



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 19 Aibreán 2018

Thursday, 19 April 2018

Chuaigh an i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Acting Chairman (Deputy Eugene Murphy): I remind Ministers and Deputies that I will be strictly enforcing the timeframes for questions. There are 30 seconds for the Deputy to introduce a question and two minutes for a response from the Minister. The remainder of the response will be included in the Official Report. The Deputy will have an opportunity to ask a question, to which the Minister will reply. The Deputy can then ask a final question.

Deputy Stephen S. Donnelly: The Minister has two minutes. How long do we have?

Acting Chairman (Deputy Eugene Murphy): The Deputy can ask two one-minute supplementaries.

Deputy Stephen S. Donnelly: Two.

Acting Chairman (Deputy Eugene Murphy): Yes.

General Practitioner Contracts

1. **Deputy Stephen S. Donnelly** asked the Minister for Health if he will report on the negotiation of a new general practitioner contract; and if he will make a statement on the matter. [17265/18]

Deputy Stephen S. Donnelly: I look forward to working with the Minister in the coming months and for however long this Dáil lasts. My intention and that of Fianna Fáil is to work with the Government on the issue of healthcare where we can, although, as I am sure the Minister will appreciate, we will robustly hold him to account where we believe there is not sufficient

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action being taken. I certainly extend the hand of co-operation to the Minister and the Government. There is obviously much important work to be done across the country in the area of healthcare, on much of which we agree in terms of what needs to change. One of the areas in which there is a need for change is general practice. The GP group has reached tipping point. We are all aware of the very serious challenges being faced by patients in the community and GPs who, financially and in terms of having a work-life balance, are under enormous stress. Many are leaving the profession. There are numerous challenges. A key component in fixing this problem is beginning negotiations on a new GP contract as soon as possible. Will the Minister report on progress in getting the negotiations under way?

Minister for Health (Deputy Simon Harris): I congratulate the Deputy on his appointment as his party's spokesperson on health. We obviously know each other well. It is a great day for Greystones and County Wicklow, with such great emphasis being placed by us on healthcare. I, too, look forward to us working together. As a much more accomplished politician than I once said, "I wish you luck but not too much." I also very much extend the hand of co-operation. There is much on which we all agree - Sláintecare being the most obvious and important blueprint. I look forward to working with the Deputy in the many months and years ahead and being held to account in this House on the important issues.

I thank the Deputy for his important question. I note that he attended the IMO conference recently, as I did, at which we both heard clearly that general practice in this country was in need of a significant investment. It is fair to say that, like many parts of the public service, it suffered significantly during the years of recession. Decisions that had to be made by the Deputy's party in government on the FEMPI legislation and decisions made by mine starved it of much needed resources.

I made it clear at the conference that I intended to commence negotiations with GP organisations at the end of this month. The purpose of the negotiations is twofold. The first purpose is to ascertain what we must do to ensure general practice in Ireland can be sustainable into the future and what is a fair fee to pay for the services general practices are currently providing. As the Deputy will be aware, I now have powers, given to me by this House under legislation passed by the Minister for Finance, Deputy Paschal Donohoe, last December, which allow me to set fees. The second purpose is to ascertain what can general practice do, if we are willing to resource it to do more. We have all heard about the exciting things GPs want to do in terms of access to diagnostics, working as part of the primary care service, interacting more with the hospital setting and taking some work out of it and into the community, but they can only do this if they are resourced to do so. The Government wants and expects to spend many millions of euro more in general practice in the next few years and wants to start doing so quickly. I hope, with intense negotiations that can commence by the end of this month, we can make progress to that end in the coming months.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister for his co-operation.

Deputy Stephen S. Donnelly: I thank the Minister for his response. I hope all sides can come to the table in the next few weeks because I am not entirely sure the GP population and the patients they serve will be able to take much more. As I see it, the relationship between GPs and the HSE and between GPs and the Government is at an all-time low. There is no trust, at least as expressed to me by GPs and their representative bodies. They are deeply suspicious. What would help and go a long way early on is a reversal of the FEMPI legislation. Obviously, it must be unwound in a fiscally responsible and affordable way. We are aware that it is being

reversed for us, as politicians, civil servants, nurses, NCHDs, consultants and teachers, but GPs have been left out in the cold. Will the Minister put together in the coming days, as a gesture of genuine good faith towards GPs, a roadmap for how the FEMPI legislation will be unwound because many GPs are saying it is all well and good that the Government is stating it will consider the issue but that it cannot take any longer than three years? Is the Minister able to commit to putting a roadmap in place for the unwinding of the FEMPI legislation as a matter of urgency as a gesture of genuine goodwill as the new negotiations start?

Deputy Simon Harris: I expect that we will, as part of the engagement on general practice, put together a roadmap to move to a post-FEMPI legislation era. I am glad that the Deputy mentioned other healthcare professionals because he is entirely correct. We have begun the process of unwinding the difficult FEMPI legislation pay cuts for all public servants, including other staff working in the health service, but, as the Deputy will also be aware, we did so as part of a process. I hear from GP organisations - I disagree with them - that one could reverse the FEMPI legislation with the stroke of a pen, but that would not be fair to nurses, speech and language therapists, physiotherapists, porters and everybody else who works in every other element of the health service. I want to move beyond the FEMPI legislation. I want to be able to pay GPs a fair fee for the services they are providing that reflects the better economic situation. I also want to spend a great deal more on general practice. We are training more GPs than we did in previous years. For example, in 2009 there were only 120 GP training places. This year it is expected that there will be 194, an increase of 60%. The challenge is to ensure that when those GPs come out of training they will want to stay here to work in general practice. We need a new contract to do this. We need to move to a post-FEMPI legislation era. I have the support of the Government, including the Minister for Finance and the Taoiseach, to put real resources behind this move to a much better place.

Deputy Stephen S. Donnelly: GPs are concerned the Government will unwind the FEMPI legislation as part of the contract negotiations. We all know that in a new world of integrated primary care the role of the GP will become more prominent, more important and better funded but much more will be asked of them. It is fair to say that while there was a *quid pro quo* in the unwinding of the FEMPI legislation for teachers, nurses and civil servants, there was not such a substantial rethinking of their roles, as teachers, educators or nurses. GPs will be entering a different conversation because their fundamental role in the community will change and become more prominent. The fear is that the new contract could take several years to negotiate - it may well do - and that the FEMPI legislation may not be unwound until it is in place. This is why I asked that as a gesture of good faith, the beginning of an unwinding of FEMPI might be considered very quickly. For example, will the Minister consider putting a budgetary allocation in for 2019 as a partial unwinding of FEMPI for GPs?

Deputy Simon Harris: I appreciate the question raised by Deputy Donnelly and I am sure he appreciates the position I am in where I cannot negotiate on the floor of the House. I expect that we will be investing many millions more in general practice from 2019 and that we will be beginning to move post FEMPI in 2019 subject to us being able to agree a myriad of things we need to discuss. In any negotiation, both sides will have things they want to discuss. GPs are very clearly saying to me, the Government and this country that they cannot do more unless the existing services are made sustainable and that requires additional investment. I hear that so we must get that right at the start of the process. However, they also want to have a conversation, which I also want to have, about how we make things like Sláintecare a reality. Quite frankly, we cannot do it, as the Deputy correctly says, without involving the GP, practice nurses

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and the entire primary care team and without resourcing it to do so. I see the conversations as interlinked. How do we make current services sustainable? This involves a discussion about moving to a post-FEMPI era. How do we also then resource, pay and fund general practice to do more? These talks will commence at the end of this month.

Health Services Staff

2. **Deputy Louise O'Reilly** asked the Minister for Health if his attention has been drawn to the increased incidence of assaults on staff in the health service, if reports have been conducted into the issue of assaults, the measures taken to protect staff and if he will make a statement on the matter. [16981/18]

Deputy Louise O'Reilly: Unlike Deputy Donnelly, the Minister and I tend to disagree quite a lot but I think we can all agree that there is a recruitment and retention crisis in our health service. I have said this many times. I believe this Government, the previous Government and even the one before that have made our health service a very unattractive place in which to work. We now see that our health service is becoming an increasingly dangerous place for healthcare professionals. This is contributing to the recruitment and retention crisis. It is making it worse because not only do we have unattractive pay, conditions and places in which to work, we now have unsafe places in which to work. My question is very simple. Is the Minister aware of the increase in assaults and will he do anything about it?

Deputy Simon Harris: I do not think Deputy O'Reilly and I disagree on quite as many things as we like to think. I know it is very important that we stress those differences but in respect of recruitment and retention, I certainly agree with her that this is a challenging area. As she is aware, the Public Service Pay Commission is doing a body of work. I know the unions and representative bodies have fed into that process and I hope it is helpful in coming up with new strategies regarding how we recruit and retain nurses and indeed other healthcare professionals, including doctors, in this country.

The Deputy's question is extremely important and timely. Whatever else we disagree on, I am sure this is something on which everybody in this House can agree because the safety of all those who work in our health service is of paramount importance. Obviously, it is a complex issue as those being cared for may not always have the capacity to be responsible for the actions they carry out. That is a reality. In terms of the number of assaults reported, I understand better data is now emerging from the national incident management system, which was introduced in 2015.

