foundation of the State.

At home we are developing new initiatives to modernise local government. On 24 May the people of Cork city, Waterford and Limerick will be given the opportunity to have their say on whether they want to democratically elect their own mayor, thus allowing more decisions to be made in Cork, Waterford and Limerick for Cork, Waterford and Limerick, rather than in Departments in Dublin. It provides an important opportunity for these city regions to elect a mayor with real responsibility to drive their cities and counties forward. If approved, the Government will initiate legislation to allow for the first directly elected mayors to take up office in 2022. Of course, we are not forgetting about Dublin. Work is under way to establish a Dublin citizens' assembly to consider the type of local government structure and directly elected mayor, if any, that would be appropriate for the capital. Depending on the outcome of the assembly, a plebiscite will be held on the subject in 2021.

Seventy years on from when Ireland became a republic, we are living in epoch-changing times. We are a sovereign people in a participative democracy, influencing and shaping matters at the centre of multilateral decision-making. We are able to do so thanks to the efforts of the revolutionary generation who reasserted our sovereignty and independence with the passing of the Republic of Ireland Act. It is fitting that this House is giving time to acknowledge its passing. For some, the occasion of Ireland becoming a republic in 1949 was a symbolic, rather

than a real, change; for others, it was the culmination of a lifelong dream. Our history shows that symbols and dreams matter. The achievement of 70 years ago was a significant moment in our development as a country. By remembering the achievements of the past we can take confidence in dealing with today's challenges and be inspired about the future.

I again thank Senators for the invitation to be here. I look forward to hearing their contributions.

An Cathaoirleach: I call Senator Ardagh, leader of the Fianna Fáil group. I will be very strict on time because many Members want to speak.

Senator Catherine Ardagh: Ba mhaith liom fáilte mór a chur roimh an Taoiseach go dtí an Seanad inniu. Is onóir mhór é don Seanad an Taoiseach a bheith inár measc agus an seans a bheith againn óráid a dhéanamh ar chúrsaí polaitíochta agus faoin Rialtas go dtí seo. Is traidisiún iontach maith é don Taoiseach an lae teacht isteach go dtí an Seanad agus gabhaim buíochas leis as ucht leanúint leis an traidisiún sin inniu.

I welcome the Taoiseach to the Seanad. In responding I intend to be constructive, by which I mean both positive and critical. We all know that recent times have been exceptionally busy with all of us trying to address the challenges of Brexit. The Taoiseach and his Government have enjoyed huge cross-party support on this vital national matter. I also believe it is important to acknowledge the role played in this by my own party by taking the correct decision last December to extend the confidence and supply arrangement in the interests of the nation. I know the Taoiseach will agree with me on that.

Brexit is one of the greatest challenges we face as a nation. I congratulate the Taoiseach and the Tánaiste on the role they have played. I also compliment the excellent civil servants in both the Department of the Taoiseach and the Department of Foreign Affairs and Trade. There has effectively been an ongoing crisis since June 2016 as we face the consequences of dealing with a decision we deplore. In the words of a former Taoiseach and Fine Gael leader, John Bruton, it is actually an unfriendly act towards this country by our nearest neighbour. However, for those of us who are committed to the European ideal, one consolation from the Brexit ordeal is that membership matters. The EU has been there for us and it so clearly shows the advantage of working in a large multilateral organisation to achieve common goals. We still face uncertainty. Indeed after the events of recent week, it is even harder to say how things might develop going forward. On behalf of my own party I affirm that we will be as one in standing up for Ireland's vital national interests.

I mentioned the ongoing crisis of Brexit. Sadly, it is not the only ongoing crisis that we face. The lack of an assembly in the North for more than two years is shameless. When citizens needed the assembly most they were let down. Civil servants are running Northern Ireland and all we hear is shouting and pontification from the main parties. This has to stop before direct rule becomes a reality. We all agree that the Good Friday Agreement should be protected, but as we speak, strands one and two are broken. The Taoiseach will agree that we cannot become complacent about this. More must be done by both the British and Irish Governments to get the assembly back up and running. To adapt Winston Churchill's phrase on Northern Ireland, when Brexit is resolved, we will still face the dreary steeples of housing and health.

The Government is presiding over a crisis marked by homelessness reaching unprecedented levels, surging rents at historic heights, home building numbers tens of thousands below where

they need to be and more than 130,000 people in need of permanent social housing. All the while another massive problem that the Government is completely ignoring is emerging. Ordinary workers with modest incomes cannot afford a place of their own. My party has secured significant progress on an affordable housing scheme in budget 2019, but delivery is key. It is exasperating that things are moving so slowly after six distinct housing plans. To use the Taoiseach's own phrase, this is not about money. However, no affordable houses are available.

Another crisis is ongoing in our health services. When the Taoiseach was Minister for Health he may have underspun the fact that the national children's hospital will be the biggest capital project in the history of Irish healthcare.

Senator Terry Leyden: That is for sure.

Senator Catherine Ardagh: It has come in at three times the €650 million estimate. The Taoiseach told us that, short of an asteroid hitting the planet, there was enough money to build the hospital. In 2016, the hospital was expected to open in 2020. Three years later that date has moved to 2023. Failures and delays such as these infuriate so many people. We saw failure and delay again last Friday evening with the publication of the new hospital waiting lists. At the start of 2015, when he was Minister for Health, the Taoiseach abandoned the targets set for waiting lists by his predecessor, now Senator James Reilly. Under those targets, outpatients were to be seen within a year and inpatients and day cases were to be treated within eight months. Instead the now Taoiseach set new targets of 18 months to be achieved by mid-2015. We all know these targets were never met and the outpatient waiting times are simply scandalous. It would be wrong of me to say that there has been no improvement in the reduction of inpatient waiting times. They have moved from 86,000 to 70,000 since 2017, which is welcome. However, the key to this improvement has been the restoration of the National Treatment Purchase Fund. Its reactivation was secured under the confidence and supply arrangement and its success to date has been positive.

I would also like to mention the challenges in care for the elderly arising from both the lack of provision of home help, which is massively underfunded, and now the stalling of the funding for the fair deal scheme. Thankfully, people are living much longer now, which is great news. We have to plan accordingly for those older people who need extra care in their home or in a nursing home.

Another area of life where waiting seems to be the signature policy of this Government is the national broadband plan. This week we are yet again faced with another missed deadline for it. Yesterday the Taoiseach informed the Dáil that the full cost would be €3 billion inclusive of VAT, as if that was a saving. This is the same plan that was initially estimated at €500 million. Keeping a lid on cost overruns does not seem to be a priority for this Government. It seems to prefer to describe cost overruns as underestimations.

I thank the Taoiseach for coming to this House today. It is great to see a full attendance, particularly among Fine Gael colleagues, although at times their absence contributes to failures of delivery.

Senator Fintan Warfield: That is rich.

Senator Máire Devine: That is very rich.

Senator Catherine Ardagh: I will not mention the lost guillotine vote yesterday, which

Fine Gael promised would never happen.

Senator Jerry Buttiner: That is a bit rich.

Senator Catherine Ardagh: We all know that timing is everything. The Taoiseach's colleagues were seemingly too distracted by Bono to attend this House to support the Minister for Transport, Tourism and Sport, Deputy Shane Ross.

Senator Jerry Buttiner: Fianna Fáil should look at its own record. I am scarlet for them.

Senator Catherine Ardagh: On a more serious note, it would be remiss of me not to acknowledge the willingness of many of the Taoiseach's Cabinet colleagues and Ministers to engage with this House. I thank the Taoiseach and his colleagues for their time. The Minister for Justice and Equality in particular has been a regular presence in this House and we look forward to continuing engagement with him.

Despite the Taoiseach's predecessor's attempts to abolish us in 2013, the truth is this House has never been more relevant. Colleagues across all parties and on both the Government and Opposition sides have been active and committed in advancing policy priorities. In particular I urge the Taoiseach to work with the Bills that have passed through this House and are now on the agenda of the Dáil. I thank the Taoiseach for coming here today and I assure him of our continuing constructive work and engagement.

Senator Michael McDowell: I, too, welcome the Taoiseach and thank him for his thoughtful address. I join Senator Ardagh in complimenting him, his Government and the main Opposition party on the cross-party approach to Brexit, which has been a cornerstone of our recent success in maintaining the solidarity of our allies in the European Union, who have shown us great support.

The Taoiseach mentioned that today is the 70th anniversary of the passing into law of the Irish Republic. It is a time to reflect on what it is to be a Republic and how far we are from establishing some republican values in practice rather than simply in theory. It was in this House that Senator William Butler Yeats, when confronted with a proposal to end the capacity of the Free State Parliament by means of a change of Standing Orders to grant divorce to any citizens in Ireland, protested against it at some length. His speech, which I think should be taught in schools, contained the pithy phrase about the Protestant minority in Ireland "We are no petty people".

Senator David Norris: Hear, hear.

Senator Michael McDowell: He was asserting a truth which in those days and the decades afterwards became increasingly occluded by the power of the majority in Ireland as the two parts of this island became more and more polarised along religious lines.

Things have changed in the meantime and we now live in a very different Republic. Recent referendums have shown that this is an open Republic. It is one that is open to change. Second, it is an inclusive Republic. Third, it is one that values diversity. These things are signs of a huge change in Irish attitudes, which we should take account of and build on rather than merely observe as spectators.

This House is composed in a particular way under the Constitution. The purpose of this House is to bring into politics people who would not otherwise be there and points of view

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which would not otherwise be articulated and available to enrich the legislative process. This House has played and continues to play a rich part in political life.

I was once, like the Taoiseach, a person who believed in its abolition because it was failing to carry out its mandate. My experience as a Minister, however, particularly as Minister for Justice, Equality and Law Reform, showed me that this House was something that enhanced Irish democracy rather than in any sense tainting it.

A point we must consider is that we are part of a parliament within the European Union. The parliaments in the European Union, post Lisbon treaty are supposed to participate in a consideration of European Union legislation, to look at what is happening in Europe

11 o'clock and to make contributions not simply here at home on a national basis but to participate in the consideration of proposed legislation at the European Union level. I do not think I am being the slightest bit unfair when I state that is simply not happening at any point in the Oireachtas at the moment. Our Parliament is not playing its full part in the post-Lisbon treaty legislative process in Europe and that is something which we have to remedy and address in the coming years.

The Taoiseach has spoken in his address about proposals to amend local government and the system of local government in Ireland. He has spoken about the plebiscites that are planned for a number of cities and the process which is planned for a similar plebiscite in Dublin. The cart should not be put before the horse here. It is all very well to consider having an elected mayor but the crucial thing to decide is what local government is about in this country, what is its purpose and what are its powers.

Senator Gerard P. Craughwell: Hear, hear.

Senator Michael McDowell: In addition, we must decide where the balance between local and national powers should be struck. I will give one example that I know is politically sensitive, that is, the local property tax. Somebody in Dublin who lives in a very small house with a limited income and has much higher mortgage obligations than somebody living outside of Dublin in a much larger house but with a greater income pays more to local government in Dublin than a wealthier person living in a much bigger home pays towards local government in his or her county outside of Dublin. This is an injustice the Government has to face up to. I know it is not an easy one because politics is national and there are all sorts of constituencies. On behalf of the people of Dublin I say-----

Senator Gerard P. Craughwell: Hear, hear.

