



DÁIL ÉIREANN

Dé Céadaoin, 13 Márta, 2019
Wednesday, 13th March, 2019

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 13 Márta, 2019
Wednesday, 13th March, 2019

10.30 a.m.

ORD GNÓ
ORDER OF BUSINESS

217. Tairiscint *maidir le* Bochtaineacht Cúrsaí.
Motion *re* Period Poverty.
- 34a. Ráitis maidir le forbairtí le déanaí i dtaobh Brexit.
Statements on recent developments on Brexit.
35. Ráitis maidir leis an Athbhreithniú Cliniciúil Neamhspleách Seachtrach ar na Seirbhísí Máithreachais ag Ospidéal Portiuncula, Béal Átha na Sluaighe (*atógáil*).
Statements on External Independent Clinical Review of the Maternity Services at Portiuncula Hospital, Ballinasloe (*resumed*).
8. An Bille um an mBord um Athstruchtúrú Comhar Creidmheasa (Díscaoileadh), 2019 — An Dara Céim (*atógáil*).
Credit Union Restructuring Board (Dissolution) Bill 2019 — Second Stage (*resumed*).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

216. (l) Tairiscint *maidir le* hÁrachas Gnó.
(a) Motion *re* Business Insurance.

**ORDUITHE AN LAE
ORDERS OF THE DAY**

8. An Bille um an mBord um Athstruchtúrú Comhar Creidmheasa (Díscaoileadh), 2019 — An Dara Céim (*atógáil*).
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*Fógraí Tairisceana:
Notices of Motions:*

217. “That Dáil Éireann:

notes that:

- the average woman, or anyone who experiences periods, will have 507 periods from age 12 to 51, for roughly 39 years of her life;
- in Ireland, sanitary products can cost from €2 to €6 per pack, with the average pack containing 10 to 15 pads or tampons, and that a 12 pack of pain relief tablets costs between €6 and €10;
- most women and girls will have 13 periods a year, with some using up to 22 tampons and/or towels per cycle leading to an estimated annual cost of €208 for sanitary products and pain relief, costing €8,100 over a lifetime;
- access to affordable sanitary products and menstrual education should be viewed in a human rights context, as according to the World Health Organisation’s constitution ‘...the highest attainable standard of health as a fundamental right of every human being’;
- the United Nations (UN) Human Rights Council Resolution 33/10 on 29th September, 2016 states that lack of menstrual health management and stigma associated with menstruation both have a negative impact on gender equality and women’s and girls’ enjoyment of human rights, including the right to education and the right to health;
- the UN Committee on Rights of the Child’s *General comment No. 20 (2016) on implementation of the rights of the child during adolescence* has stated that ‘All adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education... [including on] menstrual hygiene’;
- according to a survey of more than 1,100 young girls and women aged between 12 and 19 years by Plan International Ireland, nearly 50 per cent of Irish teenage girls find it difficult to afford sanitary products;

- some 109 of the young women who participated in the survey said they were forced to use a ‘less suitable sanitary product’ because of the high monthly cost involved;
- nearly 60 per cent, or one in two, of young women and girls said school does not inform them adequately about periods;
- six out of ten young women reported feeling shame and embarrassment about their period, 61 per cent miss school on their period and more than 80 per cent said they did not feel comfortable talking about their periods with their father or a teacher; and
- nearly 70 per cent of young women take some form of pain relief during menstruation;

acknowledges that:

- tampons and sanitary towels are not subject to Value Added Tax (VAT) in Ireland, which has a zero rate treatment on women’s sanitary products, but new period products that may better suit some women, girls and the environment, are still taxed at the highest rate of tax at 23 per cent;
- due to the high cost of these products women and girls in period poverty are resorting to unsuitable options such as newspaper, toilet paper or unwashed clothing;
- girls and young women who suffer shame and embarrassment surrounding their period are more likely to use unsuitable options rather than approach family members or their teacher;
- in September 2018, Dublin City Council announced it will provide free sanitary products in its buildings, such as community centres, swimming pools and libraries;
- the advances being made in other countries, such as the success of a six month pilot in Aberdeen to provide free products in all schools funded by the Scottish Government; and
- the work of organisations such as Plan International Ireland and The Homeless Period to alleviate the stress and financial burden placed on women and girls due to period poverty; and

calls on the Government to:

- provide a range of free, adequate, safe and suitable sanitary products and comprehensive, objective menstrual education information distributed through all public buildings, including schools, universities, direct provision centres, refuges, homeless services, Garda stations, hospitals, maternity hospitals, prisons, detention centres and rehabilitation centres so as to tackle period poverty and de-stigmatise and normalise menstruation;
- ensure all menstrual products available in Ireland are safe, through regulation and quality checks;
- ensure young women, girls and people of other genders can learn about their periods and menstrual hygiene in a normalising and safe environment, including online by providing a State-run website with objective information, and ensure girls, boys and people of other genders have access to education about menstruation integrated into the school curriculum;
- ensure improved access to hygienic facilities and sanitary products that are affordable and meet individual needs;
- work with other countries across the European Union to remove VAT on all sanitary

products, including healthy and environmentally-friendly sanitary products such as cups and period-proof underwear; and

- prioritise the issue of menstrual equity for girls and children’s rights as central to Irish Aid’s work overseas in line with the UN’s Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls, and Goal 6 which calls for universal and equitable access to adequate and equitable sanitation and hygiene for all by 2030.” — *Catherine Martin, Marcella Corcoran Kennedy, Fiona O’Loughlin, Maria Bailey, Joan Burton, Mary Butler, Catherine Byrne, Aire Stáit, Lisa Chambers, Joan Collins, Catherine Connolly, Ruth Coppinger, Clare Daly, An tAire Gnóthai Fostaíochta agus Coimirce Sóisialaí, Frances Fitzgerald, Kathleen Funchion, Mary Lou McDonald, Helen McEntee, Aire Stáit, Denise Mitchell, Imelda Munster, Catherine Murphy, Margaret Murphy O’Mahony, Hildegard Naughton, Kate O’Connell, Louise O’Reilly, Jan O’Sullivan, Maureen O’Sullivan, Anne Rabbitte, Róisín Shortall, Brid Smith, Niamh Smyth, An tAire Leanaí agus Gnóthai Óige.*

[12 March, 2019]

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Fógraí Tairisceana:

Notices of Motions:

216. “That Dáil Éireann:

recognises that:

- micro-, small- and medium-sized enterprises currently employ over one million people in Ireland according to the Central Statistics Office (CSO);
- the cost of employer liability insurance and public liability insurance is a direct threat to the competitiveness and sustainability of many businesses throughout the country, including, micro-, small- and medium-sized enterprises, sports clubs and facilities, charities, community and voluntary organisations, play centres, livestock marts, pubs and bars;
- the National Competitiveness Council has cited the cost of doing business in Ireland as a major concern, and that hidden costs such as insurance remain a pressure point for businesses;
- the Report on the Cost of Doing Business from the Joint Committee on Business, Enterprise and Innovation placed insurance front and centre as an issue for ‘most business organisations’;
- many businesses are reporting large increases in employer and public liability insurance premiums, many more cannot even obtain a quote, forcing them to self-insure, which puts both businesses and claimants at risk, and large increases in insurance excess and a greater use of insurance exclusions have also been reported;
- the Personal Injuries Commission (PIC) has confirmed that the data shows personal injury claims in Ireland are out-of-sync with other jurisdictions;
- the PIC recommended that corrective action is required to bring personal injury damages back in line with other jurisdictions, that the Judicial Council Bill 2017 be progressed through the Houses of the Oireachtas as quickly as possible and that a judicial council should bring forward guidance on the level of personal injury damages;

- the Personal Injuries Assessment Board (PIAB) was established in 2004 to provide an alternative dispute resolution mechanism to assess personal injury claims to often costly adversarial court proceedings;
- 33,114 applications were received in 2017 by PIAB, only 6,788 awards out of 12,663 made were accepted, and the remaining cases were dealt with outside the PIAB process;
- there is currently no data collected tracking the changes in premiums for employer liability and public liability, which means the problem remains under the surface;
- insurance fraud is one of the many reasons why insurance premiums are high, and there is currently no data collected on insurance fraud, be it from the Garda PULSE insurance fraud statistics or from the Courts Service;
- the insurance fraud database has yet to be established, the original deadline has been missed, and no new deadline has been put in place;
- in many instances, insurance companies are not challenging claims they believe to be dubious and potentially fraudulent; and
- insurance companies use non-disclosure at the point of a claim rather than at the policy proposal stage in order to avoid the payment of a claim; and

calls on the Government to:

- fully establish without delay the national claims information database inclusive of public liability and employer liability and an integrated insurance fraud database which includes the number of complaints made to An Garda Síochána, the number of cases brought by the Director of Public Prosecutions (DPP), the number of convictions made at both District and Circuit Court level, and the penalties and the sentences handed down;
- legally oblige insurance companies to notify policyholders of claims made against them as claims are made, to inform policyholders of the amount a claim was settled for and the reasons why the claim was settled, and to provide a breakdown of the premium;
- outline a timeline for the implementation of each of the 14 recommendations made by the PIC regarding personal injury awards;
- immediately commence recent legislative proposals passed by the Oireachtas which will require that PIAB update the Book of Quantum every three years or sooner;
- apply pressure to the insurance industry to be forthcoming with data in order for the Department of Finance to complete a key information report on public liability and employer liability insurance claims;
- urgently advance the Judicial Council Bill 2017 to establish a judicial council and establish an interim framework, inclusive of PIAB, to enable the judiciary to complete guidelines in advance of the establishment of the judicial council;
- fully fund and resource a dedicated Garda fraud unit, facilitate the passage through the Oireachtas of the Civil Liability and Courts (Amendment) Bill 2018, so that fraudulent or exaggerated claims are reported to the DPP and bring in tougher penalties for such claims;
- undertake analysis on the potential options for micro-, small-, and medium-sized enterprises which cannot obtain public liability or employer liability insurance from any company operating in Ireland;

- urgently work with the CSO to bring forward an objective measure of the level of public liability and employer liability insurance;
- urgently tackle the 18 outstanding action points in the Cost of the Insurance Working Group’s Reports on Motor Insurance and Employer and Public Liability Insurance, including the action points marked ‘Concluded (for CIWG)’; and
- work towards creating a single European market for insurance to better enable businesses to shop around for employer and public liability insurance.” — *Michael McGrath, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, Barry Cowen, John Curran, Stephen S. Donnelly, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O’Mahony, Darragh O’Brien, Jim O’Callaghan, Éamon Ó Cuív, Willie O’Dea, Kevin O’Keeffe, Fiona O’Loughlin, Frank O’Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.*

[12 March, 2019]

Leasú:

Amendment:

- I. To insert the following after “to shop around for employer and public liability insurance”:

“— secure a commitment from insurance companies to reduce premiums in conjunction with reforms being introduced.” — *Maurice Quinlivan, Gerry Adams, John Brady, Pat Buckley, Seán Crowe, David Cullinane, Pearse Doherty, Dessie Ellis, Martin J. Ferris, Kathleen Funchion, Martin Kenny, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Jonathan O’Brien, Eoin Ó Broin, Caoimhghín Ó Caoláin, Donnchadh Ó Laoghaire, Louise O’Reilly, Aengus Ó Snodaigh, Brian Stanley.*

TEACHTAIREACHTAÍ ÓN RIALTAS MESSAGES FROM THE GOVERNMENT

An Bille um Barrachas Náisiúnta (Cúlchiste le haghaidh Teagmhais Eisceachtúla), 2018. National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018.

For the purpose of Article 17.2 of the Constitution, the Government recommend that it is expedient to authorise such charges on and payments out of the Central Fund or the growing produce thereof and such payments out of moneys provided by the Oireachtas as are necessary to give effect to any Act of the present session to establish a fund to be known as the National Surplus (Exceptional Contingencies) Reserve Fund for the purpose of the assets and sums hereafter mentioned of the fund being available to be drawn upon only in defined circumstances, being circumstances that involve certain contingencies of an exceptional nature; to provide for the transfer of certain assets and sums to the fund; to provide for the management and control of the fund; to amend the National Treasury Management Agency (Amendment) Act 2014; and to provide for related matters.