I understand that 4,769 physical assault incidents by patients on staff were recorded in 2016. The number for 2017 was 3,610. These figures would seem to indicate that the number of assaults had reduced but it is still a very high level. In the longer term, the HSE anticipates that the number of recorded incidents will rise as the new system becomes further embedded and better data is available to us. The HSE continues to encourage reporting of all incidents, regardless of the level of harm, if any, so that we have very accurate data. Safety in the workplace has received considerable attention and focus from the HSE. A national strategy for the management of aggression and violence throughout the health service is in place.

The HSE also has a policy on the management of work-related aggression and violence and a policy on lone working. A detailed frequently asked questions document on work-related

aggression and violence is also available to all staff. Management and staff receive training to equip them with the necessary skills and knowledge to recognise risks associated with aggressive or violent behaviours and the safety measures that can reduce or minimise these risks. Much is being done by the HSE to address this complex issue and ensure the safety of its staff in a balanced and cohesive way.

I also want to tell the House that a security review is being undertaken in our health service. Recommendations are being implemented and we are looking to grow the security presence and make sure there is appropriate security in or nearby our emergency departments, which I know is also a cause of concern. No staff member should ever have to work in an emergency department under threat of violence or assault, verbal or otherwise, and we need to do more in that regard.

Deputy Louise O'Reilly: That is a fine statement but they are working under the threat of violence currently. I am glad the Minister says it is not acceptable and that a national strategy exists. He says that security staff will be in accident and emergency departments or nearby. They need to be in accident and emergency departments. Nearby is not good enough. Staff are very well trained. They know how to recognise assaults. Notwithstanding the fact that our staff are trained to the very highest level, from January 2011 to July 2016 assaults increased from 673 to 3,462, with 65% of these recorded as nursing and midwifery staff, meaning 34 nurses and midwives per month were assaulted in this period. These are the people we are desperate to keep within our health service. They are the lifeblood of the health service and the people without whom we cannot deliver health services and we are putting them in a situation where it is dangerous for them to go to work. Will the Minister commit to increasing security in our hospitals for the benefit of the staff - not near our hospitals or where the assaults are happening but where the assaults are happening? The physical presence of a security guard is a great deterrent. Our staff are well trained and know how to recognise when an assault is imminent. They are working in intolerable conditions and are short staffed. The Minister cannot deny that. In that atmosphere, assaults are increasing day on day. Can the Minister commit to putting a security guard into every single accident and emergency department?

Deputy Simon Harris: I can commit to increasing security in our emergency departments. Sorry, I thought that was what the Deputy asked.

Deputy Louise O'Reilly: Putting a security presence into accident and emergency departments.

Deputy Simon Harris: I believe that has already been agreed through the emergency department agreement negotiated with my predecessor in 2014. I have discussed this with the INMO and have made it very clear to it and the HSE that this needs to be addressed. When the INMO pointed out to me areas where it did not believe this to be the case, I asked the HSE to take action. I want staff in all our hospitals to be safe - we all do - and we will increase security presences where that is appropriate and necessary. The figures I put on the record of the House are the first available figures through the State Claims Agency, which has only been measuring this since 2015. I want to break down some of those figures. In 2016, 965 of the recorded incidents of assaults by patients on staff were in mental health units. This rose to 1,478 in 2017. Overall, we have seen the number of assaults decrease in our health service but we have seen the number of assaults in mental health services increase. They now account for roughly 40% of reported assaults. The HSE does believe that a significant amount of this increase in mental health reporting is due to improved reporting so it involves having the data. Mental health ser-

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vices have a very proactive lead for quality and service user safety. We have put a number of schemes in place to support staff who find themselves in these unacceptable situations.

Deputy Louise O'Reilly: The rate of staff turnover for nurses and midwives is 7.9%. This should not be the case. It should be a career for life and somewhere people want to work and stay because we really need them to stay but the workplaces are unsafe. It is regrettable that there are accident and emergency departments where staff are exposed to a level of risk and do not have a security presence. The Minister uses the phrase "in or nearby". That is not good enough. Whether or not we say assaults may have decreased slightly or we include or exclude mental health, the fact is that there is an unacceptably high level of assaults against front-line staff. They are bearing the brunt of staff shortages and all that goes along with that. The physical presence of a security guard in an accident and emergency department is an active deterrent. I can tell the Minister this because I have also spoken to the INMO and health service unions. That is not happening and it needs to happen. We need a commitment to ensure that this will happen in every single emergency department.

Deputy Simon Harris: I take what the Deputy said very seriously. This is a very important matter. The safety of staff in our emergency departments, which is an area on which she wishes me to focus with regard to this question, should be of paramount importance. I will get a report from the HSE about all our emergency departments. Where they have security staff within the emergency department, I will share that information with the Deputy and other health spokespeople in this House and will commit to engaging with the INMO and the HSE to make sure there is security staff in all emergency departments. I will revert to the Deputy when I have that information.

Respite Care Services Provision

3. **Deputy Margaret Murphy O'Mahony** asked the Minister for Health when the additional respite facilities for persons with disabilities and their families announced in the HSE service plan will be in place and if he will make a statement on the matter. [17266/18]

Deputy Margaret Murphy O'Mahony: Whatever about the Wicklow presence, it is great to see a strong west Cork presence here this morning as well. When will the additional respite facilities for individuals with disabilities and their families announced in the HSE service plan be in place?

(Deputy Simon Harris): Deputy Murphy O'Mahony will have to accept me as a substitute for the Minister of State, Deputy Finian McGrath, who is in New York for the signing of a UN convention.

The Government is committed to providing services and supports for people with disabilities which will empower them to live independent lives, provide greater independence in accessing the services they choose, as well as enhance their ability to tailor the supports required to meet their needs and plan their lives. We are particularly committed to providing a range of accessible respite care supports for people with a disability and their families.

This year the HSE's disability budget is more than €1.7 billion, an increase of €92 million on last year. This year the HSE will provide in excess of 182,000 respite nights and 42,500 day respite sessions to families in need throughout the country. The Minister of State, Deputy

Finian McGrath, and I acknowledge the absolute need for increased respite care throughout the country. That is why we secured an additional €10 million specifically to enhance respite care. This funding will provide extra facilities and we are also planning to provide a range of alternative respite options to families. The HSE needs to ensure a robust procurement process is followed and new facilities will need to be registered with HIQA. Recruitment is already under way to ensure services can come into operation as early as possible. These are badly needed and much anticipated.

A national task group has been put in place to implement these measures. This year we will deliver 12 new dedicated respite houses at a cost of €8 million. Houses will continue to come on stream over the coming months. This will ensure one new respite house in each HSE community health organisation, CHO, area plus three in the greater Dublin area. It will increase capacity by 19,000 respite nights in a full year.

I am informed by the HSE that work is progressing well with regard to tenders, completion of any capital works, recruitment and HIQA registration. In the past month, one house opened in Kerry, additional capacity has come on stream in Athlone, and in the past week a further house has opened in north County Dublin. There are commercial sensitivities with regard to the procurement of houses and respite services. Until contracts are signed, I am unable to provide more precise details at this time. However, I expect we will be able to announce where the remaining houses will be located and the target date for their opening in the coming weeks.

Additional information not given on the floor of the House

The Minister of State, Deputy Finian McGrath, and I receive monthly updates on progress and we are eager to ensure that targets are met.

The HSE is also looking at innovative respite solutions. We have committed €2 million for this purpose. These alternative solutions include home respite, Saturday and evening clubs, summer camps and many other flexible, family and child-centred respite options. An extra 250 people will benefit from this type of respite break in 2018. We all need a break, and I hope that this range of initiatives will help families and be a valuable social outlet to service users throughout the country.

Deputy Margaret Murphy O'Mahony: Carers are unsung heroes. In my constituency in west Cork, I deal with them every day. When there is a lack of respite facilities, the fatigue they go through as a result is unreal. The Minister is aware that what is happening in west Cork is happening throughout the country. All carers feel the same fatigue, the same hurt and the same sense of helplessness. I am sure the Minister read in last weekend's *Sunday Independent*, the story of Noeleen Cullen. There is a Noeleen in every constituency. She said, "I badly need more respite services for the sake of my mental health and to get my energy back." In the same article, the general manager of community health care disability services in south Dublin, Kildare, and west Wicklow, said:

[R]espite services are running on reduced capacity due to budgetary restrictions. Currently, families receive respite mid-week and not weekends. The respite is usually of between two to four nights as the budget cannot meet full demand.

I know everything comes back to money but I hope the Minister can see the need for these respite houses to be up and running.

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Deputy Simon Harris: Not only do I see the need, I am determined we address it. We will provide 19,000 extra respite care nights this year. That is a large increase and has been welcomed by carers. However, they want to see the houses open and so do I. These houses will start to come on stream. We hope to be able to announce locations and target opening dates for all these houses in the coming weeks. Several of them have opened already which is important.

