



# **DÁIL ÉIREANN**

*Dé Céadaoin, 23 Meitheamh, 2021*  
*Wednesday, 23rd June, 2021*

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**RIAR NA hOIBRE**  
**ORDER PAPER**



*Dé Céadaoin, 23 Meitheamh, 2021*  
*Wednesday, 23rd June, 2021*

*An Lárionad Coinbhinsiúin, Baile Átha Cliath*  
*Convention Centre Dublin*

9.12 a.m.

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**ORD GNÓ**  
**ORDER OF BUSINESS**

5. An Bille um Thionóntachtaí Cónaithe (Uimh. 2), 2021 — An Dara Céim.  
Residential Tenancies (No. 2) Bill 2021 — Second Stage.
8. (l) Tairiscint *maidir leis* an Acht um Chiontaí in aghaidh an Stáit (Leasú), 1998.  
(a) Motion *re* Offences against the State (Amendment) Act 1998.
9. Tairiscint *maidir leis* an Acht um Cheartas Coiriúil (Leasú), 2009.  
Motion *re* Criminal Justice (Amendment) Act 2009.
29. (l) An Bille um Dhíol Ticéad (Imeachtaí Cultúir, Siamsaíochta, Áineasa agus Spóirt),  
2021 — An Tuarascáil.  
(a) Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Bill 2021  
— Report.
38. (l) An Bille um Stocaireacht a Rialáil (Fostaíocht Iar-Théarma mar Bhrústocaire), 2020  
— An Dara Céim (*vótáil a cuireadh siar*).  
(a) Regulation of Lobbying (Post-Term Employment as Lobbyist) Bill 2020 — Second  
Stage (*postponed division*).

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA**  
**PRIVATE MEMBERS' BUSINESS**

169. (l) Tairiscint *maidir leis* an Ospidéal Náisiúnta Máithreachais.  
(a) Motion *re* The National Maternity Hospital.

**FÓGRA I dTAOBH GNÓ NUA**  
**NOTICE OF NEW BUSINESS**

- 6a. An Bille Meabhair-Shláinte (Cumas Toiliú le Cóireáil), 2021 — An Chéad Chéim.  
Mental Health (Capacity to Consent to Treatment) Bill 2021 — First Stage.
- 27a. Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil leis an tuarascáil ón Aire  
Cosanta maidir le seirbhís ag Óglaigh na hÉireann leis na Náisiúin Aontaithe in  
2020.  
Motion *re* Proposed approval by Dáil Éireann of the report by the Minister for Defence,

regarding service by the Defence Forces with the United Nations in 2020.

## I dTOSACH GNÓ PHOIBLÍ AT THE COMMENCEMENT OF PUBLIC BUSINESS

*Billí a thionscnamh: Initiation of Bills*

*Tabhairt Isteach:*

*Introduction:*

- 6a.** An Bille Meabhair-Shláinte (Cumas Toiliú le Cóireáil), 2021 — An Chéad Chéim.  
Mental Health (Capacity to Consent to Treatment) Bill 2021 — First Stage.

Bille dá ngairtear Acht do leasú an Achta Meabhair-Shláinte, 2001 agus, chun na críche sin, do dhéanamh socrú maidir le ceart mionaoiseach atá os cionn 16 bliana d'aois toiliú le cóireáil mheabhairshláinte agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Bill entitled an Act to amend the Mental Health Act 2001 and for that purpose to provide for the right of minors over the age of 16 to consent to mental health treatment and to provide for related matters.

—Mark Ward, Johnny Mythen.

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### *Fógraí Tairisceana: Notices of Motions*

**8.** “Go mbeartaíonn Dáil Éireann go leanfaidh ailt 2 go 4, 6 go 12, 14 agus 17 den Acht um Chiontaí in aghaidh an Stáit (Leasú), 1998 (Uimh. 39 de 1998) i ngníomh ar feadh na tréimhse dar tosach an 30 Meitheamh 2021 agus dar críoch an 29 Meitheamh 2022.

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2021 and ending on 29th June, 2022.”

—An tAire Dlí agus Cirt.

*Leasú:*

*Amendment:*

- 1.** To delete all words after “Dáil Éireann” and substitute the following:

“— resolves that sections 2 to 4, 6 to 12 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2021 and ending on 29th June, 2022; and

— in the absence of any specific information being presented which points to the inadequacy of the ordinary courts in the administration of justice in Ireland with specific regard to offences listed under sections 6 to 9 and 12 of that Act, and acknowledging the views of multiple national and international human rights agencies that have raised serious concerns regarding the operation of the Special Criminal Court, resolves to proactively and progressively implement societal and justice reform measures which, within a specified period of time being no later than 2025, ensure that section 14 of that Act should not continue in operation after that date.”