Senator Michael McDowell: -----they are being asked to share a burden which is unfair upon them. People of modest means are being asked to pay a disproportionate contribution to the cost of local government in Ireland generally. That is something that will have to be addressed.

I know the Taoiseach maintains contact with the British Prime Minister despite all of the negative commentary in English media about this State and its role in the current Brexit process. When the dust settles on Brexit as it soon will and when, as I hope, there will be a close relationship between the United Kingdom and the European Union thereafter, possibly having some form of customs association between them, it is imperative that this Government restores warm and positive relations with-----

Senator Gerard P. Craughwell: Hear, hear.

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

Senator Michael McDowell: -----Downing Street and that the temperature between the two countries is brought back to the warm relationship that existed when I was Tánaiste to the then Taoiseach, Bertie Ahern.

Finally, I echo completely what Senator Ardagh said about the responsibility of those who have left Northern Ireland without a government for the last number of years. This is a scandal which must be addressed. The two Governments must put their shoulders to the wheel to ensure that Northern Ireland gets back its power-sharing democratic institutions as soon as possible.

An Cathaoirleach: Next we have the Fine Gael slot. Senator Kieran O'Donnell is sharing time with Senator Conway. When it comes to three and half minutes I will hit the bell but I am not going to decide who will get the most seconds.

Senator Kieran O'Donnell: Will the Cathaoirleach let me know when there is half a minute left?

An Cathaoirleach: I will tap the bell, yes.

Senator Kieran O'Donnell: I welcome the Taoiseach to the House here today. It is fitting that we reflect on where we are as a House, as a nation and as two Chambers.

The Taoiseach made reference to the 70th anniversary. John A. Costello the year before, in Canada, had declared that we were going to become a Republic and President Seán T. O'Kelly signed the Act into law. Both sides of the political divide worked together.

Nancy Pelosi, at the joint sitting of the Houses yesterday, said that Ireland was a very young nation, being less than 100 years old, yet we are one of the oldest civilisations in the world. Let us work with that and consider our global footprint. Let us consider the fact that the Leader of the House of Representatives in the US came to Ireland yesterday, spoke to a joint sitting of the Houses and said that Ireland plays a significant role and has done for many generations. I see Senator Lawless is seated among us and he represents the diaspora. Let us consider the fact that Ms Pelosi stated categorically that no deals in any form would be done in trade deals with the UK that would in any way compromise the Good Friday Agreement. She went so far as to say she hoped that particular decision would not ever arise. The Taoiseach made a striking speech a year ago when he spoke about a republic of opportunity and I believe that we are. He mentioned in his speech about this being a significant period of change. Senator McDowell spoke about Ireland changing and being more open and inclusive. It is key that we continue to be a republic of opportunity whereby every child achieves his or her maximum potential. We also must put into being that every region of Ireland will share in any prosperity. That is what Project 2040 is about. We must ensure that if people go through difficult times, they will get a second chance. That is critical and we all have a role to play.

I echo the calls for the Northern Ireland Assembly to get up and running as quickly as possible. I have met people who live in the North and one thing that came across was that the Assembly in the North is about initiating policies. Ms O'Neill, who is now the Sinn Féin leader in the North, has spoken about how a health document that was launched before the Assembly fell is sitting on a shelf and doing absolutely nothing to reform the health sector in the North.

Therefore, we all have responsibilities.

Finally, I welcome that there has been an extension in respect of Brexit. I compliment the Taoiseach, the Tánaiste and all the parties for their bipartisan approach to Brexit. I for one hope there will be no Brexit. I want to see every opportunity taken to ensure that there is no Brexit. I hope common sense will prevail. I hope the British people will get the decision they deserve, which is no Brexit.

Senator Martin Conway: I welcome the Taoiseach to the House. It is fitting that he is here on the 70th anniversary today of the passing and signing into law of the Republic of Ireland Act. It is also worth noting and ironic that this morning's news headlines again had a report not recommending that history be retained as a core subject at junior certificate level. I, through Fine Gael Private Members' time in this House about two or three years ago, tabled a motion that called for history to be kept as a core subject. My proposal got unanimous support across the House because all Members of the House appreciated the fact that we need to understand our past. The generations who come after us also need to understand their past. I urge the Taoiseach to ensure that this issue is put to bed for once and for all and that the Government commits to retaining history as a core subject at junior certificate level. I would also like history to be a core subject at leaving certificate level but that is a discussion for another day.

We should be very proud of what we have achieved in this Republic. We should never take our democracy for granted. We only need to look at the chaotic scenes across the water and the development in other European countries of extreme right-wing anti-Semitic political groupings. I fear what will happen if these groups continue to develop at the current pace. We have achieved a lot in this country with regard to equality. In the past three or four years we have recognised the status of our Traveller colleagues and friends as an ethnic group. We have also signed into law the Irish Sign Language Act. We have ratified the UN Convention on the Rights of Persons with Disabilities. The building blocks are there to ensure that this is not just a republic of opportunity but a republic of equal opportunity for all our citizens.

What worries me is the underbelly that tends to exist. We saw it manifest itself during the previous presidential election. A minority of people do not really have equality in their hearts. We have the Irish Human Rights and Equality Commission which does fantastic work and has fantastic people. There should be a Citizens' Assembly on how Ireland can bring equality to the heart of its education system, such that every citizen not only has equal opportunities but also has respect for people who are different, who have challenges and who may not necessarily have had opportunities. A discussion needs to happen about how we bring all our citizens with us on the journey of equality.

Senator Niall Ó Donnghaile: Tá mé ag roinnt mo chuid ama leis an Seanadóir Mac Lochlainn. I will give Senator Mac Lochlainn a minute of my time because I am very good-natured like that. Tá fáilte is fiche roimh an Taoiseach agus gabhaim buíochas leis as a bheith linn, mar a dúirt mo chomhghleacaithe, as comhrá a dhéanamh linn agus as éisteacht leis na cuir i láthair sa Seanad inniu. The Taoiseach can probably guess what I will say to him on behalf of Sinn Féin.

It is of core importance and brilliance that this Seanad affords people such as me and my colleague, Senator Marshall, the opportunity to engage with the Taoiseach and colleagues in this House. A core tenet of the Good Friday Agreement is that a person born in the North can identify and, crucially, be accepted as Irish, British or both, and therefore is afforded equal

treatment with regard to his or her rights. After the Good Friday Agreement was signed, the Dublin Government codified in its law recognition of the dual nature of citizenship for people born in the North, thus accepting both nationalities and its responsibilities under the Good Friday Agreement. The British Government did not. It has dodged its responsibilities under the Good Friday Agreement for 20 years, never codifying in law the provisions for Irish citizens born in the North to be accepted as Irish only, only that they could be identified as Irish. It is a subtle difference in words but a vast difference in practice. Essentially it means that under British law, Irish citizens born in the North are classified as British citizens by default and are treated under law as British. This is a flagrant violation of the Good Friday Agreement but it has gone uncorrected until Brexit because Irish and British membership of the EU helped it to stay camouflaged.

Brexit has forced this issue into the open, which is perhaps not a bad thing in this instance. It not only highlights the British disregard for the Good Friday Agreement but also brings into sharp focus the unequal status of Irish citizens who are born in the North. It is hard to convey the shockwaves that rippled across Ireland on the morning after the EU referendum when the result was announced. We could scarcely comprehend the implications of a leave vote for international relations in general, especially for Ireland. Not only is part of our island under British rule, it would be forced out of the EU against our express democratic will, but the island of Britain also forms a physical barrier between Ireland and the rest of the EU. When challenged about the issue of consent, the British Supreme Court dismissed the democratic rights of people in the North and concluded that the North's membership of the EU was a matter for the UK alone. This writes large the obscenity and injustice of being ruled by a foreign parliament.

What will change with regard to rights after Brexit? Straight off the bat is freedom of movement, one of the indefeasible freedoms of the EU. EU citizens currently have all the rights necessary to live, work and study in other EU member states without being subject to immigration rules. Irish citizens born in the North will hold EU citizenship which means that they will still have the freedom to move to the EU. However, Northerners with British passports will not have that freedom to travel to the EU and non-Irish EU citizens travelling to the North from elsewhere in the EU, for example, from the South, will be subject to tough immigration controls. How will that movement be policed? We are told that there will not be a hard border in Ireland, which is to say that there will not be physical barriers. The stricter rules will have to be enforced somewhere. Will it be by bus drivers taking people into the North? Will it be by employers? Will we have a case of certain people being singled out and treated as second-class citizens? There is a democratic right to vote and have candidates for EU elections. That right will be lost to all citizens in the North. As the Taoiseach knows, he could have done something to help us in that regard and chose not to. We were left behind. On one hand, he wants to give us the vote for President, a position which we support, but on the other, we are denied the right to democratic franchise and representation in the EU. We are not full Irish citizens or EU citizens.

We are also losing access to the European Court of Justice, which administers justice in cases concerning EU law. That court has been a safety net for citizens who believe that they did not get fair treatment in the domestic judicial system. Leave campaigners were clear that, whatever else happened, the Court of Justice had to go because they wanted to end interference from outside powers in the governance of their country. God forbid they would have to suffer external interference. This is from a nation that colonised half the world. The irony is lost on none of us. Post Brexit, a whole raft of rights will evaporate. There is no guarantee that the

British Government will secure these rights, and even if it does, a Tory Government will light a bonfire underneath them. It has made a promise to that effect and, unlike most of its promises, it is apt to keep this one. We know this because it is fundamentally opposed to rights and equality and has partnered up with those denying rights, equality and progress to those of us in the Six Counties.

Brexit negotiations reached a milestone in November with the publication of the withdrawal agreement, a legally binding agreement between Britain and the EU that sets out our relationship for the two years following Brexit day, a transition period during which they will negotiate the long-term future relationship. The withdrawal agreement contains a substantial section dedicated to citizens' and other rights, specifying those rights that will be available to EU citizens living in Britain after Brexit. According to the agreement, EU citizens living in Britain will be able to apply for something called "settled status" to retain their EU rights. The latest position from the British Government is that Irish citizens born in the North will not be entitled to apply for settled status under the withdrawal agreement because, according to the Home Office, Irish citizens born in the North are actually British citizens so there is no need to apply for settled status and, by extension, this excludes them from retaining any EU rights available under the withdrawal agreement. This will make them the only category of EU citizens not eligible for settled status, another denial of rights that brings us back to an earlier point about the British being derelict in their duty to uphold the Good Friday Agreement.

While there is still much more to say, we face these problems and anomalies because we are not yet the Republic envisaged by our forebears. We are not yet the Republic declared in 1916, endorsed in 1918 and asserted in 1919, an event that we gathered to commemorate and exult just a few months ago. The lifelong dream, as the Taoiseach described it in his address, is not yet realised. Now is the time to prepare, plan, engage and use this Seanad to plan for new constitutional horizons. Now is the time to realise a real Republic and for Irish unity.