I outlined what we are doing with €8 million of the €10 million allocation. The other €2 million will be used for alternative solutions, including home respite, Saturday and evening clubs. Often a carer wants a break for a few hours to do the shopping or have a much-needed rest. We are also looking at family and child-centred respite options as well as summer camps. An extra 250 people will benefit from this type of respite break in 2018. We all need a break, and most importantly carers need a break from the incredible work they do.

We will be introducing legislation shortly, which I am sure will receive cross-party support, to provide free GP care for all carers in receipt of carer's allowance and carer's benefit.

Deputy Margaret Murphy O'Mahony: It is important to point out that a one-size-fits-all approach does not work for carers. What one carer may need might be different from what another may need. It is important we do not make suggestions that would lead to such an approach. Each person and each family have to be taken for their own case.

In February, a reply to a parliamentary question I received indicated that 40 beds would be delivered in the first and second quarters of 2018. As we are now in the second quarter, will the Minister outline how many of these beds are in place and in which CHOs they are located? I do not expect the full 43 to have been rolled out but will the Minister give an update on the progress made? Given the geographical spread of the CHOs, is there a strong case for new facilities in each, especially outside of the capital, as everything should not be Dublin centred?

Deputy Simon Harris: The Deputy is correct. Every CHO will receive one new respite house or facility this year. For some that will involve capital works to upgrade existing facilities, while for others it will involve the procurement, purchase or even construction of a new respite care centre. That is why there are tender processes in some CHOs. So far, two houses have opened in Kerry and north County Dublin as well as additional respite capacity in Athlone. There are commercial sensitivities regarding procurement for the remaining houses and the signing of contracts. The Minister of State, Deputy Finian McGrath, and I will be in a position to update the House in the coming weeks as to their location and their target date for opening.

I agree with the Deputy that one size does not fit all. For some families, it would be a night's break involving a respite care centre where the loved one can go for a night and get a break too. For others, it will be the Saturday club, the evening club, the summer camp or in-home respite. In addition to every CHO getting one new facility, plus three more for the greater Dublin region, we will have €2 million for these new flexible respite options. As we are getting monthly reports tracking this issue, I will ask the Minister of State, Deputy Finian McGrath, and the HSE to keep the Deputy informed. I believe this will make a substantial difference this year.

Hospital Admissions

4. **Deputy Michael Harty** asked the Minister for Health the actions he has taken to reduce the number of persons waiting on trolleys, chairs and temporary beds for hospital admission;

and if he will make a statement on the matter. [17263/18]

Deputy Michael Harty: What actions has the Minister taken to reduce the number of patients waiting on trolleys, chairs and temporary beds for admission to hospital? The trolley queue is a reflection of the problems in our health service. It brings up health and safety issues for patients and staff, such as with the transmission of infections and diseases when waiting for admission. This has a detrimental effect on patients. What actions is the Minister taking to alleviate this problem?

(Deputy Simon Harris): I agree with the Deputy's analysis of the problem. It still beggars belief that we reduced the number of hospital beds in this country long before the troika arrived in town. I believe we can do much more in community and in primary care. Even as we do that, there is a clear, compelling and indisputable case that we need to provide more acute hospital beds. There will be certain things we can never do in the community, even with all the investment we appropriately should make in general practice.

Against a background of growing demand for unscheduled care and high acute hospital occupancy rates, the Government provided €30 million in 2017 and a further €40 million in 2018 for measures to increase acute hospital capacity and alleviate overcrowding in emergency departments. Almost 50% of this funding was used to deliver home support packages and transitional care beds to reduce the incidence of delayed discharges. More than 200 beds have been opened this winter and more beds are due to come on stream later in the year. My colleague, the Minister of State, Deputy Jim Daly, will undertake some work in the Department to ensure all elements of the health service are working together on late discharges.

Notwithstanding the increased level of resources provided, this winter has been particularly difficult for our health services, with emergency department attendances up 3.7% and admissions up 3.3% during the first quarter of the year. Despite the fact people in the health service are working extraordinarily hard and additional investment has been made, capacity to meet attendances needs to be put in place.

The situation was further exacerbated by Storm Emma and the severe weather that followed. In response to this, I allocated a further €5 million in emergency funding to provide additional home support packages and transitional care beds to assist the safe discharge of patients who required support to return home following the adverse weather.

In light of the conclusions of the health service capacity review, raised at the Joint Committee on Health yesterday, that the system will need nearly 2,600 additional acute hospital beds by 2031 as a low-end figure even after we do all of the reforms that we need to do, I have asked my

11 o'clock Department to work with the HSE to identify how we can front-load some of them. In other words, how we can put some of the reforms in place by the end of this year, and identify the location and the variety of build methods that could help to achieve that. The demographic pressures are very clear and we need to get on with delivering on the capacity review. I am pleased that it is now fully funded, but I now need to look at options to front-load it, because in the Deputy's part of the world, it is not good enough to tell University Hospital Limerick that it will be several years before a 96-bed ward block can be delivered. We need to see if there is an interim solution to put more beds into that facility.

Deputy Michael Harty: I thank the Minister. Many of the actions he has outlined deal with the problems of lay discharges after they have happened. It is poor excuse to talk about the

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weather as being a problem where our hospital trolley count is concerned. It is not about the weather. The Taoiseach has said that we should not dwell on trolley numbers or waiting lists because they do not reflect the excellent work that is done in our hospital system. Of course excellent work is done in our hospital system, but that is despite the system rather than anything else.

Trolley numbers are a reflection of inadequate bed numbers, the failure to recruit and retain staff and a weak and under-resourced primary care service. They are a reflection of the growing population, as the Minister has identified, and the ageing population. It is a reflection of management structures that are 40 years out of date, and unless there is substantial reform in our health service, we are going nowhere. It is akin to a slow puncture. We are now running out of air in our tyres, and soon we will be running on the rim.

Between 2014 and 2017, average trolley numbers rose by 47%. If one takes the first month of the last five years, they have risen by 51%. We are not dealing with the problem. The average trolley number this month is 515, an all-time record. My question to the Minister is what is he going to do about this now. I do not refer to measures he is going to take in the distant future. When will the Minister realise that a fundamental reform of our health service is required, and not just the attempts to adjust a failing service we have at the moment?

Deputy Simon Harris: I realise that fully, and the Deputy knows from our detailed discussions, both in one-on-one meetings that we have had in his capacity as Chairman of the Oireachtas Committee on Health and in my public actions and comments, that I fully recognise it. Mentioning Storm Emma is not about making an excuse, but about recognising what front-line staff and management tell me, which is that the already overcrowded situation was further exacerbated. Certainly the storm did not cause the trolley situation. I never said that or suggested that it did.

Capacity is a key issue here. I do not want to see primary care and community care pitted against acute hospital care. If one actually looks at the capacity review, it is very clear that even after all the reforms very clearly articulated in Sláintecare, which we need and want to make, there will still be a need for additional bed capacity in the health service. That is bed capacity that was not put in during the Celtic tiger years, or was taken out long before the troika arrived in town.

I have been very clear that I have the funding to deliver the 2,600 additional acute hospital beds through Project Ireland 2040. That is a ten year capital plan. Some projects, such as building a wing in a hospital, take time. We know that, but what can I do now, quickly, to get additional beds into the system? The HSE is carrying out an audit of where new beds could go into existing buildings, and where other methods like modular build could significantly increase capacity in the system for this winter. That is absolutely vital. Some hospitals are paving the way. If one looks at the trolley figures in Beaumont Hospital or Our Lady of Lourdes Hospital Drogheda, one sees how we can make progress where capacity is added to primary care and acute hospital care along with appropriate management.

Deputy Michael Harty: I thank the Minister. He mentioned University Hospital Limerick. I note that University Hospital Limerick consistently has the highest number of people waiting on trolleys. The average number waiting on trolleys for this month alone is 56. It is double the number for the next worst hospital in the country on a daily basis. I get representations, I am sure like every other Deputy, including the Minister himself, on the trolley numbers and the

experience that people have waiting for admission. I have had cases where people have had to bring food to their relatives while waiting on trolleys, because they were not being offered sustenance while they were there. What has happened in Limerick and elsewhere is a cart-before-the-horse reconfiguration.

Deputy Simon Harris: Yes.

Deputy Michael Harty: In Limerick, beds were taken out of our small peripheral hospitals, but they were not put into Limerick. It was a cart-before-the-horse reconfiguration, and it is a salutary lesson for any other areas where there may be reconfiguration. If services are not put in place in the central hospital before they are removed from the peripheral hospital, we will have what happened in Limerick. It is important that the Minister treats this matter urgently. There needs to be a commitment on the fundamental restructuring and reform of our health service. The Minister has had a report on his desk for the past 11 months and he still has not delivered a response to it. It is a shocking indictment of the Department that it has failed to address the solutions in the Sláintecare report.