—Catherine Murphy.

P.T.O.

9. “Go mbeartaíonn Dáil Éireann go leanfaidh alt 8 den Acht um Cheartas Coiriúil (Leasú), 2009 (Uimh. 32 de 2009) i ngníomh ar feadh na tréimhse dar tosach an 30 Meitheamh 2021 agus dar críoch an 29 Meitheamh 2022.

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2021 and ending on 29th June, 2022.”

—*An tAire Dlí agus Cirt.*

27a. “Go gceadaíonn Dáil Éireann an tuarascáil ón Aire Cosanta maidir le seirbhís ag Óglaigh na hÉireann leis na Náisiúin Aontaithe in 2020, ar leagadh cóip di faoi bhráid Dháil Éireann an 21 Meitheamh 2021, de réir alt 13 den Acht Cosanta (Leasú), 2006.

That Dáil Éireann approves the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2020, a copy of which was laid before Dáil Éireann on 21st June, 2021, in accordance with section 13 of the Defence (Amendment) Act 2006.”

—*An tAire Cosanta.*

## ORDUITHE AN LAE ORDERS OF THE DAY

5. An Bille um Thionóntachtaí Cónaithe (Uimh. 2), 2021 — An Dara Céim.  
Residential Tenancies (No. 2) Bill 2021 — Second Stage.

29. (l) An Bille um Dhíol Ticéad (Imeachtaí Cultúir, Siamsaíochta, Áineasa agus Spóirt), 2021 — An Tuarascáil.  
(a) Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Bill 2021 — Report.

## GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

*Gnó a ordáíodh:*  
*Business ordered:*

38. (l) An Bille um Stocaireacht a Rialáil (Fostaíocht Iar-Théarma mar Bhrústocaire), 2020 — An Dara Céim (*vótáil a cuireadh siar*).  
(a) Regulation of Lobbying (Post-Term Employment as Lobbyist) Bill 2020 — Second Stage (*postponed division*).

—*Ged Nash.*

*Leasú ar an Tairiscint don Dara Léamh (atógáil):*  
*Amendment to Motion for Second Reading (resumed):*

1. To delete all words after “That” and substitute the following:

“Dáil Éireann:

- recognises that the Department of Public Expenditure and Reform’s review of the Regulation of Lobbying Act 2015 has just concluded; and
- resolves that the Regulation of Lobbying (Post-Term Employment as Lobbyist) Bill 2020 be deemed to be read a second time this day six months, to allow for a proposal for draft legislation to take account of the recommendations arising from that review to be brought forward.”

—*An tAire Caiteachais, Phoiblí agus Athchóirithe.*

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*Fógraí Tairisceana:*

*Notices of Motions:*

**169.** “That Dáil Éireann:

notes that:

- in May 2013, the Government announced that the National Maternity Hospital (NMH) would move to Elm Park to co-locate with St. Vincent’s University Hospital (SVUH), based on the recommendation that maternity hospitals should co-locate with acute general hospitals;
- between 2013-2016, a dispute regarding co-location versus ownership arose between the NMH and St. Vincent’s Healthcare Group (SVHG), which resulted in SVHG rejecting the proposal of co-location and adapting its position to demand full ownership of the NMH under SVHG;
- in May 2016, Kieran Mulvey was appointed to mediate the dispute between the two hospitals and the Mulvey Agreement on the Future Operation of the New Maternity Hospital – ‘The National Maternity Hospital at Elm Park DAC’ recommended the full transfer of 100 per cent ownership of the NMH to SVHG, owned by the Religious Sisters of Charity;
- following sustained public and political opposition to the deal, the Religious Sisters of Charity set up a new private company, St. Vincent’s Holdings (SVHs), into which they agreed to transfer their shareholdings of SVHG, and although SVHs was incorporated in August 2020, no transfer of ownership has yet taken place;
- under the proposed lease arrangement:
  - the sole owners of the NMH (SVHs) will lease the site for the new hospital to the Health Service Executive (HSE) for 99 operating years;
  - the State is required to build the maternity hospital on the land owned by the Religious Sisters of Charity and to pay, in perpetuity, the costs of the new facility set to be owned and managed by SVHs; and
  - the key condition of this lease is that the HSE license SVHG to run the new maternity facility in tandem with the ‘National Maternity Hospital at Elm Park’;
- a new Board of SVHs is to be appointed in August 2021 and SVHs is a private company with charitable status, and its directors are its sole shareholders, all of whom are self-appointed, and there is no provision for a public interest director/ministerial representative, a women’s interest director, HSE representative, or any representation from the NMH itself on the Board of SVHs;