Given on this 11th day of March, 2019

(Signed) Leo Varadkar,
An Taoiseach.

**SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE
DOCUMENTS LAID BEFORE THE HOUSES¹**

<i>Reachtúil</i>	<i>Statutory</i>
<i>Tairiscint Ceadaithe ag Teastáil</i>	<i>Requiring Motion of Approval</i>
An tOrdú um an Acht Airgeadais, 2004 (Alt 91) (Géilleadh don Phríomh-Chiste a Iarchur), 2019. [Dréacht]. (D)	Finance Act 2004 (Section 91) (Deferred Surrender to Central Fund) Order 2019. [Draft]. (D)
<i>In-neamhniithe le Tairiscint</i>	<i>Open to Motion to Annul</i>
Níl aon scríbhinn á leagan faoin gCatagóir seo	None
<i>Eile</i>	<i>Other</i>
Ciste na Scéime Aisíoca Sláinte (Deonacháin). Na Ráitis Airgeadais don bhliain dar chríoch an 31 Nollaig 2017 mar aon leis an Tuarascáil ón Ard-Reachtaire Cuntas agus Ciste orthu.	Health Repayments Scheme (Donations) Fund. Financial Statements for the year ended 31 December, 2017 together with Report of the Comptroller and Auditor General thereon.
Cuntas Speisialta a bunaíodh chun críocha an Achta Sláinte (Scéim Aisíoca), 2006. Na Cuntais don bhliain dar chríoch an 31 Nollaig 2017 mar aon leis an Tuarascáil ón Ard-Reachtaire Cuntas agus Ciste orthu.	Special Account established for the purpose of the Health (Repayment Scheme) Act, 2006. Accounts for the year ended 31 December, 2017 together with Report of the Comptroller and Auditor General thereon.
Údarás Craolacháin na hÉireann. Tuarascáil ar chomhlíonadh chóid Údarás Craolacháin na hÉireann ag seirbhísí teilifíse ceadúnaithe neamh-Éireannacha, 2017.	Broadcasting Authority of Ireland. Report on compliance with BAI codes by non-Irish licensed TV services, 2017.
Údarás Craolacháin na hÉireann. Na Rialacha Rochtana. Eanáir 2019.	Broadcasting Authority of Ireland. Access Rules. January, 2019.
An tÚdarás Náisiúnta Míchumais. An Tuarascáil ar Chomhlíonadh Chuid 5 den Acht um Míchumas, 2005 do 2017.	National Disability Authority. Report on Compliance with Part 5 of the Disability Act 2005 for 2017.
An Ghníomhaireacht um Chaomhnú Comhshaoil. An Tuarascáil Bhliantúil agus na Cuntais, 2017.	Environmental Protection Agency. Annual Report and Accounts, 2017.

¹ I gcás nach leagtar scríbhinn ach faoi bhráid aon Teach amháin, cuirfear (D) – Dáil nó (S) – Seanad ina diaidh dá réir sin.

Where a document is laid before one House only it will be appended with (D) – Dáil or (S) – Seanad accordingly.

Feidhmeannacht na Seirbhíse Sláinte. An Tuarascáil Bhliantúil agus na Ráitis Airgeadais, 2017.

Ollscoil Luimnigh. An Tuarascáil agus na Ráitis Airgeadais Chomhdhlúite don bhliain dar chríoch an 30 Meán Fómhair 2017.

Neamhrechtúil

Na Rialacha Cúirte Dúiche (Foréigean Baile), 2019 (I.R. Uimh. 79 de 2019).

Na Rialacháin um Chuspóirí Comhshaoil na gComhphobal Eorpach (Uisce Dromchla) (Leasú), 2019 (I.R. Uimh. 77 de 2019).

Health Service Executive. Annual Report and Financial Statements, 2017.

University of Limerick. Report and Consolidated Financial Statements for year ended 30 September, 2017.

Non-Statutory

District Court (Domestic Violence) Rules 2019 (S.I. No. 79 of 2019).

European Union Environmental Objectives (Surface Waters) (Amendment) Regulations 2019 (S.I. No. 77 of 2019).