Senator Pádraig Mac Lochlainn: I want to raise the urgent need for a redress scheme for the families in Donegal affected by mica. As the Taoiseach knows, thousands of families are affected. I understand that he took about an hour to meet one of those families and to see for himself the scale of devastation. We understood, late last year, that an announcement of the scheme was imminent. There were joyous celebrations across north Donegal in particular. Thousands of families' homes are falling down around them. The Taoiseach has seen the heart-break at first hand. They need news urgently. I understand that there is talk of a contribution here. The pyrite remediation scheme has been in place since 2014. Last year, the Taoiseach's colleague, the Minister of State, Deputy English, announced this and we welcome it. More than 1,000 families in Dublin and north Leinster have had their homes made safe by the scheme. It is tremendous good news. We need a similar scheme in Donegal. There are families in Mayo also waiting for this news. I ask the Taoiseach to give us some news on that and some reassurance as we approach Easter weekend that a 100% funded scheme will be announced very soon, just like the scheme for the families in Dublin and north Leinster. It is urgent that we get the news to those families as soon as possible.

An Cathaoirleach: The Civil Engagement Group is next. I call Senator Grace O'Sullivan.

Senator Grace O'Sullivan: I am sharing with my colleague, Senator Higgins. I wish the Taoiseach a happy Easter. He is very welcome to the Chamber. I am speaking on behalf of Senator Dolan, Senator Black and on my own behalf.

The Taoiseach committed to ratifying the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, when he was elected. He has done that and it is very much appreciated. The ratification is a statement that the State will get on with the work of implementation, making Ireland accessible for its disabled citizens to ensure they can live full lives in their communities. I am aware that the Taoiseach has called together all Secretaries General for the purpose of taking a range of actions this year relating to the forthcoming budget, necessary legislation and other matters. It is imperative that he continues his leadership in that role. In his statement he did not make any reference to the ratification of the convention, yet we know he is very active on it. Will he acknowledge to the House that he is placing implementation of the UNCRPD alongside other national challenges and on the same footing?

I wish to address the situation of Israel and Palestine. Before the recent Israeli elections, Prime Minister Netanyahu vowed to annex formally the Palestinian West Bank if returned to office. A few months prior to that, the UN special rapporteur on human rights in Palestine noted the rapid expansion of illegal Israeli settlements and the urgent threat of annexation. He stated:

If these further settlement steps by Israel are left unanswered by the international community, we will be driving past the last exit on the road to annexation.

It is impossible to square the international community's rhetorical support for a genuine two-state solution with its persistent unwillingness to confront Israel with any meaningful injunctions to halt and reverse these steps towards annexation.

That should make clear that time is running out, and those of us committed to a peaceful two-state solution need to show that. My colleague, Senator Black, made that case at the UN this month where she presented her Control of Economic Activity (Occupied Territories) Bill, which was resoundingly supported by both Houses. I ask the Taoiseach to reconsider his own position on that legislation in order that he represents this country to stand up for human rights and international law.

My final point is on climate change, which is an issue the Taoiseach will know is very dear to my heart. We had seven months of deliberations in terms of the special Joint Committee on Climate Action. We have a report, which is very much welcomed. I hope the Taoiseach and all Departments will get on with action in this area. In particular, I ask him to commit that he will lead action with regard to climate. I was about to say the Taoiseach will not believe this but of course he will. This week, we saw two damning reports on Ireland's climate rankings, this time from Climate Action Network Europe, which placed our country and our MEPs near the bottom of the rankings in terms of climate action. That is such a shame. We need more genuine actions when it comes to climate change and not just words. I will hand over to my esteemed colleague, Senator Higgins.

Senator Alice-Mary Higgins: I welcome the Taoiseach to the House. Others have spoken about the collective work on Brexit, which is important, and the solidarity from our European partners. It is important that Ireland also shows solidarity by engaging actively and genuinely in the debates Europe is facing around a social and sustainable future. Europe is at its best when we are pressing each other to raise standards in terms of environment, equality or employment and when we are willing to challenge countries or groups that seek to erode human rights. I hope the Taoiseach will be able to be a champion on those issues in the decisions to be made ahead.

The Taoiseach spoke about some of the best contributions being given in the Seanad. Occasionally, that is still the case. However, he also spoke about Seanad reform on a previous visit here. Those of us who had put in a Seanad reform Bill on the very first day of this Seanad, recognising the mandate that came from the public in that regard, put aside our Bill to engage in good faith, and I was one of them, in an implementation group for the Manning report, which was in the Government's programme for Government. Despite having produced a report on how that may be implemented, the Taoiseach spoke in the Dáil and questioned all of the founding principles of that report on which he had asked us to produce implementation legislation. I refer to the very principle of giving a direct vote to members of the public on this House. Was the Taoiseach sincere about Seanad reform? If he is sincere about Seanad reform, how can he deny the public a direct vote on this House?

The Taoiseach must show that his words and actions are strong and meaningful. There are responsibilities which cannot be abdicated to the market, the EU, officials or any Department. We need to know that he is able to make choices for the common good even when it goes against some corporate interests or pressure. For example, on housing, we need to know he will take the decisions to have the State build and rent social housing but that he will also seek to shut down the investment loopholes which are distorting and toxifying the housing market rather than exporting our vulture fund model to Europe as is currently proposed. Everyone knows that the market will not fix housing, nor will it fix climate change. Again, political leadership is needed, and it is needed in this budget.

Lastly, if Ireland is sincere in terms of peace, disarmament, immigration and human rights, I ask the Taoiseach to take action to deliver safe passage to and not block our International Protection (Family Reunification)(Amendment) Bill to ensure that Ireland is a voice of peace and human rights that supports families to be united together. I ask him to lift any money message on that Bill, on which my colleague will expand.

An Cathaoirleach: I call Senator Bacik. Is the Senator sharing time?

Senator Ivana Bacik: I am sharing time. I will take four minutes, my colleague, Senator Norris, will take two minutes and Senator Humphreys will take one minute.

Senator Gerry Horan: That is 15 minutes.

Senator Ivana Bacik: I am hoping it will add up to seven minutes. I welcome the Taoiseach to the House on behalf of my colleagues in the Technical Group and my Labour Party colleagues. As he said, this is an auspicious date marking 70 years since we became a Republic. I am delighted that I will be sharing a platform with the Taoiseach later at the Royal Irish Academy. We might consider, as he has hinted previously, that we would make 18 April annually a Republic day. That would be fitting to mark that date.

In my brief four minutes I will raise four points that I believe are integral to the strengthening of our status as a Republic. First, the day after more horrific revelations about the treatment of women, children and babies in mother and baby homes, we have unfinished business to do in terms of separation of church and State, particularly in the fields of education and healthcare. I ask the Taoiseach to do more on that.

Second, on women's rights, we need to do more to increase the numbers of women in politics and to increase the representation of women in the Cabinet. That is something many of us were disappointed by on previous occasions. The next time the Taoiseach is reshuffling, he

might think of that, especially the day after we had such a powerful address from the Speaker of the US House of Representatives, Nancy Pelosi, here in the Oireachtas.

In terms of gender equality, this year we need to delete the sexist language relating to women and mothers in Article 41 of the Constitution. One year after the historic repeal of the eighth amendment by a two thirds majority, we need to move forward urgently with legislation on exclusion zones to ensure women have safe access to the abortion and reproductive health services.

Third, on Brexit, all of us in this House, as in the other House, have co-operated with the Government's approach to Brexit with the swift passage of the omnibus Brexit Bill, but I ask the Taoiseach to consider the proposal made by my party leader, Deputy Howlin, yesterday when he suggested that Ireland should press for a five-year "flexension" - a terrible word - or extension for Britain. That would give the Houses of Parliament time to secure a resolution of the issue and to reach a deal. This would ensure time also for a second people's vote where we all would hope to see a reversal of the 2016 decision and also some reform of the EU, so that we can genuinely move forward to a more progressive social Europe.

As to our status as a republic this Government needs to do more on climate change. Here we really see that the future of our Republic is at stake. I was very proud to attend the school children's protest last month inspired by Greta Thunberg, with my 11 year old daughter and her friends, where it was so clear that for future generations in this Republic, this and future Governments need to do more to ensure that we tackle climate change in a real and practical way.

Senator David Norris: The Taoiseach is most welcome. On the question of leaving the Commonwealth, I think this was a knee-jerk anglophobic response. I wish to put on the record that it was soundly condemned by the sole surviving leader of the 1916 rebellion, Éamon de Valera.

I remind the Taoiseach of his statement in the House the last time he was here when he was very lyrical about the new politics. Among other things he stated that there would be an abandonment of the use of the guillotine. I understand that there can be difficulties with long speeches and protracted discussions but all of this was known at the time the Taoiseach made these very useful statements. The Bill in question, which resulted from a deal with the then Independent, Deputy Shane Ross, as part of the programme for the incoming Government, is very controversial and has not been welcomed by a single Member of this House.

In the light of the fact that only yesterday this House resoundingly rejected an attempt to impose the guillotine on an amendment put forward by myself and my colleagues, would the Taoiseach now restate very clearly his opposition to the use of the guillotine in parliamentary tactics?

Senator Jerry Buttmer: We have been here for 88 hours.

Senator Gerry Horkan: -----and counting.

An Cathaoirleach: I call Senator Humphreys. I remind the House that it was the first time in three years and we all make mistakes.

Senator Kevin Humphreys: The Taoiseach is indeed welcome.

Many people have mentioned equality, fairness, citizenship, and the Republic. I stand to

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raise my voice for up to 70,000 apartment owners who live in homes that have a legacy defect. They face bills of from €5,000 to more than €50,000 to put right defects to their homes, through no fault of their own. From Blanchardstown to Sandyford and from Sandyford to Cork and Galway they have to pay for fire marshalls to patrol the corridors of their homes 24 hours a day, 365 days of the year. They live in fear of the fire officer asking them to vacate their homes because of safety concerns. Can we, in all honesty, impose that burden on 70,000 families across this State?

As was rightly pointed out, the last Government found a way to help the home owners whose houses had pyrite. I have raised this with Ministers on several occasions and they say the State cannot take on this liability. I say clearly to the Taoiseach that the State failed these 70,000 families by allowing defective homes to be built and to continue there. The least we can do is to offer people some assistance to ensure they can sleep safely in their homes and that they no longer need to have fire marshalls patrolling their corridors. The time for action is now. We have seen the horrific fire in Paris. Thank God there was no loss of life. I certainly do not want to see a horrific fire in an apartment block in this State and to face any great loss of life. I ask the Taoiseach and his Government to act now.

Senator Michelle Mulherin: It is great to have this opportunity to have this engagement with the Taoiseach in the Upper House.

As we are celebrating the 70th anniversary since the coming into being of the Republic, I would like to focus on the here and now and plans for future prosperity for our nation and its people. I want to focus on the whole area and challenge of achieving balanced regional development and stemming the tide of young people leaving rural areas permanently to go to the cities which are already under pressure. This is a worldwide trend and movement as younger people see more opportunities in these cities. I know the Taoiseach is aware of this because Project Ireland 2040 along with the national development plans envision population growth, investment and other good things.