Deputy Simon Harris: We are going to deliver the Sláintecare report. As the Deputy knows, I have three big asks and projects that I had to bring to the Government for approval, and on which I had to work with colleagues in other Departments to make sure they are backed up by significant resources. One concerns the capacity report on capital. Health has been starved of capital for years, even during the Celtic tiger era. Schools and motorways were built, but somebody forgot that it was actually important to invest in capital build for our health service. Beds were taken out, which was bizarre. Capital projects, the capital plan and the capacity plan have now been funded. Some €11 billion has been allocated to capital for health in the next ten years, compared to €4 billion for the past ten years.

The next piece was the GP contract, an issue Deputy Harty and I have discussed many times. Negotiations are to commence by the end of this month, backed up by resources to invest millions of euro. The next big piece of work is to bring the Sláintecare implementation plan to Government. I expect to do that by next month. I have been working very hard with colleagues across the Government to make that a reality. I also expect recruitment for the lead executive for the implementation office to conclude by the end of this month, and to be advised by the Public Appointments Service of an appointment shortly after that.

On University Hospital Limerick, the Deputy is entirely correct. It is absolutely an example of how not to do reconfiguration. Our promise is that change will happen now, and we promise that a better, brighter service will follow in the future. Limerick is owed beds, and needs beds. I am very determined to work with representatives from that area and hospital management to get that capacity quickly. Limerick sees more patients than Beaumont every year, and has fewer beds than Beaumont. We have to address that issue.

National Treatment Purchase Fund

5. **Deputy Róisín Shortall** asked the Minister for Health his views on whether the recently announced funding for the National Treatment Purchase Fund, NTPF, to procure medical procedures in private hospitals represents best value for money; if a cost-benefit analysis on this €50 million investment has been carried out; his further views on whether this policy could represent a perverse incentive in the public system and is delaying reform; and if he will make

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a statement on the matter. [17264/18]

Deputy Róisín Shortall: The Minister's Government, along with Fianna Fáil, has resurrected the NTPF. We know that is only a stopgap measure, and we know it has been problematic in the past. Can he assure us that he has carried out a cost-benefit analysis before committing to the very substantial figure of €50 million? What kind of assurance can he give us that we are actually going to get value for money for that spend?

Deputy Simon Harris: I thank Deputy Shortall for the question. As the Deputy knows, the programme for Government commits to reducing waiting times for procedures in hospitals and to increase funding for the National Treatment Purchase Fund to deliver on this commitment. In the budget and Estimates for 2018, funding for the NTPF to treat public patients was increased to €50 million.

The inpatient and day case action plan is a joint initiative between the HSE, the NTPF and my Department and sets the projected activity and impact that will be delivered in 2018 from within the allocated funding. As outlined in the action plan, a projected 1.16 million inpatient and day case procedures will take place in 2018, with NTPF activity accounting for 20,000 procedures and HSE activity accounting for 1.14 million procedures.

The NTPF procures capacity for each of the procedures identified in the action plan in both private hospitals or public hospitals. That is the difference between the NTPF now and in the past. We are spending resources also within the public health service. In 2018, the NTPF projects that 4,000 of its treatments will be delivered in the public health service.

No formal cost-benefit analysis was carried out on activity funded through the NTPF, nor indeed in respect of activity funded through the HSE. However, the action plan strikes the appropriate balance between maximising the number of patients treated in both public and private capacity, as appropriate, and ensuring the best return for the taxpayer.

The overall number of patients waiting for an inpatient or day case procedure is projected to fall to below 70,000 by the end of the year, from a peak of 86,100 in July 2017. My ambition is to build on this progress and to further reduce waiting times for patients.

Parallel to improving access for patients this year, I am committed to reforming and investing in our public health system. However, we know that with the trolley situation, elective procedures are regularly cancelled in our public health service. I cannot expect those patients to wait while the capacity is being built in the public health service. I am, therefore, implementing a commitment in the programme for Government and in the confidence and supply agreement to utilise the NTPF to find capacity wherever it may be, both in the public sector and in the private sector. I want to spend all of the investment that we spend in health on our public health service, but I think it is widely acknowledged in this House that it will take time to build that capacity.

Deputy Róisín Shortall: Those figures are fine. They are very aspirational. However, the Minister has not answered the question. How do we know that we are going to get value for money for that €50 million? We know that the NTPF has been problematic in the past. There is a major structural problem within the health service in that we do not know relative costs for different procedures. Would the Minister not be much better off concentrating on why it is that progress is so slow on working through the waiting lists? We do not know anything about the activity in hospitals in terms of waiting lists. Theoretically at least, we could have a situation

where consultants are being paid on the double, when they are already being paid to do public elective work but we do not know about that activity. We know there are certainly the problems that were highlighted in the “RTÉ Investigates” programme, so it is slow progress. Is this not a perverse incentive if the State pays separately and on the double for that work to be done in either other public hospitals or the private sector? What guarantee is there that we are getting value for money for this substantial spend?

Deputy Simon Harris: I have outlined to the Deputy how we are using the capacity that is available in the private hospital sector while building up the capacity in the public health sector. I would much rather be able to have adequate capacity in the public health service but it is not possible to bring all of that capacity onstream overnight.

I agree with the Deputy in regard to wanting to remove private practice from our public hospitals. As she knows, in line with the Sláintecare report I have set up the de Buitléir group chaired by Dr. Donal de Buitléir and it is to bring its report back by the end of the year. It is a significant statement for a Minister for Health to say they wish to see private practice removed from public hospitals and how we do that is something the de Buitléir group needs to make a reality. I want to make it clear that is the purpose of the de Buitléir group - to show me the roadmap as to how to do that, rather than to decide whether it is a good or bad idea. I accept it is a good idea.

The programme for Government committed me to utilising the NTPF to provide additional capacity. The approach will support HSE activity and performance management, with additionality being provided by the NTPF. The NTPF has a statutory responsibility in terms of how it procures and uses tendering. It will undertake a number of insourcing arrangements, for example, cataract surgery in the Royal Victoria Eye and Ear Hospital. It will use Nenagh General Hospital and will treat lesions in Roscommon General Hospital, and orthopaedic surgeries will take place at Cappagh hospital. Further insourcing arrangements will be put in place and a significant further insourcing arrangement will be the funding of a brand new cataract theatre in Nenagh General Hospital. This is not the old NTPF of the past, where it was all about money for the private health sector. We are looking at using all capacity, including available capacity in the public hospital system.

Deputy Róisín Shortall: I am sure the Minister is aware that, in regard to the NTPF, in the past funding went into public hospitals but it was found by the Comptroller and Auditor General that this just went into the general budget of each of those hospitals and there was no ring-fencing. Again, the reality is that we do not know how much a cataract operation or hip replacement operation costs. Unless we have that kind of detailed analysis of costing within the health service, there is no way of knowing whether we are getting value for money or not. That is my concern, namely, this will go into the general pot and we will not see actual improvements. For example, did the NTPF engage in open tendering for this money? How can the Minister assure us we are getting value for money? Would he not be better off concentrating on introducing the kind of fundamental reforms that are required in terms of activity-based funding and establishing elective-only hospitals? Would that not make a much more substantial difference to the waiting lists?

Deputy Simon Harris: I believe elective-only hospitals are the way to go and could have a real impact, as I know the Deputy does. We have seen this used in Scotland with very significant success. Scotland had very long waiting times and managed to reduce that substantially by purchasing what, ironically, was a former private hospital and turning it into an elective-only

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hospital. I have funding to deliver elective-only hospitals and that is a priority. I will keep the House updated in that regard.

The funding that is used by the NTPF to insource is ring-fenced. The NTPF has to satisfy itself that the HSE and the individual hospitals are going to spend that on providing the additionality in terms of procedures that they have agreed to, and the waiting list plan I published last week has outlined that.

The Deputy has rightly highlighted on a number of occasions the question of how we monitor and oversee hospital consultants' contracts, an issue on which we engaged here and at the Oireachtas health committee. My Department is working closely with the HSE to find a solution to ensure compliance is monitored more effectively. The engagement commenced last July. On 11 January of this year the Secretary General reinforced the point to the HSE that a key requirement is for a governance framework and a reporting and monitoring arrangement. The HSE responded on 12 February, outlining the arrangements it proposed to meet the Secretary General's requirements. These include monthly monitoring at hospital level of performance at individual consultant level, with appropriate actions to be taken where required. At a meeting with my Department on 23 March the HSE confirmed it would incorporate within the framework a map allocating additional responsibilities at each local hospital group hospital and at national level. I believe the Comptroller and Auditor General has also announced his intention to do some work in this regard, which I welcome.

Other Questions

Hospital Services

6. **Deputy Declan Breathnach** asked the Minister for Health his plans to reconfigure cardiovascular services in County Louth and the north-east region; and if he will make a statement on the matter. [17085/18]

Deputy Declan Breathnach: The question raises the proposed reconfiguration of cardiovascular services in County Louth and the north-east region but could equally be applied to the 33 units providing cardiovascular services across the country. It is my understanding the advisory group was convened to devise a new clinical model of care for the provision of cardiovascular rehabilitation settings in Ireland, and that its proposal is to introduce a community-based and single-outpatient programme which can be provided anywhere. Will the Minister reassure both patients and staff that there will be no reduction in the service received by high-risk and low-risk patients or in patient outcomes?