- the Board of the HSE is required to approve the transfer of the Religious Sisters of Charity's shareholding in SVHG to SVHs, as it is a section 38 organisation and this approval has not yet been sanctioned;
- nearly four years after they first announced their intention to depart SVHG, the Religious Sisters of Charity remain the sole shareholders of SVHG and no legal agreement has been reached on the transfer of ownership; and
- under current proposals, only the shell of the hospital will be publicly owned and the State is to have no involvement in the private company set to own the new facility, nor any role in its operations;

further notes that:

- the Eighth Amendment of the Constitution of Ireland was repealed in May 2018, paving the way for safe and legal termination of pregnancy in Ireland and Catholic teaching is fully opposed to the provision of termination services;
- the 2017 SVHG Annual Report stated that future directors of SVHs will be 'obliged to uphold the values and vision' of Mother Mary Aikenhead, the founder of the Religious Sisters of Charity;
- the core values of the original SVHG constitution, which are based on Catholic ethos, are restated in full in the constitution of SVHs;
- the Religious Sisters of Charity received conditional permission from the Holy See to transfer their shareholding to the new company SVHs, with the proviso that 'the provisions relating to the validity and lawfulness of alienations, found in Canons 638-639 and Canons 1292-1294 of the Code of Canon Law and in Proper Law, are to be observed', and this requirement provides that the transfer of the Religious Sisters of Charity's shareholding in SVHG must observe Canon Law and Canon 1293 paragraph 2 requires precautions to be taken to 'avoid harm to the Church' and the definition of harm expressly includes 'activity which gives rise to grave harm to ecclesiastical teaching'; and
- the 2019 Report of the Independent Review Group established to examine the role of voluntary organisations in publicly funded health and personal social services concluded that, legally, the State cannot compel private Catholic entities to provide services that are contrary to their ethos;

furthermore, notes that:

- the cost of the construction of the NMH is likely to exceed €500 million; and
- the Religious Sisters of Charity's holdings in SVHG were valued at €661 million in October 2018;

agrees that:

- the Catholic ethos of the proposed new facility can no longer be a matter of doubt;
- women's reproductive healthcare would be put at risk and their safety endangered if subject to Catholic ownership and ethos;
- a hospital built using State funds should be fully owned and operated by the State;
- handing over ownership of a publicly funded hospital to a private company is in direct contradiction of the aims of Sláintecare; and
- where the State decides to build any new hospital or facility, it should endeavour to ensure that it owns the land on which the hospital or facility is built, as recommended in the Report of the Independent Review Group established to examine the role of voluntary organisations in publicly funded health and personal social services; and



calls on the Government to ensure that the proposed new publicly-funded National Maternity Hospital is constructed on land owned by the State, and that, to guarantee its secular ethos and safeguard this public investment, the new hospital be fully owned and governed by the State.”  
— *Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan, Jennifer Whitmore.*

[22 June, 2021]

*Leasú:*

*Amendment:*

1. (a) To delete the following:

“— women’s reproductive healthcare would be put at risk and their safety endangered if subject to Catholic ownership and ethos;”

and

(b) To insert the following after “the new hospital be fully owned and governed by the State”:

“and further:

- commits to no private healthcare services being carried out on the site of the new National Maternity Hospital, pursuant to the Private Members' Motion on National Maternity Services [Vol. 983, No. 8] brought in June 2019 by then Fianna Fáil Opposition Spokesperson on Health Stephen Donnelly who is now the incumbent Minister for Health;
- calls on the Government to explain the reasons why, on occasion, in cases of medical negligence, brought against the National Maternity Hospital, the State has also provided, at a financial cost, legal defence to private clinics named alongside the National Maternity Hospital as defendants in certain court cases and to commit to ensuring that this does not happen going forward;
- criticises the continued spikes in cost of the National Maternity Hospital project, rising from an initial estimate of €150 million to €350 million, and now to in excess of €800 million, and calls for the Minister to come before the Dáil to explain the more than 500% increase in the projected cost of the new Hospital; and
- calls for the full provision of financial estimates and figures to the Oireachtas Public Accounts Committee and the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach.” —*Peadar Tóibín.*

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## SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE DOCUMENTS LAID BEFORE THE HOUSES<sup>1</sup>

***Reachtúil***

***Statutory***

*Tairiscint Ceadaithe ag Teastáil*

*Requiring Motion of Approval*

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<sup>1</sup> 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.