There are two matters I wish to focus on, which are clear impediments the State and Government need to address. First is the Apple appeal case judgment, delivered by the Supreme Court last week in the Apple data centre case. The appeal was dismissed. Notwithstanding the appeal having been dismissed the appellants have won. There will be no data centre in Athenry.

Senator David Norris: Hear, hear.

Senator Michelle Mulherin: There will be no wind farm supporting it with green energy. An opportunity for jobs and investment for Athenry and the whole region has been lost. Since the granting of planning permission in August 2016, it took until last week for the whole judicial review process to conclude. This raises a number of matters. First, a planning system that yields this type of result is not fit for purpose. Second, right now we have no guarantee that an investor similar to Apple or some other company, interested in investing in a major way in our country, would not encounter exactly the same problems and hurdles and be put off and go somewhere else.

Senator David Norris: Hear, hear.

Senator Michelle Mulherin: Internationally, such matters are noted and taken on board by investors and this is really going to stymie us; we have presented ourselves as a small open economy and if we cannot attract in this type of investment we are going to be in bother.

Another matter I have raised with the Taoiseach before is the whole issue of European sites. These are lands designated as special areas of conservation, SACs, under the birds and habitats directives. Unfortunately, most of this land is on the western seaboard. I received some helpful information from the Minister, Deputy Ross on the last day he attended the House. He followed through and gave me details of some of the projects that have been held up along the western seaboard including the Galway bypass, the N6, the N59 Galway to Clifden road, the Adare bypass and the N26 to the N5 Ballina. The last of these is a problem from 2010, a project which we have had to break down and do in stages. We only recently succeeded in getting planning permission from An Bord Pleanála after considerable delay. This took seven years. This was not only the case with the Galway bypass but these projects are just some I could list of other regional roads, bridges and projects. How much money did that cost? How far behind is that leaving Galway in terms of congestion? What is that doing to the west? If I take the example of the N26 - which comes into my own town, Ballina - how far is that leaving us behind? This is what multinationals are saying. The National Parks and Wildlife Service needs to be mandated to create management plans so that we are not just looking at conservation but at socio-economic objectives for these regions as well. There is a legitimate case for these socio-economic objectives.

Senator Gerry Horkan: I will give one minute to Senator Leyden.

Senator Terry Leyden: I thank my colleague.

Senator Gerry Horkan: I thank the Taoiseach for being here. Typically the Prime Minister in the UK arrives on the first day of term but it is great that he is here on the last day of term, which is a fitting day and the anniversary of the foundation of our Republic.

Senator Niall Ó Donnghaile: We do not have to do it just because the Brits do it.

Senator Gerry Horkan: I was about to say that it is not always a good idea to follow the trend of what happens in Britain. I would ask the Leader to stay quiet for a second-----

Senator Jerry Buttmer: I did not open my mouth.

Senator David Norris: Hear, hear.

Senator Gerry Horkan: -----and I will try and say nice things about his leader.

The Taoiseach made a very balanced and measured contribution here this morning. It is very welcome that he is here and more than an annual engagement would be worthwhile. He would not need to be here every week but more than once a year would be welcomed by almost all Members of the Chamber on both sides of the House. I want to pay credit to the Taoiseach, and indeed to my own party leader, for all of the work that they have done on Brexit to include travelling around every EU capital, negotiating, dealing and explaining our position as a country to every one of those countries. I, Senator Kieran O'Donnell and others were on a trip recently with the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach to Luxembourg. It was great to see the unanimity with Ireland that comes across from the other EU 26 countries. They understand our position and know we are involved. Senator Richmond was also there and Deputy Michael McGrath. A lot of that understanding is down to both the Taoiseach, Deputy Coveney and, indeed, other party leaders like Micheál Martin who have been across and spread the word. It is very important that those countries do understand our position. To the Taoiseach's credit, and that of this Government, he has done a

particularly good job in articulating the position of a relatively small part of the population of the entire EU.

I have plenty of things to say but my time is limited. I welcome the increase in our global presence articulated by the Taoiseach in terms of Mumbai, Los Angeles, Frankfurt, Cardiff and other locations that are coming along. It is important to note that both the Taoiseach and I ran, for the first time, in local elections 20 years ago in 1999.

Senator David Norris: The Taoiseach has done rather better.

Senator Gerry Horkan: Neither the Taoiseach nor I were successful at the time.

(Interruptions).

Senator Gerry Horkan: The Taoiseach has been far more successful than I in the last 20 years in terms of his position.

(Interruptions).

Senator Gerry Horkan: It is very important as a Chamber, particularly Senators who have been elected by councillors, to acknowledge the huge role of local government. In terms of directly elected mayors, I was involved with the campaign for a directly elected mayor for Dublin the last time.

Senator Terry Leyden: The Senator would be a great candidate.

Senator Paul Coghlan: Yes, a great candidate.

Senator Gerry Horkan: In Britain, 12 out of 13 cities rejected the concept of a directly elected mayor. Therefore, I believe it needs to be teased out a good bit more and I hope that can be done in the next few weeks for Limerick, Waterford and Galway.

Again, I thank the Taoiseach. I have been out canvassing for local election candidates, as I am sure he has been with his party's own candidates, so I know there are challenges such as crime, transport, public transport, particularly in Dublin, and the lack of peak-time provision.

I agree with the points that Senator Mulherin made about regional imbalance. As somebody who has three grandparents that came from the west of Ireland and is based in Dublin, I would like to see more balanced development in the other cities and regions than is currently the case.

An Cathaoirleach: Senator Leyden has one minute.

Senator Terry Leyden: I thank Senator Horkan for his generosity. I welcome the Taoiseach to the House. Recently we shared the same experience of meeting our favourite singers because he met Kylie and I met Bono. I am getting as much coverage over meeting Bono as he did when he met Kylie. There was nothing wrong with the Taoiseach meeting a great singer as well.

Senator Jerry Buttiner: I am scarlet for the Senator.

Senator Terry Leyden: There was much ado about nothing at the time.

Senator Kieran O'Donnell: I met T. R. Dallas and there was tight security as well.

Senator Jerry Buttmer: T. R. Dallas.

Senator Terry Leyden: I compliment the Taoiseach, the Tánaiste and the Government on doing a very steady job as far as Brexit is concerned. We are impressed. I must say that Micheál Martin put people before politics-----

Senator David Norris: Hear, hear.

Senator Terry Leyden: -----when he stood aside and said there would be no election-----

Senator David Norris: Absolutely.

Senator Terry Leyden: -----as we want to get Brexit through. Let us consider what the situation would have been like now-----

Senator David Norris: We do not want to get Brexit through. We want to stop it.

Senator Terry Leyden: -----if we were in the middle of a general election campaign when we should be dealing with the serious issue of Brexit-----

Senator Kieran O'Donnell: We want to stop Brexit

Senator David Norris: That is true.

Senator Terry Leyden: -----and the time that the Taoiseach would have had to spend here at home instead of being there.

(Interruptions).

Senator Terry Leyden: In terms of the expansion in the number of embassies, I request that the Taoiseach re-opens the embassy in the Islamic Republic of Iran. We have good friends in Iran and we can create more business over there. Mr. Victor del Rosal from the National College of Ireland has worked with me-----

Senator David Norris: What about the victims in Iran?

Senator Terry Leyden: -----on seamless borders. The college has put a lot of work into the project. There are procedures and possibilities of developing software to assist in the export of our products around the world. I ask the Taoiseach to keep that in mind.

Finally, I ask the Taoiseach to support my Registration of Wills Bill 2016 in Dáil Éireann-----

(Interruptions).

Senator Terry Leyden: -----because I want to ensure that happens as its success is part of my re-election campaign.

Senator Niall Ó Donnghaile: At least the Senator is being honest.

An Cathaoirleach: I suggest that Senator Leyden gets a new watch for Easter. I call Senator Billy Lawless. Is he sharing time?

Senator Billy Lawless: I will use two and a half minutes and give the remaining minute and a half to Senator Craughwell.

I welcome the Taoiseach to the Seanad. I congratulate him on his recent trip to Washington for the annual St. Patrick's Day celebrations. In his speech at the White House he assured President Trump that the Irish Government will continue to work with the US Administration to find a solution to our undocumented issue, and that we are willing to match any concessions with the same or better for Americans seeking to live in Ireland. In the event of this coming to pass, one major issue that the Government will have to address is to allow Americans to convert their US driver licences to Irish ones. Presently, we do not have a reciprocal agreement with the United States. We have an agreement with the European Union, Australia and some provinces in Canada. Driving licences could be a major problem for both US citizens who come here to live and, indeed, for Irish emigrants looking to return home. I listened with great interest to the Speaker of the House of Representatives, Nancy Pelosi, yesterday in her address at the joint sitting of the Houses of the Oireachtas. She reaffirmed that there is a great relationship between Ireland and the United States and referred to the high esteem in which we are held by successive Administrations.

During our meeting on foreign affairs I spoke to Congressman Richie Neal who assured us of his full support for the re-introduction of the Irish E-3 visa scheme, hopefully by the end of the month. I hope everything will be done to ensure that the initiative enjoys a smooth passage through the US Senate this time around. I thank the Taoiseach and Deputy Deasy for the work that they have done in bringing this matter to Congress.

In terms of the referendum on voting rights in the presidential election that is due to be held later this year, I welcome the Taoiseach's commitment to our citizens in terms of the granting of voting rights for the presidential election and getting the referendum over the line. It will not be an easy thing to do. Last week, I met officials who work in the Irish abroad unit. On that occasion I was delighted to hear that there is a proposal to introduce online registration for our citizens who live abroad. I would like to go one step further and suggest that we consider introducing online voting. In 2020, France will introduce online voting for its citizens who live abroad and over 40% of French citizens who live overseas vote in elections that are held in their home country. We can learn from the French if they experience difficulties or technical hitches with their online voting and we have plenty of time to do so as the presidential election here is six years away.

Again, I thank the Taoiseach for his commitment to the Irish diaspora and his ongoing determination to ensure that Ireland continues to grow both economically and socially as an independent nation at the heart of Europe.

An Cathaoirleach: I call Senator Craughwell and he has one minute.

Senator Gerard P. Craughwell: I welcome the Taoiseach to the House. I want to take this opportunity to congratulate him, and the team that he put around him, on the leadership that he has given on Brexit. It is a credit to him. I also wish to acknowledge the work done by our public servants. Both our ambassadors and officials abroad have done a tremendous job in supporting the Taoiseach with the policies that he has put forward on Brexit.

The Taoiseach is also the Minister for Defence and right now our Defence Forces are falling apart before his very eyes. This month, 166 officers, non-commissioned officers, NCOs, and men will leave the Defence Forces. They will leave because they cannot afford to stay. I appreciate that the pay commission is soon due to report but if remedial action is not taken urgently there will be no soldiers, airmen and sailors left to defend this country.