Deputy Simon Harris: I thank the Deputy for the important question. I can assure him the HSE has advised there are no current plans to reconfigure the cardiology services in County Louth and the north-east region which are currently provided in Our Lady of Lourdes Hospital, Drogheda, with consultants with cross-site commitment in the Mater Hospital. In addition, vascular surgeons from Beaumont Hospital provide an outpatient and varicose vein surgery service in Louth County Hospital, which I have had the pleasure of visiting.

The national cardiovascular policy 2010-19 made recommendations across a range of ar-

eas, including prevention, primary care, acute services and rehabilitation. These continue to be implemented by the HSE and its clinical programmes on heart failure, acute coronary syndrome and stroke. Since the publication of the policy, there have been a number of service developments, including structured care for heart failure, the expansion of stroke services and the provision of thrombolysis. Given the ongoing implementation of the policy, there are no changes proposed beyond the scope of the policy at this time. It should be noted, however, that a national review of specialist cardiac services started work on 31 January 2018 and has been welcomed by Deputies on a cross-party basis. Given the breadth of the review, it is possible that some of its recommendations may have an impact on cardiovascular services. However, the review is still in its early stages and a final report is not expected until 2019. There will also be an opportunity through public consultation for all citizens and stakeholders to give their view in regard to how we can further improve cardiac services.

I reiterate to the Deputy, so I do not create any confusion or ambiguity, that the HSE has advised there are no current plans to reconfigure the services referred to in the Deputy's question. I will be happy to arrange a more comprehensive briefing for the Deputy with the HSE to provide him with assurances in that regard.

Deputy Declan Breathnach: It is almost 20 years since the Building Healthier Hearts cardiovascular strategy was adopted by the Department of Health to deliver a standard of care to patients of cardiovascular disease in terms of both prevention and treatment. The strategy clearly states that every hospital treating heart disease should provide cardiac rehabilitation, which was one of the six strands of care identified to manage the significant burden of heart disease in Ireland. It is vital that we follow evidence-based models of care and the standard of cardiac rehabilitation currently delivered is a gold standard. However, in light of the new model being considered by the advisory group, I suggest there is a real need for cardiovascular services to be delivered not just in a community setting but through people who have strong knowledge of the situation. Patient safety is always our top priority and cardiac patients who complete hospital-based cardiac rehabilitation after a cardiac event live longer, feel better and have greatly reduced need for acute care.

I will take the Minister at his word but I believe it is very important he meets the professionals who are delivering the service because they are not satisfied that moving into the community will not affect the outcomes.

Deputy Simon Harris: I will be more than happy to take the Deputy up on his invitation to meet those professionals and I will be in touch with him to arrange that. I understand he has had a particular interest for a long number of years in cardiac rehabilitation services and concerns around the potential shift of after-care services from a hospital to a community setting, as he has outlined.

The policy context for the development in cardiac rehabilitation is the current cardiovascular strategy, *Changing Cardiovascular Health: National Cardiovascular Health Policy 2010-2019*. Most recently, the HIQA health technology assessment and the national self-management support framework identified cardiac rehabilitation as one of the most cost-effective methods of supporting patients to self-manage and, most importantly, to improve clinical and health service usage outcomes. The provision of cardiac rehabilitation capacity to meet the population needs is a top priority under the self-management support framework. This framework is being prepared by the health and well-being division within the integrated care programme for chronic disease, and the actions concerning cardiac rehabilitation will be to combine the relevant rec-

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ommendations of the 2010 to 2019 policy and include the recommendation for the development of a community model of cardiac rehabilitation to make services more accessible. I will be happy to meet the healthcare professionals.

Deputy Declan Breathnach: Will the Minister categorically state to the House that any proposed changes that may be in the pipeline will not impact on the stated outcomes of any previous strategy? We committed to a reduction in mortality of up to 30%, a reduction in cardiac events, to cut cardiac readmissions by almost one third and, of course, most importantly, to improve the health and quality of life of our citizens, and this has been cost-effective. There is a worry that carrying out an experimental model in the community may impact on and reduce the quality and safety of care for patients. I ask the Minister to ensure investment in our current system, with a full multidisciplinary team, continues and will be enhanced.

Deputy Simon Harris: I am delighted to give Deputy Breathnach that assurance. Everything all of us want to do in healthcare is to improve patient outcomes. That has to be at the absolute centre of what we do. As Deputy Breathnach knows very well, cardiovascular disease remains the commonest cause of death in Ireland. One of the ways we must address it is through prevention, with population-based approaches that target the entire population as well as those high-risk groups. We need to focus on issues such as obesity, particularly central waist obesity, and cardiovascular diseases such as heart failure, heart attack and angina. I fully agree everything has to be about improving patient outcomes.

I would point out to the Deputy who has a particular interest in this, to his constituents and to the healthcare professionals he referenced that the national review of specialist cardiac services, which I have asked Professor Philip Nolan, the President of NUI Maynooth, to chair and which includes two representatives of the Irish Heart Foundation, making sure the patient's voice is heard, and a number of other professionals, is an opportunity for us as a country, much like we have done in the area of cancer, to map out a roadmap of where we want to be to ensure the best possible outcomes for cardiac patients over a five and ten-year period, so we can make the same progress in cardiovascular disease that we have made, thankfully, in other areas including cancer. I will be delighted to work with the Deputy on it.

Home Help Service Provision

7. **Deputy Shane Cassells** asked the Minister for Health the reason Meath local health office experienced a reduction of 36,253 home help hours in 2017; and if he will make a statement on the matter. [17042/18]

Deputy Shane Cassells: Why did the Meath local health office experience a reduction of 36,200 home help hours in 2017? The fact the drop in home help hours in Meath is many times the national average is shown in the daily calls and visits to my constituency office from people whose loved ones receive half an hour or 40 minutes of care in the morning but do not see anyone else for the rest of the day. I would appreciate a statement on the matter.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputy for the question. Home help has been a priority for me since taking on this position in the middle of last year, and this is evidenced by the consultation process the Minister and I launched shortly after my appointment to review how we do home help. I have accepted in various fora that the current system is not delivering as it should be. I am a believer that if we always do what we

always did, we will always get what we always got, and it is not good enough. The consultation has been completed and we are reviewing it. I hope in the next week or two to publish its results.

The overall macro picture with regard to home help is that this year we increased the budget for home help by €18.25 million and home help hours now have a budget of €408 million per annum. This is a significant budget by any standards but clearly it is not enough. I appreciate this does not, as somebody said before, butter any parsnips for those waiting to get home help hours or waiting to get a service delivered to their house.

The Deputy mentioned Meath and the reduction of 36,000 hours. There are two issues at play. One is that recruitment is a challenge in a number of areas, which is leading to a reduction. We cannot get the staff. It is not a financial issue. It is that we cannot get enough staff to deliver for the demand that is there. We are also seeing a fairly significant increase in the number of intensive home care packages. Last year in Meath we delivered 440 home care packages and this year we have delivered 496 packages, which is an increase of 56 intensive home care packages. The Deputy is aware these packages provide thousands of home help hours when they are added up and this makes up for the shortfall. The issue is the HSE's reporting structure, and it is now working to combine home care packages and home help hours to make it more transparent and create a more straightforward and easier to follow system for counting the hours.

Deputy Shane Cassells: I thank the Minister of State and I appreciate his reply and the information on the details on the review. In the three years since I have been elected, the biggest issue in my constituency office, after housing, is health, in particular the issue of home help hours. In a county with a population of 200,000 people, it is natural that the elderly population is increasing and the care required for the elderly should be paramount. Last year in particular, we were inundated with cases and pleas for help with securing home help hours, which had been reduced from 500,000 to 464,000, which was a drop of 7%. This was far in excess of the nationwide drop of 1.5%. I appreciate what the Minister of State has touched on in terms of the difficulties with staffing. It is something we are seeing as having an impact in the northern part of the county. Across the border in adjoining counties such as Cavan and Westmeath, staff are available but because of the county boundaries they cannot work in Meath. I ask the Minister of State to look at this as part of the review because the staffing issue is key. The system is under a lot of pressure and I appreciate the Trojan work done by the home support co-ordinators, but as part of the review I ask the Minister of State to look at this aspect also because the drop is significant. It is 7.2% as opposed to the national drop of 1.5%.

Deputy Jim Daly: The issue is the increase in intensive home care packages of 13% in County Meath, which more than balances out the drop in individual hours being delivered to which the Deputy referred. They are being delivered through packages for people as opposed to individually. Notwithstanding this, I accept what the Deputy has said and I accept his acknowledgement of the challenge in recruitment. It is something we also experience in my constituency of Cork South-West. It is particularly challenging to get staff. This will be one of the key areas of focus for me when I review the scheme, to try to deliver a home help scheme along the lines of the fair deal scheme, whereby people will be able to get the care they need by statute and that it will be there on demand and delivered to them, as opposed to what some might describe as a postcode lottery in the current system, whereby how lucky a person is depends on where he or she lives. I accept the spirit in which the Deputy has put the question and I hope I have clarified it as best I can.