Tuarascáil ón Aire Dlí agus Cirt ar Oibriú Alt 8 den Acht um Cheartas Coiriúil (Leasú), 2009, de bhun Alt 8(6) den Acht sin. 1 Meitheamh 2020 go 31 Bealtaine 2021.

Tuarascáil ón Aire Dlí agus Cirt ar Oibriú Ailt 2 go 4, 6 go 12, 14 agus 17 den Acht um Chiontaí in aghaidh an Stáit (Leasú), 1998 de bhun Alt 18(3) den Acht sin. 1 Meitheamh 2020 go 31 Bealtaine 2021.

An Roinn Cosanta. Seirbhís ag Óglaigh na hÉireann leis na Náisiúin Aontaithe: Tuarascáil do Dháil Éireann, 2020. (D)

#### *In-neamhnithe le Tairiscint*

Na Rialacháin um an Acht Sláinte, 1947 (Alt 31A - Sriantha Sealadacha) (Covid-19) (Uimh. 2) (Leasú) (Uimh. 2), 2021 (I.R. Uimh. 291 de 2021).

Na Rialacháin um Thrácht ar Bhóithre (An Tástáil Náisiúnta Gluaisteán) (Leasú), 2021 (I.R. Uimh. 289 de 2021).

#### *Eile*

Iarnród Éireann. An Tuarascáil Bhliantúil, 2020.

Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta. An Tuarascáil Bhliantúil agus na Ráitis Airgeadais, 2020.

Coimisiún an Chúlchiste Náisiúnta Pinsean. An Tuarascáil Bhliantúil agus na Ráitis Airgeadais, 2020.

Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta. Ráitis Airgeadais Chiste Escrow Apple, Éire don bhliain dar chríoch an 31 Nollaig 2020.

#### *Neamhreachtúil*

Seanad Éireann. An tAonú Tuarascáil Déag ón gCoiste um Pribhléidí

Report by the Minister for Justice on the Operation of Section 8 of the Criminal Justice (Amendment) Act 2009 pursuant to Section 8(6) of that Act. 1 June, 2020 to 31 May, 2021.

Report by the Minister for Justice on the Operation of Sections 2 to 4, 6 to 12, 14 and 17 of the Offences Against the State (Amendment) Act 1998 pursuant to Section 18(3) of that Act. 1 June, 2020 to 31 May, 2021.

Department of Defence. Service by the Defence Forces with the United Nations: Report to Dáil Éireann, 2020. (D)

#### *Open to Motion to Annul*

Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) (No. 2) Regulations 2021 (S.I. No. 291 of 2021).

Road Traffic (National Car Test) (Amendment) Regulations 2021 (S.I. No. 289 of 2021).

#### *Other*

Iarnród Éireann. Annual Report 2020.

National Treasury Management Agency. Annual Report and Financial Statements, 2020.

National Pensions Reserve Fund Commission. Annual Report and Financial Statements, 2020.

National Treasury Management Agency. Financial Statements of the Ireland Apple Escrow Fund for the year ended 31 December, 2020.

#### *Non-Statutory*

Seanad Éireann. Eleventh Report of the Committee on Parliamentary Privileges

Parlaiminteacha agus Formhaoirsiú maidir le Buan-Orduithe 82 agus 95 a leasú. 16 Meitheamh 2021. (S)

and Oversight on the Amendment of Standing Orders 82 and 95. 16 June, 2021. (S)

An Sásra Cobhsaíochta Eorpach. An Tuarascáil Bhliantúil, 2020.

European Stability Mechanism. Annual Report, 2020.

An Sásra Cobhsaíochta Eorpach. Tuarascáil Bhliantúil an Bhoird Iniúcháirí don Bhord Rialtóirí [2020].

European Stability Mechanism. Board of Auditors Annual Report to the Board of Governors [2020].

An Sásra Cobhsaíochta Eorpach. Tráchtaí ón Lucht Bainistíochta maidir le Tuarascáil Bhliantúil an Bhoird Iniúcháirí don Bhord Rialtóirí [2020].

European Stability Mechanism. Management Comments on the Board of Auditors Annual Report to the Board of Governors [2020].

An Comhchoiste um Thalmhaíocht, Bia agus Muir. Tuarascáil maidir leis an nGrinnscrúdú Réamhreachtach ar an mBille Iascaigh Mhara (Leasú), 2021. 21 Meitheamh 2021.

Joint Committee on Agriculture, Food and the Marine. Report on Pre-legislative Scrutiny of the Sea Fisheries (Amendment) Bill 2021. 21 June, 2021.