We are mean in this country in our outlook. We have a mean streak in us. The Department of Defence and the Defence Forces have denied for years that there were ever recommendations made for medals for Jadotville. The Taoiseach's Government took the step of creating An Bonn Jadotville for the survivors. However, over 100 medals were recommended for the Congo of which quite a number were DSMs, or distinguished service medals, for those who served in Jadotville and military medals, which is the equivalent of the Victoria Cross, for men who served in Jadotville. Those medals were never issued. Today, I ask the Taoiseach to initiate a revision of what happened to ensure that those gallant men are given the medals to which they are entitled.

Finally, I support my colleague's call for the opening of an embassy in Iran. It will serve 80 million people but there are 400 million in the region, which is an opportunity that should not be missed by Ireland.

Senator Terry Leyden: Hear, hear.

An Cathaoirleach: There are two Senators offering. I suggest that Senators Kelleher and Warfield share two minutes each.

Senator Colette Kelleher: Yes.

Senator Fintan Warfield: Yes.

An Cathaoirleach: I will remind the Senators about the time.

Senator Colette Kelleher: I thank the Cathaoirleach. I stand here as a Taoiseach's nominee and shall raise two issues with him. He is very welcome here today.

First, I wish to refer to the International Protection (Family Reunification) (Amendment) Bill that was mentioned by my colleague, Senator Higgins. The Bill was passed here this time last year and it passed Second Stage in the Dáil last December with a majority of 78 votes to 39 votes but, disappointingly, did not have the support of the Taoiseach's party. The Bill is a very modest administrative proposal that would make a big difference to the lives of families like the Sido family who are currently being highlighted in the media. The Oireachtas Joint Committee on Justice and Equality has considered the Bill and is due to report shortly. I ask the Taoiseach to consider the report when it is released. I also ask him to consider intervening with the Minister for Justice and Equality because the Bill is a modest proposal and does not deserve a money message.

I wish to raise a second issue. There are 55,000 citizens living with dementia, but there is little recognition of or no profundity of the challenges they face. We are waiting for the home care services and - the more modest proposal - dementia advisers that were promised in budget 2019 and which were a feature of a conversation on the confidence and supply agreement. The promises were made, but there is dismay and concern among people living with dementia and their carers. There are people who are taking up hospital beds which they no longer need, but they cannot go home. If the Taoiseach could look into that matter, I would be anxious to hear from him on it.

Senator Fintan Warfield: Four months ago the report of the Seanad reform implementation group landed on the Taoiseach's desk. It had been sent by its chairperson, Senator McDowell. The legislation would result in a radical change in elections to this House, leading to

a more democratic Chamber. Will the Taoiseach run with the report? Rather than highlight its flaws - there are some - he should remember that he set the terms of reference for the group and its work. Sinn Féin believes constitutional changes are required, including the abolition of the Taoiseach's nominees, the calling of Seanad elections on the same day as Dáil elections, the abolition of the requirement for postal voting and provision for equal gender representation. These changes should not be obstacles in starting the legislative process. It should not involve a Private Members' Bill, as the Taoiseach suggested. What does that say about the priority given to Seanad reform? On a personal note, I have been in this Chamber for almost three years. When I seek re-election, I want to have a public mandate and be accountable to the public, as should everyone else.

The Taoiseach: I thank Senators for their contributions. Many issues have been raised and I will try to answer as many questions as I can in the limited time available to me. I apologise in advance if I do not justice to any particular question or issue raised.

Housing was mentioned. We all agree that the core of the solution is an increased supply of housing of all forms, but it is not the solution on its own. In a country with a growing population and in which new households are being formed all the time we evidently need many more houses and apartments. We probably need approximately 30,000 to 35,000 new homes to be built every year. We are getting there. Last year 18,000 new homes were built, more than at any other time in this decade. One quarter was social housing built by local authorities or affordable housing bodies. I am not sure when was the last time either of those things happened. We need to continue to scale upwards. We have set the target of building this year approximately 25,000 new places in which to live, of which approximately one quarter will be social housing because we need market and non-market solutions to the housing crisis, recognising that the majority want to buy and own their own home, but there will always be people who cannot do so. As the market cannot deliver, the State must do it. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister of State at his Department, Deputy English, are bringing forward legislation to further enhance tenants' rights. We will continue to put resources in to lift families out of homelessness. We probably lift more families out of homelessness than in any previous year, but the same number become homeless every year. Until we break that cycle, we will have a real difficulty in turning the issue around. We should not forget for one second from where we have come from in dealing with the housing crisis. Eight or ten years ago we had a financial crisis in which the banking sector was destroyed and unable to lend to people who wanted to borrow or builders who wanted to build. The construction industry was destroyed and 100,000 construction workers left the country. Rebuilding and turning it around was never going to happen quickly. No matter who is in office, it will take us a few years to get to the point where we will deliver enough housing for people to buy and to be used as social housing.

Some Members mentioned the enormous problems and challenges in healthcare provision. I do not discount or dismiss them for one second, whether it is overcrowding in emergency departments or long waiting times. We should also provide time for debates to acknowledge some of the good things that are happening in the health service, the phenomenal work being done by the 115,000 people who work in it and some of the strategies and policies that are working, as well as the record investment in healthcare which stands at €17 billion a year, almost more per head of population than in any other country in the western world. It is not a black hole. A lot of the money is well spent in delivering real results. Let me give a few small examples.

In the past few weeks a new contract was agreed to with staff nurses. It provides for a pay

increase for them but, more significantly, the reforms in work practices that we need to make sure the patient receives better care and nurses and doctors will be there when a patient needs them most. At long last and after much effort an agreement has been reached with general practitioners, GPs, to increase resources for general practice by 40% in the next three to four years. It is not just an increase in funding for general practice but also for new services, particularly the management of chronic diseases, the most common diseases managed in primary care, to provide better care for people in the community in order that in the longer term fewer patients will need to go to hospital. We have seen the progressive expansion of free GP care services, although not as fast as recommended in Sláintecare.

I do not think any of us honestly believes extending free GP care to an extra 500,000 people a year is doable. As it would overwhelm general practice, we are doing it more slowly, but we are doing it, starting with the youngest and the oldest in society, those younger than six years and older than 70. It has been extended to 40,000 children with profound disabilities who previously would not have received a medical card if their parents earned too much, an amazing situation that was presided over for far too long. Children with profound disabilities lost a medical card because their parents earned so much that they went above the limit. We changed this and now 40,000 children with profound disabilities have received a medical card as of right for the first time.

Last year we extended free GP care to those in receipt of carer's allowance and carer's benefit because carers need to be cared for too. This year there has been a 10% increase in the income limits. As a result, more low-income families will qualify for free GP care. Next year we have signalled our intention to extend free GP care to six and seven years olds, to be followed in the following year by eight and nine year olds and in the year after that ten and 11 year olds.

After a period of almost 20 years in which only one new hospital was built in the country, there are three under construction. While we hear a lot about one of them, we do not hear about the other two which are happening on time and within budget. We will get the keys to the National Forensic Mental Health Hospital in north county Dublin soon. It will replace the Victorian facilities in Dundrum. The other is the new National Rehabilitation Hospital in Dún Laoghaire which will result in a huge improvement in healthcare services.

There are 120 primary care centres operating throughout the country. This month there will be a reduction in prescription charges for those aged over 70 years with a medical card. For anyone who does not have a medical card, the threshold under the drugs payment scheme, DPS, is being reduced.

This year the number of hospital beds will go back up to 11,000 for the first time since 2009, reversing the policy of previous Governments to reduce the number. It is having an effect. It is not just a question of providing beds because we know that adding beds to hospitals is not the solution on its own. It has not worked in a lot of places, but it is part of the solution. This year we are seeing the lowest recorded number of patients on trolleys in five years, but it is still far too many. I know that there are peaks on different days. The nature of trolley counts is such that it is possible to create a new record such as the highest number on a Wednesday since last year or in a particular hospital, but taken in the round, the number so far this year is the lowest in five years.

There have been real improvements in stroke care, cancer care and heart attack services. More people now survive rather than die from cancer. There is huge work being done in the

public health service as part of the Healthy Ireland initiative, Healthy Eating. Legislation on alcohol also passed through this House which will make a big difference.

They are just a few of the good things that are happening in the health service. We should allow some space to acknowledge them in our debates because the focus is often on the negative. While we should not ignore the problems, we do not do a service to the people, patients, taxpayers or the staff working in the health service if we do not allow some space to acknowledge the very good things that are happening.

On Seanad reform, like Senator McDowell, I once supported abolition of the Seanad. Lots of countries have unicameral systems and seem to manage okay, whether it be Portugal, Finland or New Zealand. We held a referendum in which the people decided to keep the Seanad. For that reason, I no longer support its abolition.

I have read the report on the implementation of the Manning reforms. I have also read the dissenting or alternative reports from Fine Gael, Sinn Féin and from Independent Senators. The question I have to ask is whether the reform goes far enough. Do we really accept that in the 21st century, vocational panels are the correct model for a 21st-century democracy, when

almost every democracy in the world tends to operate on national lists or local
12 o'clock constituencies or regional lists. Do we want to continue with vocational panels, which largely derive from a papal encyclical back in the 1930s? Whatever happens, I have no wish to be a barrier to reform and if there is a majority in the Dáil and in this House for what is proposed, I will not stand in the way of that. I give Members that assurance here today.

On the issue of the local property tax, it was mentioned that homeowners in Dublin and in other cities pay more in their local property tax than those living in smaller towns or more rural counties. That is, of course, true. There is more to the story than that in that people living in urban areas receive more local services from the local authorities, whether it is footpaths or street lighting, local parks and grass cutting and so on. I think there is a solution. I have suggested it before, which is that the local property tax should be retained locally. The money that people pay in their local authority area should go to the local authority and stay in the local authority. We will still need an equalisation fund to ensure that less well off local authorities do not lose out but that does not need to be funded from the local property tax, LPT. That can be funded from other forms of taxation. There is a solution whereby LPT stays local but we continue to have a equalisation fund, funded from general taxation for those counties that need it and we give the councils the power to vary the LPT up and down as they wish. There is a 15% limit, a council can vary the LPT upwards by 15% or downward by 15%. Interestingly, as many councils have varied the LPT upwards as downwards. Many probably would not have thought that happened, but whereas some councils have varied it downwards, others, such as Longford County Council, have taken the decision to vary up and invest that money in its county and county towns. I think we can trust local government and councillors to have more autonomy when it comes to the LPT and allow them to vary it by a greater percentage. That is what I would suggest as part of the solution.

On the question of guillotines in Parliament, I think as I mentioned last year after six years as a regular Cabinet Minister across three Departments, I never had to use the guillotine. I never used it even once, even when it was in vogue when we had a massive majority in the Dáil and Seanad. I am not sure that I ever said that it should never be used, because there will be occasions where a minority may try to block the view of the majority and that is not democratic

either. Lest there be any doubt about it, the Government does not oppose guillotines, guillotines can only happen if the Members of the Dáil vote for it in the Dáil and the Members of the Seanad vote for it in the Seanad.

Senator David Norris: We rejected it yesterday.

The Taoiseach: The Members did and were acting within their rights in doing so. If this House believes that 120 hours for the Judicial Appointments Commission Bill is not enough, that is the decision of the Senators.