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Deputy Shane Cassells: I thank the Minister of State. The drop is symbolic of resourcing issues in County Meath, which has one of the largest populations in the country but ranks the lowest when it comes to funding across a range of Departments, whether it is with regard to health, policing or housing. I have just come from a meeting of the Committee of Public Accounts where a departmental Secretary General has told us we have the lowest spend *per capita* in local government with just €522 per person as opposed to €1,400 per person in the city of Dublin.

The Minister of State and the Minister are aware of the campaign to save Navan hospital, and the promise made in 2011 of a regional hospital in Meath, which has disappeared off the books. Cabinet members have now admitted it is a dead duck. Last week, my local newspaper, the *Meath Chronicle*, had an article stating GP practices in my home town of Navan are turning away people because they have no space. In a town of 36,000 people, GP practices are turning people away from their doors. There is a real issue when it comes to centres such as Meath and commuter counties which have big populations but are not keeping track with the type of services that people in larger counties require. This particular reduction in home help hours is symbolic of a wider problem in a county such as Meath.

Deputy Jim Daly: At the risk of repeating myself, if we add up the increase of 56 intensive home care packages and the number of home help hours included in them, there is no decrease. Nationally, the number of home help hours has increased from 16.36 million last year to 17.1 million this year. This is a significant increase in the delivery of home help hours but I appreciate it is not enough. If we are trying to move away from acute services and towards supporting more people in their homes, we need to invest further in home care delivery, home care packages and home help hours, but we can only do this incrementally, as the Deputy will appreciate, because of the demands on the acute side. It is a gradual move and shift away, in line with what is set out in the Sláintecare report, which is to deliver services at the nearest point possible to the person.

The Deputy mentioned the local authority, GP practices and Navan hospital. Unfortunately, many of these issues are above my pay grade to comment on.

Acting Chairman (Deputy Eugene Murphy): To use a phrase used recently.

Emergency Departments

8. **Deputy Dara Calleary** asked the Minister for Health the status of the extension of the emergency department in Mayo University Hospital; and if he will make a statement on the matter. [17028/18]

Deputy Dara Calleary: Mayo University Hospital's emergency department was designed for 20,000 patients. In 2016 it catered for 40,000 patients. This is placing the fantastic staff and patients under intolerable stress. The Saolta University Health Care Group has made a number of funding applications with regard to transforming the emergency department, but those applications are delayed at either HSE or Department level. There must be action on this and there must be progress on building a modular unit before next winter. Can the Minister give an update on this matter?

(Deputy Simon Harris): I thank Deputy Calleary for raising this issue. I had an opportu-

nity to visit Mayo University Hospital a number of months ago and to meet the management and staff there. I am aware of the issues with the physical size of the emergency department. Despite the best efforts of the management and staff, which the Deputy rightly acknowledged, the emergency department is not large enough for the number of people who come through its doors. We are aware that the demographics in terms of the population and particularly the ageing population in many counties have resulted in increased attendances, and Mayo is experiencing that as well. I am pleased that through the national development plan I have a significant capital budget to expand the size of our health service to deliver 2,600 additional hospital beds and 4,500 community beds. I expect that Mayo and Saolta University Health Care Group will get their fair share of them. I will shortly ask the hospital groups to submit their proposals on how to increase bed capacity in their groups and Mayo will be examined in that context.

However, the Deputy's particular question is about how we can physically extend the size of the emergency department, an issue that was also raised with me by members of staff and management when I visited the hospital. I was apprised of the requirement for a new emergency department and also of the fact that the hospital and the group have come up with an interim solution in terms of a modular unit alongside the existing emergency department, which they believe would significantly benefit patient flow through the hospital. I am advised that the hospital and the group have advanced work on that proposal since my visit. Indeed, only last week officials from the HSE national estates were on site at the hospital to review and discuss the proposal and, following this meeting, further work will be undertaken on the scope of the design so the proposal can advance to the next stage.

I am actively considering a number of locations where we could provide modular units and modular builds, and Mayo is one such site. We are awaiting a number of proposals from the HSE in that regard. I do not wish to say to the people of the country that we have plenty of capital to increase the size of their hospitals but that it will take a number of years to build the extensions and wings. Bricks and mortar take time so I am looking favourably at modular units in that context, and Mayo is certainly under consideration. I look forward to the next iteration of its proposal following the visit by the officials from the HSE national estates.

Deputy Dara Calleary: I thank the Minister for his update. I, too, was in the emergency department over the Christmas period and spent time watching the staff and the patients trying to work and be treated under intolerable conditions. It is a tribute to the staff that they are managing to deal with in excess of 40,000 patients. We need progress on this. It has been delayed, with site visits and site inspections taking place for years. We need to see some type of ground works proceeding and action happening before next winter. A modular extension is a temporary solution, but the longer it is delayed the less temporary it will become. Mayo University Hospital has also had to cope with a larger influx of patients as a consequence of the closure of the emergency department in Roscommon and due to the pressure on University Hospital Galway. People in the north of Galway find it quicker to go to Castlebar than to go their city hospital. The management, medical staff in the emergency department and the Saolta University Health Care Group are doing everything they can and treating the issue with the urgency that is required. We need similar urgency from the HSE and the Department.

Deputy Simon Harris: The Deputy's analysis of the situation is correct. The current emergency department was designed to meet a capacity flow of approximately 25,000 patients per annum but the figure for attendances last year reached over 37,000, according to the figures available. As is the case in much of our health service, the infrastructure was built for a much smaller population. That is why I unapologetically believe that we must embark on a construc-

tion and capacity building programme in the acute hospital setting. It frustrates me when I hear people in the national media say it can all be done in primary care. Much more could be done in primary care and we need to have more done in that area and to shift more services to the community, but despite all that we will still need more physical capacity and Mayo University Hospital is an example.

There is a long-term proposal to provide a new emergency department in the hospital and we can look at how to progress that, but we need an interim solution and to see how we can extend the existing emergency department. The only interim solution I see is modular build. The HSE estates office is working with Mayo University Hospital to review and discuss the proposal. There is some follow-up work required on the scope of the design and the hospital management is familiar with that. However, I accept the point that we need to see if we can do something quite quickly on it. I will examine it in that context and I will keep in touch with the Deputy.

Deputy Dara Calleary: I welcome the Minister's commitment to review it. It is incredibly urgent. There was trolley pressure in the hospital this year. There are many pressures on the hospital and on bed management in the hospital because of delays in the emergency department, so there must be action in the coming weeks. It would be fantastic if there was some type of movement on this over the summer ahead of the winter season.

Deputy Simon Harris: With regard to modular build in general, the Department and I will have to make a number of decisions quite shortly on two things. The first is assessing what sites are appropriate for modular builds, that is, can physically contain modular builds, and where they can work from an engineering and layout point of view, which lay people such as myself are not familiar with. A body of work is ongoing there. The second is which sites could be delivered quickly and in advance of the pressures that tend to peak in December and January, although there are year round pressures in hospitals such as Mayo University Hospital. We will be examining those two issues quite shortly and Mayo will be considered in that context.

Medicinal Products Regulation

9. **Deputy Bobby Aylward** asked the Minister for Health the steps he and the Health Service Executive have taken regarding the issue of children affected by foetal anticonvulsant syndrome, FACS, in circumstances in which children were exposed to sodium valproate medicines in the womb; his plans to conduct a review of the families and children affected by this issue; his further plans to set up a compensation scheme for the families affected in view of the compensation scheme set up in France; and if he will make a statement on the matter. [17017/18]

Minister for Health (Deputy Simon Harris): I thank the Deputy for raising this important question. I had an excellent meeting with FACS Forum Ireland two or three weeks ago in Leinster House. A number of Deputies had requested the meeting. I met FACS Forum Ireland with representatives of my Department and the HSE.

Sodium valproate is a medicine licensed for use in Ireland to treat epilepsy and bipolar disorder, and is marketed in Ireland under the brand name Epilim. It is now well established that children exposed to valproate in the womb have an increased risk of congenital malformations and developmental disorders, often described as foetal anticonvulsant syndrome, FACS. In 2014, the European Medicines Agency, EMA, conducted a review of valproate and issued

advice placing additional restrictions on the use of valproate for women and girls.

In March 2017, the EMA's risk assessment committee initiated a new review of the use of valproate in the treatment of women and girls who are pregnant or of childbearing age. This review has now been concluded and the committee's new recommendations on sodium valproate were published by the EMA in February.

Some of the key measures recommended by the EMA are that valproate must not be used in pregnancy for the treatment of migraine or bipolar disorder; valproate must not be used in pregnancy for the treatment of epilepsy unless there is no other treatment option available - some women may have to continue treatment with appropriate specialist care in pregnancy; valproate must not be used in female patients from the time they become able to have children, unless the conditions of a new pregnancy prevention programme are met; the outer packaging of all valproate medicines must include a visual warning about the risks in pregnancy; and a patient reminder card will also be attached to the outer package for pharmacists to discuss with the patient each time the medicine is dispensed.

The HSE is working with my Department and other stakeholders, such as the Health Products Regulatory Authority, HPRA, and the Pharmaceutical Society of Ireland, to communicate and implement the recommendations of the EMA review. Yesterday, the HPRA issued a drug safety newsletter on sodium valproate to all relevant healthcare professionals, together with updated safety information from the drug's manufacturer. Both of these communications reflect the new EMA recommendations and restrictions.

Additional information not given on the floor of the House

I recently met with members of the FACS Forum Ireland to discuss the new EMA recommendations and other issues relating to the use of sodium valproate and children affected by foetal anticonvulsant syndrome. I have asked Department officials and the HSE to follow up on the issues raised at that meeting and I know that there will be further engagement with FACS Forum Ireland over the coming months.

At present, health-related therapy supports and interventions for children can be accessed through both the HSE's primary care services and its disability services, depending on the level of need. It is estimated that 95% of people's health and social services needs can be met in a primary care setting. The specialist disability services look after children with more complex needs.

It is important to note that patients currently taking medicines containing valproate are advised not to stop taking these medicines and, if they have any concerns about their specific drug treatment and management of their condition, to discuss these with a healthcare professional.

Deputy Bobby Aylward: In a reply to a parliamentary question from my colleague, Deputy Lisa Chambers, in November last year the Minister acknowledged that children exposed to valproate in the womb had an increased risk of congenital malformations and neural development disorders, including autism. He also stated that a warning label for the outer packaging of the Epilim product was introduced in Ireland in early 2017 and that products carrying the new external warning label were being supplied to retail pharmacies. I have different information. I met two mothers from Kilkenny who got a packet of the product in a local chemist in Kilkenny in November and there were no warning signs on it. It is not being implemented. Are the Department and the HSE enforcing this directive well enough? Is the Minister monitoring

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the implementation of this warning label on these products, which he previously acknowledged pose an increased risk to pregnant women? I ask this because I met two women who have been affected by this and both of them were still receiving the drug Epilim in a plastic bag with no warning label. They were understandably and genuinely upset, not only because of their own personal situation but because they were all too familiar with the increased risk and danger being posed to other women by the lack of such warning labels. Are the Department and the HSE doing enough in raising awareness and warning vulnerable women of the risks posed by medicines that contain sodium valproate?

Deputy Simon Harris: I had an excellent meeting with FACS Forum Ireland and I heard directly from parents whose children have been impacted by foetal anticonvulsant syndrome. I believe parents have been let down. As the Deputy said, it is not just an issue in Ireland and this is why the European Medicines Agency, EMA, has looked at the matter.

There are three issues, which I discussed with the FACS Forum Ireland. The first issue is what we do going forward to address the concerns, as raised by Deputy Aylward, such as labelling, safety and awareness of the appropriateness of prescribing this drug or not prescribing it. As recently as yesterday the Health Products Regulatory Authority, HPRA, issued new guidelines to all stakeholders on the use of the drug. I am confident and satisfied that HPRA is implementing the recommendations of the European Medicines Agency. This is the body of work we need to keep a close eye on; that it is progressing well; and how to make sure that from this point on the correct information, correct labelling, correct warning and appropriate prescribing is dealt with.

The second issue is what to do for the children who have been born with malformations and disabilities as a result of this situation. When I met with FACS Forum Ireland I was concerned that these are children who must deal with lots of different doctors and various different conditions. No two affected children have the same set of conditions. I am a little concerned that they have been run around from Billy to Jack. I want them to have one single point of contact within the HSE that can give them all of the information. I wrote to the director general of the HSE on 17 April instructing him that all the clinical leads in the HSE and the Children's Hospital Group need to meet with the FACS Forum Ireland to discuss how we deal with these children's needs, just as we have done in other areas.

The third issue is around how we look at the past and how we check that in the past Ireland did everything it could to make sure that parents were aware and that appropriate guidance was followed. My colleagues in the UK and France have initiated some reviews in this regard and I have promised to consider that and revert to the FACS Forum Ireland within the next month.

Deputy Bobby Aylward: With regard to directives, implementation is the important thing. Who will monitor this? This is the problem. Young children in the State are suffering due to exposure to medicine that contains valproate. Children as young as six years of age have had to endure more hospital appointments and hospital surgeries than most adults do in a lifetime, as the Minister admits also. Will the Minister commit to looking at a specific support and service system for affected children and their parents? When asked about this previously the Minister pointed to the national disability strategy. This is a very complex and difficult issue, which requires a targeted and specific support service system. I do not believe it is fair or proper simply to cite a commitment in the programme for Government and consider this problem solved. These children and their families need recognition and support from the State.

With regard to compensation for these families, the Minister has previously responded to a written parliamentary question that he was aware of a State-funded compensation scheme in France that was considering claims from individuals affected by valproate. Will the State set up a compensation scheme or system, and if so what timescale are we looking at?

Deputy Simon Harris: This is not an issue just of today or yesterday. Unlike how it has been dealt with in the past by the Department of Health I have taken a very personal interest in the matter. I have met with FACS Forum Ireland and I heard what they have had to say. I have made three very clear commitments to them, the first of which is how we make sure this does not happen, going forward; appropriate labelling; and implementing the EMA recommendations. The second commitment is how to deal with the children now who, the Deputy rightly said, are living with very difficult and complex conditions, and their parents who are not being adequately supported. This is the purpose of the Children's Hospital Group and the clinical leads sitting down with FACS Forum Ireland and having an understanding of what these kids need and how supports for them can be streamlined. The third commitment, which is the kernel of Deputy Aylward's question, is around what are we going to do about what happened in the past with regard to investigating what happened and seeing if the State did everything appropriate. The Deputy is correct that my counterparts in the UK and France have recently announced processes to do this. I have informed FACS Forum Ireland that I am considering that, in consultation with officials, and I will come back to FACS Forum Ireland within one month with my proposed course of action.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister and the Deputy.

We might be able to include three further questions but the timeframe is tight. If all Members co-operate then we might get the three questions in.

Hospital Services

10. **Deputy Brian Stanley** asked the Minister for Health when the consultation process on the Midland Regional Hospital Portlaoise involving local clinicians and the community will begin; and the expected timeframe for completion [16238/18]

Deputy Brian Stanley: When will the consultation process for Portlaoise hospital begin? At our meeting in December the Minister told the other two Laois Deputies and me that he would begin this process early in the new year and that he would discuss the matter with clinicians and representatives from the local community.

Deputy Simon Harris: I thank Deputy Stanley for asking this very important question. I will commence a consultation process, but I am going to get it right unlike the so-called consultation processes of the past that the people of the midlands and Portlaoise clearly felt, with some justifiable reason, have been inadequate in not listening or engaging with all of the appropriate stakeholders, including concerns I heard directly from clinicians. I was very grateful to have the opportunity to meet with Deputies Stanley and Fleming, and the Minister, Deputy Flanagan, as the three Laois Oireachtas representatives. I would be happy to do that again in the coming weeks.

I am committed to securing and further developing the role of the Midland Regional Hospital Portlaoise as a constituent hospital within the Dublin Midlands Hospital Group. Since 2014,

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the focus has been on supporting the hospital to develop and enhance management capability, implementing the changes required to address clinical service deficiencies and incorporating the hospital into the governance structures within the Dublin Midlands Hospital Group.

Significant work has been undertaken at the hospital. The Deputy is aware that we have increased funding by 35% since 2012 and staffing levels have risen by 29% from the 2014 base. Governance and management arrangements in Portlaoise hospital have been strengthened, additional clinical staff has been appointed and staff training, hospital culture and communications have improved.

HSE consultations took place with the clinical staff and management in Portlaoise hospital, general practitioners, the Irish Prison Service, Tallaght Hospital paediatric surgery and emergency department services and the Master of the Coombe Women and Infants' University Hospital. As agreed at a meeting with Laois Oireachtas Members, I am currently giving consideration to a process for wider consultation. I am not satisfied that the consultation in the past was comprehensive or inclusive. I have heard very clearly in this regard from GPs, from clinicians in the hospital and from the Laois Oireachtas Members on a cross-party basis. I assure the Deputy that no decision has been made by me or the Government around the draft plan for Portlaoise hospital. Before any such decision is made there needs to be a new consultation process that is inclusive, exhaustive, engaging and meaningful. I am trying to work out the absolutely best way of making that work for the people of Portlaoise. I will keep Deputy Stanley updated.

Deputy Brian Stanley: I thank the Minister for his reply. I welcome the fact the pause button has been pressed and that we have moved away from the Dr. Susan O'Reilly plan. Consultations, however, can go on and on. I agree with the Minister that the consultation process needs to be extensive and meaningful, but it was announced five months ago. In answer to a parliamentary question that I asked in January the Minister said the process would begin early this year. The can has been kicked down the road a lot and it has been kicked from one election to the next. It is important to move on with it. In reply to a Dáil question on 27 March the Minister said "I have asked my Department to conduct a consultation process in this regard involving local clinicians and the community and this is currently under consideration." We now need to move on with the consideration part and progress on to the action part. This is important. When the Taoiseach was in Mountmellick last week he said he did not envisage any closure, downgrade or significant reduction in services at the hospital because it just would not work as Tullamore and Tallaght hospitals would not be in a position to deal with the extra patients from Portlaoise hospital. This is what the Taoiseach said last Friday in Mountmellick.