(Interruptions).

An Cathaoirleach: Allow the Taoiseach to respond.

Senator Gerry Horkan: We are only on 88 hours.

The Taoiseach: It is entirely open to the House to spend as many hours as the House decides debating the Bill, but there are two certainties in politics, two things are finite, money and time.

Senator Niall Ó Donnghaile: We have not had that many hours of debate on housing or health.

The Taoiseach: If it is the decision of this House to give more time to this particular issue than any of the issues that were mentioned today, that is the decision of the House and Members must be accountable for it.

Senator Terry Leyden: Good legislation is vital.

Senator David Norris: Hear, hear.

The Taoiseach: This is a Parliament, the House can pass Private Members' Bills and can pass legislation. If the decision of this Seanad is that this is the issue of most importance to Members, that is their decision but they must also be accountable for it. I do not have the power to impose any guillotine.

Senator Martin Conway: Hear, hear.

Senator Terry Leyden: We can extend the sitting time of the Seanad at any time. We can sit five days a week, if we wish.

Senator David Norris: Hear, hear.

The Taoiseach: In regard to climate action there are many areas where Ireland does well environmentally. We are close to the top of the league tables when it comes to things such as recycling. We are doing well on wind energy and can do much better again. We have brought through some really important legislation in the past three years, largely Private Members' Bills, for example, Deputy McLoughlin's Bill to outlaw fracking, Deputy Pringle's Bill to divest the State from investing in fossil fuels and the Bill initiated by Senator Grace O'Sullivan and the Labour Party around microbeads, which will become law.

There is an obvious area where we are not succeeding and that is on greenhouse gas emissions, where we need to do much better and we need to catch up. I am very much inspired by the protests that were carried by young people in recent times because I know - and I have

monitored this and studied this all around the world - that the politics of climate is tricky. We saw what happened in France with the *gilets jaunes*. We see where a populist party in Finland did very well in elections this week, and part of its argument was to ask why a small country like Finland was doing all the work on climate change, when the Chinese and the Americans are not doing it. We know that in Australia that a Government and a Prime Minister lost their positions because of carbon tax. I know the need to deliver on climate change and climate action but the worst thing one can do in politics is to try to do something and then fail to deliver, not getting a majority. One needs to bring the people with one. That is the real challenge when it comes to climate change. Advocacy is easy, actually bringing a whole country with one is a bigger deal. That is why I am inspired by what I saw those children, students and young people doing, because it says to me that there is a critical mass of support. There are people who care about this enough to counterbalance the vested interests on the other side who will try to stop things from being done. I really welcome the cross-party report on climate action and that will inform the Government's response to it - and respond to it, we will.

The issue of the DeSouza case was raised and I strongly agree with the Senators' views on this. The Good Friday Agreement is eloquent, it is one of the best international treaties one could ever read and we are all in the business of reading treaties. It is a strange job but that is what we all do. One of the most wonderful things about the Good Friday Agreement is that it is so readable and there it is in black and white: the right to be Irish or British or both and accepted as such. I really think the British Government has got it wrong in respect of the DeSouza case and we are going to examine whether we can intervene in it in some way, while respecting their legal system. At political level, we have raised it on a number of occasions and we will continue to do so.

The question on the European election is moot in many ways because it appears now that the European elections will happen in Northern Ireland and people in Northern Ireland will be able to vote in those European elections but I think we need to understand the distinction between citizen's rights and the rights of residents and citizens who are resident. There are many EU citizens around the world who do not live in the European Union. Some of them have the right to vote in European elections, but many of them do not have the right to vote in European elections. The democratic logic behind that is that Parliaments set taxes and Parliaments make laws. If one is not paying those taxes and is not bound by those laws, should one have the right to elect people to such a Parliament? Should people who do not pay EU VAT, or those who do not have to obey European laws elect a Member to Parliament? It is not the old fashioned concept of no taxation without representation. It is a very simple thing as to whether I should be able to cast a vote that imposes taxes and laws on other people that I do not have spend or obey. There is a democratic principle at play. The Office of President is different because the President does not have such powers and is a representative of the nation.

On the question of disability, we have since I was last present in this House ratified the UN convention on the Rights of Persons with Disabilities. I think it is important to acknowledge that one reason we were one of the last countries to do so was a good reason, because we are not a country that just ratifies conventions and then says it is done. We did a lot of things leading up to it, as a significant number of legal instruments had to be put in place to ratify the convention, in order that our ratification was meaningful. Other countries, particularly in eastern Europe, ratified it long before us but our approach to UN conventions is different. We do not just sign them and then implement them. We implement them and then sign them, but that is not to say that there is not an ongoing agenda of things we need to do, convention or no convention, to

achieve equality of opportunity for citizens in Ireland who are disabled. What I want to do is to do something meaningful and practical every two or three years that helps people with disabilities and gives them greater equality of opportunity. We have done a lot. For example, we have fully restored the disability allowance, carer's allowance and the carer's grant and we have brought in more respite services. As I mentioned, we have extended free GP care to carers and extended the medical card to disabled children. We have also changed the rules around medical cards because many people with disabilities fear losing their medical card if they take work, which is a really perverse incentive. We have also changed the rules around the travel pass. We need to do a lot more, as I acknowledge, not least around access to transport, public transport in particular, which I know is an enormous issue. In addition, we have set a new target to increase to 6% the number of people with disabilities working in the public sector because, while we have achieved the 3% target, we need to go to 6%. The Minister of State, Deputy Finian McGrath, is very much leading that.

I was glad the issues of mica and apartments were raised together because they are not unconnected. At the moment, we are working on a scheme to assist people and families in Mayo and Donegal who have mica in their homes. I have been in those homes and met those people. That is being worked on and it will be delivered this year, it is hoped in the next couple of weeks or months, although it is not entirely under my control. Pyrite is different from mica. The cost of remediating mica homes is going to be a lot more than was the case for pyrite homes. Behind that, as Senator Humphreys mentioned, there are 70,000 people living in defective apartments, many in my constituency and particularly in Dublin and Leinster, as well as in Munster and Connacht. The Senator is correct to say the State needs to help. Sometimes, however, the State has no face. Behind the State, there are taxpayers and citizens. Taking on the cost of remediating and repairing 70,000 apartments is quite a bill, and if we do that, it will mean we will not be able to do other things.

These are the real choices that we have to make in government. For anything we do, whether it is assisting people whose homes are affected by mica or assisting those who live in defective apartment buildings, we have to know the cost, we have to work out what contribution would come from the taxpayer and what would come from the owners of those homes themselves, and we have to consider what other things we then cannot do as a consequence. That is the *realpolitik* I face every day in government, which I understand is not the case when one is not in government. Nonetheless, it is the basis I operate on, as does the Government. We make those decisions every day - which are the two things that we do and which are the two things that we also want to do but we now cannot do. That is the hard part of the job but it is a job I love nonetheless.

In terms of the issues around regional development, Senator Mulherin mentioned Athenry. I was crestfallen that the Athenry development did not go ahead. It would have been the biggest single private sector investment in the west ever, alongside the biggest ever public sector investment in the west, which was the Gort to Tuam motorway. We should not forget that the biggest capital investment in the State, in the past ten years anyway, was in rural Ireland, in the west, and it was the Gort to Tuam motorway. That motorway cost more than Newlands Cross, the N11 and Luas cross-city combined, so anyone who says we are not investing in transport in rural Ireland or the west needs to know that fact. Having done that massive public investment, the Athenry project would have been a massive private investment. I do not think it should be considered typical. All over the country, planning permission is being granted for data centres, so it is not typical. We did win the case and it is an important point of law. When I was in Cork

last week, I used the opportunity to raise it with Apple, which said it would engage with the IDA. Perhaps it will want to use it itself in the future, although it has no immediate need for it now. However, if it is not going to use it, Apple could, perhaps by engaging with the IDA, sell it on to another tech company which will use it. I do not think that investment is lost, by the way, and we still need to work on it.

On roads infrastructure, as Members will know, the vast majority of the roads budget is now invested in rural Ireland and the regions. Somebody mentioned to me yesterday that 10% of the entire roads budget this year is in Donegal and another 10% is in Sligo, so 20% of the entire roads budget is in two counties in the north west, and very rural counties too. If Members look at what is going to be completed this year in Wexford - the New Ross bypass and the Enniscorthy bypass - and what has started already this year on the N4 to Sligo and also at Dunkettle in Cork, they will see that the major road investment is happening now outside of the Dublin region and very much around the country. We also need to press ahead with the Galway out-of-city bypass and those improvements. I very much share the sentiments of Senator Mulherin in that regard. We have to balance the need to protect our environment and habitats with the need to realise that humans have a habitat too and have socioeconomic needs, which need to be considered as well.

On the issue of the family reunification Bill, I will give that consideration when we see the report. I come across individual cases, as Senators do, and I am enormously sympathetic to those cases. However, as is always the case with any law, there is the law of unintended consequences. If it is a modest measure, we should do it, but if it opens the door to much more, then we need to be very cautious about it. Migration is a really good thing. I am a product of migration. I would not exist if it were not for the fact both my parents migrated to England. Our public services would not operate without migrants. Our economy would not be as strong without migrants. I was in Apple in Cork last week, where half the workforce are Irish and the other half are non-Irish, and Apple would not be there if it did not have access to that workforce. That is worth €250 million in payroll alone to Cork, which is massive money. Of course, as well as that, migrants have helped to enhance our society and made Ireland a much more interesting place. At the same time, we cannot have uncontrolled migration. I know nobody who is arguing for that, or very few people other than on the very far left. We need to bear in mind that any legislation we bring through does not create chain migration, create problems for the common travel area with the UK or create problems with the EU around freedom of movement. If we are confident that it does not do any of those things, then it is something I would like to support and definitely have an open mind on.

On pay for the Defence Forces, I know this is a huge issue. Recruitment in the Defence Forces is going very well but retention is not because there are now enormous opportunities in the private sector. Whether it is pilots leaving Baldonnel for Ryanair or engineers in Cork leaving the Naval Service for the private sector, we are losing very good people from our Defence Forces and we need to act on that. We are acting on it by having rolling recruitment and by allowing people who have left to come back. Many people who leave the Defence Forces want to come back and they could not do that until recently, but now they can. We are encouraging female members of society to join our Defence Forces. We are restoring pay in the same way that pay is being restored for public servants across the board. However, there are issues around particular allowances which, if restored or enhanced, could make a real difference for the Defence Forces. In recent weeks, I met the head of the Public Sector Pay Commission and he has given me an assurance that it will be able to give us an interim report next month, and

the Government will respond to that and will act on it.

Once again, I thank Members for their contributions and for the very important work they do for our State.

Senator Jerry Buttmer: Beidh mé an-ghairid. Mar fhocal scoir, ar mo shon féin agus ar son an Tí, is ceart agus cóir go bhfuil an Taoiseach sa Seanad inniu agus muid ag comóradh dearbhú Phoblacht na hÉireann 70 bliain ó shin. Gabhaim buíochas leis an Taoiseach as ucht an chomhrá agus as an óráid iontach.

On this 70th anniversary of our declaration of a Republic, it is important that we remember the words of T.K. Whitaker when he said that the door to happiness opens outwards. That is very much the case for us as a country today. We are an island economy in the heart of Europe and an economy that is growing and developing. As the Taoiseach said, our global footprint is expanding across the world.

It is not my intention to give a long discourse but, as Leader of the House, I thank the Taoiseach for his speech and for his wonderful contribution in reply to Members' contributions. I remind Senator Norris there has been 88 hours and 25 minutes of debate. Perhaps the parliamentary practice of calling quorums and walk-throughs should be reflected upon in new politics. New politics is not about the old ways being continued but about trying new ways as well.

Senator David Norris: Some of the old ways were pretty good. I remember Fine Gael being pretty good at filibustering. I remember Pól Ó Foighil doing an hour-----

An Cathaoirleach: Senator Norris-----

Senator David Norris: -----and coming back and doing the same thing the next morning.

An Cathaoirleach: Senator Norris had his victory yesterday. He should please respect the House.

Senator Jerry Buttmer: I thank all Members of the House for their co-operation and the staff of the Houses for their courtesy. I thank the Seanad Office, the men and women who operate the sound recording equipment, the ushers, the parliamentary reporters and all Members of the House for their co-operation during the term. We do not have an Order of Business today but I wish all of those people a very peaceful Easter on this Holy Thursday. I hope it will not be our last supper in this Oireachtas. I wish everybody a very peaceful and joyful Easter and I look forward to everybody returning to conclude the Judicial Appointments Commission Bill 2017 in the next term.

An Cathaoirleach: I hope the Taoiseach has some down-time over the Easter holidays. I have been a long time in politics, both in the Dáil, Seanad and on a council, and I know politics is sometimes a thankless game. The Taoiseach's job is far more difficult and demanding than what I have to do, so I wish him well and I hope he will have a bit of a break over Easter. I thank him for attending today.

18 April 2019

Civil Registration Bill 2019: Second Stage

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

Acting Chairman (Senator Gerry Horkan): I welcome the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, again to the House. The proposed speaking times were not in the original order.

Senator Ray Butler: It is proposed that spokespersons may speak for eight minutes, with five minutes allocated for other speakers.

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

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): It is a pleasure to be in the Seanad. Before proceeding, I express my genuine appreciation to the House for facilitating an early consideration of the Bill. I have just been given the delightful news that Committee and Report Stage will be facilitated next week.

Acting Chairman (Senator Gerry Horkan): Not next week, perhaps, but in the fullness of time.

Deputy Regina Doherty: It will be at the Seanad’s earliest convenience I am sure. My main reason for seeking quick passage of this legislation through the Oireachtas is to expedite commencement of existing legislation that provides for the registration of donor-assisted births. This issue particularly affects female same-sex couples who wish to register the particulars of both partners in the relationship as parents in the register of births. This will allow both of them to have their particulars displayed on birth certificates and will affirm parental rights for each partner in practical day-to-day matters, such as passport applications, school enrolment, interaction with medical practitioners and GPs, and other situations where demonstration of parental relationships may be required. I know many Members of the Oireachtas want to see a speedy resolution to this. We have all met many of the couples affected and I can assure the House that I absolutely want this resolved as quickly as possible. As I stated in the Dáil - it is worth saying again - I am thankful we are living in a changing society, with a more diverse range of family formation than in the relatively recent past. It is important that we reflect this in our laws and how we recognise family units. For my part, I fully intend for civil registration legislation to keep pace with the evolving nature of our society and with how this diversity is provided for in legislation generally. In this way, we can absolutely ensure that we treat all our citizens equally.

Section 11 provides for a technical change to ensure that certain amendments in section 6(1) of the Civil Registration (Amendment) Act 2014 may apply to the registration of births where the birth occurs before the date of commencement of the section and is registered after that date. There were two amendments introduced in Dáil Éireann that have been adopted and are now included in the Bill before us. Section 12 provides that Part 9 of the Children and Family Relationships Act 2015 will come into operation by default on 6 October 2019 if not already commenced before that date. As I have already stated, we are keen as mustard to get this passed and in operation before the summer recess so we can control it.

Section 13 makes a technical amendment to section 27(5) of the Children and Family Relationships Act 2015 to allow the Minister for Health to commence Parts 2 and 3, and to make regulations for a certificate to be given to parents by their fertility clinic. This certificate is required in the birth registration process. As currently enacted, section 27(5) does not make

sufficient provision for details of all permitted donor-assisted procedures to be included in the certificate. The amendment will rectify this.

Section 14 provides for the Short Title, construction, collective citation and commencement of the Act.

These amendments are mainly technical in nature but it is important that we progress them quickly. We owe it to those whose lives are affected by these issues in a very real way and have been waiting - exceptionally patiently - for a considerable time to have their concerns addressed. At this stage, we need to allow them to move on and interact with society in a way that the Oireachtas intended in 2015 and in a way that most of us take for granted.

I am aware that other areas of civil registration and other issues broadly relating to provisions contained in this Bill need to be addressed, but these will need to be dealt with separately at a future date because I want to introduce the measures in this Bill as quickly as possible.

I look forward to hearing Senators' views and comments. I thank them for their co-operation.

Acting Chairman (Senator Gerry Horkan): I thank the Minister. I sense there might be considerable agreement across the House on this legislation. In her opening statement the Minister articulated many of the points. I hope other Members will not repeat everything she said and just make a few comments in addition.

I will call Senators Ardagh, Warfield, Butler and Norris in that order. They will all have eight minutes. While I do not want to curtail debate, that is a maximum rather than a target.

Senator Catherine Ardagh: Gabhaim buíochas leis an Aire as teacht isteach inniu.

Obviously we are all *ad idem* on the Bill. I thank the Minister for bringing it so promptly to the House. It will resolve difficulty experienced by many donors in the LGBT community in assisted human reproduction cases. It extends the registration of a birth to include "parent" on a birth certificate. At present birth certificates issued in respect of children conceived through donor assistance born to same-sex couples only allow for the recording of the mother's details. As a consequence only the woman who gives birth to a baby can register as a parent on the child's birth certificate. These changes will facilitate the registrations and re-registrations of births of children of same-sex female couples. In addition to the current labels of mother and father on birth certificates, parents of children not conceived through donor assistance may avail of the label of "parent" should they so request.

Fianna Fáil welcomes that progress is finally being made to address issues being experienced by same-sex female parents. We are aware that other legislation is required if we are to be considered a truly inclusive society. It is essential that our laws reflect diverse family types in Ireland and that legal certainty is given to parents and children in such circumstances. We have discussed how families are changing.

I believe the heads of the assisted reproduction Bill curtail the rights of parents who would like to have a child through surrogacy. We need a proper debate on the matter. We are very restricted in our view of surrogacy at the moment. The legislation being tabled is even more restrictive and does not serve the needs of families, straight couples and same-sex couples. When a family goes down the road of surrogacy there are many difficulties in registering the

parentage. The legislation we are contemplating makes this even more difficult. I do not know if this falls within the remit of the Minister for Employment Affairs and Social Protection, but there is an overlap in the registration part. We need a wider debate on the matter.

Senator Fintan Warfield: I welcome the Minister to the House. Obviously Sinn Féin will support the Bill. While it is technical, it represents a series of steps on a very long road for equal parental rights for LGBTQI couples. The failure to commence key parts of the Children and Family Relationships Act is probably the issue I have discussed most in my short time in this House, mainly because it is one of the most pressing and obvious denials of LGBT rights, for which the Government is accountable.

We need to acknowledge the negligence that has allowed for families to continue on for over four years without recognition, without legal rights and without protections. It is at least disappointing and arguably shameful that successive Ministers for Justice and Equality, Health, and Employment Affairs and Social Protection have overseen those delays. I do not know if we will ever get to the bottom of why we have had so many delays. It may be down to departmental officials, not being prioritised in work programmes, different agendas or whatever. Questions should be asked about those delays.

In the intervening years we have had a referendum on civil marriage equality. We have had two amendment Bills aimed at fixing typos. We have had six missed deadlines. A seventh deadline has been set today and is on the record of this House. Arguably some people relied on these deadlines. Some took them in good faith and we passed them on in good faith. On numerous occasions I have met mothers affected. One cannot but feel for their situation as loving, dutiful and caring parents. Irrespective of the legal relationship, they have raised their children despite negligence on the part of the State.

Yesterday we held a briefing in the audiovisual room with Love Equality, the campaign for civil marriage equality in the North. There was a bit of reflection on the 2015 marriage referendum and this is one area where we have not finished the job. With families being one of the most basic consequences of marriage and one of the most primary units of society, it is amazing that we enacted such a landmark change to marriage and yet four years on we have not furnished any rights to those married couples who start to have children. Some of the most hurtful arguments in that referendum campaign were about the ability of the gays to raise children. This should have been a priority.

Having said that, the Minister, Deputy Regina Doherty, has taken on the mantle on the issue. From my experience in recent months she has pursued commencements more than any Minister I have dealt with. I know she regularly interacts with parents and people on Twitter. I keep them up-to-date on the commencement of the Act. I thank the Minister for accepting Sinn Féin's amendment. I know she sees it as possibly redundant and hopefully it will be.

I also thank LGBT Ireland for its work. Some of its representatives are in the Gallery. I thank Paula Fagan. A number of families individually campaigned on the issue. LGBT Ireland brought those families together and focused the campaign. There is an obvious respectful relationship going on there which is brilliant. We need advocates at Cabinet.

I am being attacked by a fly.

Acting Chairman (Senator Gerry Horkan): He picked on me earlier.

Senator Fintan Warfield: I thought he was going to go for the Taoiseach.

Acting Chairman (Senator Gerry Horkan): He is getting to everybody.

Senator Fintan Warfield: We need advocates at Cabinet and I thank the Minister for her work.

Senator Ray Butler: We live in a changing society that in the relatively recent past has become more diverse in its range of family formations. It is important that we reflect this in our laws and how we recognise family units. The Bill will resolve several difficulties in the registration of donor-assisted births and will be progressed as a priority. The main proposal in this Bill is to provide for registration of donor-assisted births and to make it possible for both partners in a female same-sex relationship to be registered as parents. I am delighted that the Minister is moving this matter quickly towards debate and legislation. It is a very sensitive issue and of great importance to the affected families. In common with many others here in this Chamber, I have met and spoken to many affected by this issue and I am very pleased that the Minister is bringing these changes forward as a priority to ensure that they can be introduced as soon as possible.

The Bill includes other amendments to civil registration previously agreed by the Government, including provisions that allow a mother to more easily rebut presumption of paternity of her estranged husband in registering a birth, to provide a role for a next of kin to register a death in cases involving a coroner, to allow the General Register Office, GRO, to share historical records with the National Library and National Archives and to allow the Central Statistics Office, CSO, to comply with EU regulations concerning data collected in death registrations.

I thank the Minister for all the work she has done. We owe it to the people who have been waiting for this Bill and we want them to live in our society, to be cherished in our society and to let them move on with their lives.

Senator David Norris: This Bill is very welcome and I congratulate the Minister on introducing it. My colleagues and I have received many submissions from members of the public, most of them female couples. This is a very important matter and I am glad that the Minister is addressing it. She does say that some of this depends on the introduction of Parts 2 and 3 of the Children and Family Relationships Act 2015. I note that the Minister for Health is working on that. I very much hope that this will come into play pretty rapidly. I note that section 13 makes a technical amendment to section 27(5) of the Children and Family Relationships Act 2015 that will allow the Minister for Health to commence Parts 2 and 3.

It is very important, in welcoming this Bill, to herald some of the problems that may be experienced under the Children and Family Relationships Act 2015. I would very much like the Minister to be kind enough to take this point back to the Minister for Health for his consideration. We are talking about donor-assisted human reproduction, commonly known as DAHR, and surrogacy. Unfortunately, there are several provisions in Parts 2 and 3 of the Children and Family Relationships Act 2015, once commenced, and the assisted human reproduction Bill 2017, once enacted, that will operate to treat certain children less favourably than others. These issues are not only of concern to children born to same-sex parents but to many other children who are born through DAHR and surrogacy. It is acknowledged that the children's right to identity is of primary concern and of great importance but it is important to acknowledge also that upholding the child's right to identity does not require that a donor who has no desire or

intention of playing any role in the child's life should be recognised as a legal parent. This is a nonsense. If there is a donor, the material for creating the child is donated but why should that person, who has expressed no interest and does not want to be involved, be recognised as a parent? That is problem number one.

I have several recommendations, on which I have been briefed, to put before the Minister. First, when a child is conceived through non-clinical DAHR, procedures should be in place to recognise a second intended parent as a legal parent. Second, retrospective application for a declaration of parentage in cases of DAHR under section 20 of the Children and Family Relationships Act 2015 should be possible where a known donor was used. Third, to ensure that the intended parent is recognised as a legal parent, the second intended parent, in cases where she provides her egg to enable the conception of the child, the words "unless the donor of the gamete or embryo is the spouse, civil partner or cohabitant of the mother" should be added to all sections of the Children and Family Relationships Act 2015 that currently provide that a donor of a gamete or embryo used in a DAHR procedure is not the parent of the child born as a result of that procedure. The Government should consider possibilities for recognising DAHR conducted abroad after Parts 2 and 3 of the Act are commenced because that is another area which is still grey. Provisions should be enacted to retrospectively recognise the legal parentage of children born through surrogacy before the assisted human reproduction Bill is enacted.

The assisted human reproduction Bill should provide recognition of the legal parentage of children conceived through surrogacy conducted outside the State after the assisted human reproduction Bill is enacted. Pre-conception court orders should be provided for in the assisted human reproduction Bill to provide parental approval as a surrogacy arrangement and to determine the parentage of the child before conception takes place with no requirement for a parental order to be obtained after the birth of the child. Some people suggest that adoption is a solution here. I do not accept that at all. Adoption was not designed to be used in cases of assisted human reproduction or surrogacy and does not accurately reflect the reality of family life. I do not see any reason why it should be used.

Taking, for example, the question of the known donor outside of a clinical setting, I would like to put a case study on the record. Elaine, the birth mother, and Jenny, conceived their baby, a girl, at home using sperm donated by Jenny's brother. They had no problem conceiving and did not need any clinical intervention. Their donor was happy to give consent to both women being recognised as the legal parents. As their baby is only three months old, Jenny is unable to seek guardianship under the Children and Family Relationships Act 2015 because the child is less than two years old. Therefore as the law stands, she has no legal relationship to her child and is unable to establish a legal relationship until her daughter is two years old. That is a really significant gap where there is no legal parent. That needs to be addressed.

Other jurisdictions have considered these situations and, for example, in the United Kingdom, a statutory presumption of parentage operates in favour of same-sex married couples and civil partners. Let us consider the situation of a known donor in a clinical setting in respect of a child conceived before Parts 2 and 3 of the Children and Family Relationships Act 2015 are commenced. For children conceived prior to the commencement of Parts 2 and 3, parentage may be retrospectively allocated to an intended parent not previously recognised as a legal parent through application for a declaration of parentage under sections 21 or 22 of the Act. In order for the declaration to be granted, the donor must have been and remain unknown to the intending parent at the time of the application. This is daft. Why should it be unknown? That is an unnecessary criterion to introduce into the legislation and it should be got rid of, particu-

larly in light of the fact that the word “unknown” is not defined in the legislation so it also is in a grey area.

This approach penalises couples who choose to use a known donor in order to safeguard their child’s right to identity. I can cite another case study in which Jane, the birth mother, and Sara have an 18 month old baby boy, Jake. Jake was conceived in a fertility clinic using sperm provided by an identifiable donor. Jane and Sara want Jake to know about his origins and they have obtained identifying information about the donor in order that they can educate Jake about his genetic background. This is really important. One needs to know these things. Why have this thing about unknown donors? There could be medical situations involved, genetic disorders and all this kind of stuff. This information should be available and should be known. The women have never met the donor but know his name and last known address. Jane is the birth mother of Jake and is recognised as his legal mother. After Parts 2 and 3 of the Children and Family Relationships Act 2015 are commenced, Sara will be unable to obtain a declaration of parentage listing her as the second legal parent because a known donor was used.

For balance and diversity, I would like to end with a male case study. Laurence and Eddie have six year old twins which they conceived using a surrogate mother in the United Kingdom, not in Ireland. Eddie is the legal parent of the twins. The woman who was the surrogate for the couple is in regular contact with the family and is happy to consent to Laurence being recognised as the twins’ legal parent. One of the children has significant health issues and needs regular medical attention. While Laurence has guardianship of both children, this does not recognise his parental relationship to them, which has huge implications for the family. As Eddie explains: “I have a little boy with a rare genetic disorder which will mean that he will need care after his other dad’s guardianship ends when he is 18”. There is another crux there.

I only very briefly addressed the terms of the Bill the Minister is introducing to the House, but it is very important to take this message to the Minister for Health in advance of the finalisation of plans, which I understand are well under way.

Senator Ivana Bacik: I welcome this long-overdue Bill on behalf of the Labour Party Senators. I welcome into the Public Gallery Paula Fagan and her colleagues from LGBT Ireland. I commend them for the work they have done to ensure that this Bill remains a political priority. It is great to see it here. It is most unfortunate and regrettable that so many couples have been waiting for four years, since the resounding passage of the marriage equality referendum, to see this piece of unfinished business passed into law. We had all anticipated that the Children and Family Relationships Act would come into effect fully on the passage of the marriage equality referendum and that there would be no long delay.

This is a technical Bill. My colleague, Deputy Penrose, said in the Dáil that it is quite difficult to follow the provisions of it because it is technical, but we know that its key purpose is to facilitate or bring about the commencement of the relevant sections of Part 9 of the Children and Family Relationships Act 2015, which will make possible, at last, the registration and re-registration of donor-assisted births, and to record the particulars of both parents where two women are together in a same-sex relationship. As others have said, many families have been deeply affected by this and have become so frustrated at the delay in bringing this in. I know many families in that position, so it is really to be welcomed that this is finally being given effect to, albeit that it is long overdue.

Some of the technical amendments seem bizarre. One of the difficulties arose in the context

of the naming of the 2015 Act and the confusion between two Acts, the Gender Recognition Act 2015 and the Children and Family Relationships Act 2015. A proposed amendment to section 2 of the Bill would change the definition of the words “Act of 2015”. It seems to me that this should have been done much sooner. The most pressing issue when we pass this Bill - and I assume it will be passed as swiftly as possible - will be the point at which the provisions of the 2015 Act come into effect. An amendment was passed in the Dáil which provides a backstop, if we can use that term, providing that 6 October 2019 will be the date on which the provisions will be commenced if they have not been commenced before that date. I believe the Minister said in her speech that the Minister of Health hopes to commence the Bill before the summer recess. I do not know whether she can be more specific about a date. Might it be in place before the end of May? I certainly believe that this House will facilitate the speedy passage of this necessary legislation.

I thank the Minister for also dealing with another pressing legacy issue, namely, the legislation necessary to put into effect a remedy for people like David Parris, who had been so affected by the difficulties he faced and the European Court of Justice ruling against him in terms of pension rights for gay couples. I had brought that legislation before the Seanad as a Private Members’ Bill initially. Senator Norris has also raised some significant issues relating to the substantive provisions in the Children and Family Relationships Act 2015. As a member of the Joint Committee on Justice and Equality, where we had hearings into some of the issues around donor-assisted births and surrogacy, we saw and heard at first hand from so many stakeholders and NGOs just how complex these issues are to legislate for, how medical and technological developments have moved on and how we have to address those in our legislation. Huge gaps remain, particularly around births through surrogacy. All of us are aware that this is going on, but currently it is unregulated. I understand that the Department of Foreign Affairs and Trade is dealing with this in an *ad hoc* manner where children are born abroad via surrogacy and require Irish passports and recognition in law. Senator Norris has raised some very complex issues which require urgent attention from us as legislators. When is it proposed to deal with those issues? I am conscious that my comments go way beyond the technical provisions in this Bill.

There is other unfinished business in terms of recognition of families. I welcome what the Minister has said about the need to recognise diverse forms of families, but we should look to amend our Constitution, which still only recognises the family based on marriage and which therefore leaves a large number of family units unrecognised in this country in 2019. They are deserving of recognition, and should be recognised in our law. I look forward to further debate on Committee and Report Stages on this important Bill, and I welcome its introduction.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank the Members of the Seanad, not just for today but for the last couple of months. I appreciate everyone’s frustration, but I hope that it is realised that this is literally the only legislation drafted by the Office of the Parliamentary Counsel since January apart from the Brexit-related legislation. That is how important this legislation is.

There are difficult concepts remaining outside of this Bill that a number of Senators have alluded to. Unfortunately they are not under my remit, but I agree with most of what has been said in this House and will pass on the information given to me today, not only to the Minister for Health but also the Minister for Justice and Equality who has responsibility in the area of surrogacy for some strange reason. We have a weird set-up in this country. Our responsibility will be to ensure that the registrations office provides the legal certificates arising from any changes in legislation that we will decide upon in the coming months, and we will do our bit. I

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certainly will not be afraid to annoy people or poke them in the eye to remind them what their responsibilities to our citizens are.

Senator Bacik is absolutely right to say that once this is done the elephant in the room will be the question of whether our Constitution holds and cherishes a definition of a family that does not reflect the old realities anymore. We are widely acknowledged as an advocate and leader on the world stage of what can be done in what is considered a conservative, religious country in a very short space of time. Indeed, the lovely Nancy Pelosi acknowledged the same last night. However, our laws and our Constitution have to follow just as quickly.

I thank the Senators for their contribution. I am reliably told that we will be back here on 8 May for Committee and Report Stage.

Question put and agreed to.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Committee Stage?

Senator Ray Butler: On Wednesday, 8 May 2019.

Committee Stage ordered for Wednesday, 8 May 2019.

The Seanad adjourned at 1 p.m. until 2.30 p.m. on Wednesday, 8 May 2019.