Deputy Simon Harris: The Taoiseach is correct. If I believed that the draft plan and the consultation had been appropriate then we surely would not be in this place. I do not believe the consultation was adequate and I do not believe there was appropriate engagement. The reason I do not believe it is because the people of Portlaoise are telling me this very clearly. Deputy Stanley, Deputy Sean Fleming and the Minister, Deputy Flanagan, are also telling me this. The Laois Oireachtas Members, on a cross-party basis, have told me this very clearly.

I understand Deputy Stanley's desire, and that of the people in the midlands, for a decision to be made on the consultation as quickly as possible. I want to deliver it as quickly as possible, but not at the expense of getting it wrong. I want to make sure. One can have consultation and one can have real, meaningful consultation and engagement. I am trying to work out a mechanism whereby the people of the midlands, the people of Portlaoise, the clinicians, the stakeholders and the public can have their say and their views heard and can tease out and

stress-test all the important issues. The issue of capacity, as referred to by the Taoiseach, is also very important. We are aware that the other hospitals, as mentioned by Deputy Stanley, do not have adequate capacity currently.

Deputy Brian Stanley: I am hearing the right vibes from the Minister but now we want to see the action to back it up. On his previous visits to Portlaoise hospital the Minister heard loud and clear from the clinicians and GPs that we need a plan for the future. I acknowledge that the Minister came down to meet these people. Certainty is needed for recruitment. Will the Minister confirm the announcement made by the Minister, Deputy Flanagan, to the local Fine Gael councillors on 25 March? Councillors said they had been informed by the Minister, Deputy Flanagan, that five new consultant posts would be filled. Perhaps the Minister will confirm that this is going to happen. This was announced to the councillors on the morning of 25 March. They said they had confirmation from the Minister, Deputy Flanagan, that the five consultant posts would be advertised and that there is a lot of interest in those posts. I welcome that if it is happening, but I would like the Minister to confirm it for me. I am hearing the right message from the Minister but we want to see action. We want to see a timeline for that consultation to begin and be completed. We also want a timeline for a plan for the future to further build the services in Portlaoise.

Deputy Simon Harris: I am sure the Deputy would never doubt the bona fides of my Cabinet colleague and the Deputy's constituency colleague, Deputy Flanagan, when he tells the people of Laois something.

Deputy Brian Stanley: I want to hear the Minister confirm it. He holds the purse strings.

Deputy Simon Harris: I am quite sure.

Acting Chairman (Deputy Eugene Murphy): I am not going to allow any argy-bargy to waste time.

Deputy Brian Stanley: It is very important.

Deputy Simon Harris: I know. The Deputy asked about the Taoiseach's comments and now he is asking about the comments of the Minister, Deputy Flanagan. I assure him that if the Minister gave that commitment it is obviously true. I will follow up with the HSE and provide the Deputy with the information he requires.

Deputy Brian Stanley: The Minister is confirming it.

Deputy Simon Harris: I hear the Deputy and I assure him that trying to get this right is taking up a considerable amount of my time. It is appropriate that it should, it is an important, sensitive issue. We will get it right and put a comprehensive consultation process in place and I will be happy to meet the three Laois Deputies on this shortly.

Mental Health Policy

11. **Deputy Catherine Connolly** asked the Minister for Health the persons undertaking the review of A Vision for Change; the terms of reference including confirmation that the terms include the re-establishment of an independent implementation body; when it commenced; the finish date envisioned; and if he will make a statement on the matter. [17116/18]

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Deputy Catherine Connolly: My question relates to the review of the Vision for Change, when it started and when it will be complete. Who is the team and what is its terms of reference and will an independent implementation body be included?

Deputy Jim Daly: A Vision for Change came to the end of its ten year term in 2016. Preparations for a review and an updating of policy have been underway since early last year. An external evidence and expert review was completed in February 2017 providing a review of international best practice and the experience of implementing A Vision for Change.

An oversight group has been established to oversee the development of a refreshed policy for mental health based on the recommendations arising out of the expert review. The policy review process will also involve consultation with key stakeholders.

An independent Chairperson, Hugh Kane, was appointed last summer and the remaining membership of the group was fully finalised in October last year. The oversight group members are as follows: Hugh Kane, Chair; Liam Hennessy, HSE head of mental health engagement; Dr. Philip Dodd, national clinical adviser and clinical programme group lead for mental health; Dr. Amanda Burke, executive clinical director on Galway-Roscommon mental health services; Dr. Fiona Keogh, senior research fellow, National University of Ireland, Galway; Martha Griffin, expert by experience; Dr. Shari McDaid, director of mental health reform; Yvonne O'Neill, HSE head of planning, performance and programme management; Dr. Brian Osborne, GP, Irish College of General Practitioners; Leo Kinsella, head of service mental health, CHO1; and Gregory Canning, principal officer from the mental health unit in the Department of Health.

The terms of reference of the oversight group entail the review and updating of A Vision for Change. As they are detailed, I am arranging for a copy of the group's detailed terms of reference to be supplied to the Deputy.

The terms of reference require the group to produce "an updated draft policy framework which sets out current and future service priorities within a time-bound implementation plan". However, there is not an explicit reference to an independent implementation body and this matter will be given consideration once the nature of the group's recommendations are clearer.

Deputy Catherine Connolly: I welcome the Minister of State's response and that he will provide me with the terms of reference and the list of names. However, it is not clear when the review started. What date did it start and when will it be completed? The reason I am asking this is that I know A Vision for Change, I have read it and used it. It ran out in January 2016. We are now in April 2018. Since then, we have had a wide-angled international review of evidence and development, which simply looked at the literature. I have to welcome it. It was done very quickly in 12 weeks. The delay occurred in publishing it. The date on the review was February 2017 and it was not published until July, which was an unnecessary delay. I have not read it. What is required on this is a very light touch review. Will the Minister of State please give a timeframe?

Deputy Jim Daly: The first meeting with provisional membership took place on 5 October 2017. The membership was fully finalised on 25 October 2017. The group is scheduled to complete its work by December 2018.

Deputy Catherine Connolly: I very much welcome that clarification. Can I take it that we will have A Vision for Change No. 2 by the end of this year, in December 2018?

The second point relates to the independent implementation body. It is useless having more policies. What worked for A Vision for Change was that the independent implementation body sat for two three-year periods and then they were abolished because they were doing a very good job. I ask the Minister of State to re-examine that and make sure there is an independent implementation body if we are seriously interested in mental health.

Deputy Jim Daly: I can assure the Deputy that I will take her comments on board. I know she has a particularly keen interest in this area and has followed it carefully. I accept what she says about an independent implementation body and I assure her I will give it further consideration.

Question No. 12 replied to with Written Answers.

Hospital Waiting Lists

13. **Deputy Aindrias Moynihan** asked the Minister for Health his plans to reduce waiting lists for orthopaedic treatment; and if he will make a statement on the matter. [17007/18]

Deputy Aindrias Moynihan: People regularly come to my constituency office and to clinics in great pain. Many are completely immobilised and in great distress as they wait for hip operations, often up to two years. What action is being taken to tackle waiting lists for hip operations in Cork where people regularly wait 18 months to two years?

Deputy Simon Harris: Improving waiting times for hospital treatment is a key commitment in the programme for Government. In 2018, €50 million was allocated to the national treatment purchase fund, NTPF, to provide treatment for patients. In recent weeks, I published the inpatient/day case action plan which outlines the combined impact of HSE and NTPF activity in 2018. It projects a reduction in the number of patients waiting for treatment to below 70,000 by year end, from a peak of 86,100 in July 2017. To achieve this the NTPF will arrange treatment for 20,000 patients, while the HSE will deliver 1.14 million inpatient or day case procedures.

Orthopaedic procedures are a key focus and the action plan places a particular emphasis on hip and knee replacements, with €10 million of the €55 million budget allocated by the NTPF for such procedures. This means that all patients waiting over nine months for a hip or knee replacement in 2018, if clinically suitable for treatment in alternative private or public hospitals, will be offered treatment this year. The NTPF will also offer treatment to a range of other patients awaiting orthopaedic treatments in 2018.

While the improvements set out in the plan are significant, I am committed to building on this progress in 2019 and to further reduce waiting time for Irish patients.

Any patient waiting in Cork or anywhere else for a hip or knee operation for nine months or longer will get an offer of surgery this year once it is clinically appropriate.

Deputy Aindrias Moynihan: I thank the Minister for this information which is positive and helpful. I acknowledge there has been some movement on the matter. A great deal of the resources have been put into the NTPF which is a good move. My party pressed to have it included in the last budget. However, I am concerned that the NTPF is dealing with waiting lists, which is short term. Is a long term solution being put in place to prevent the lists growing

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further? The number of people waiting in Cork has doubled in the last two years, from over 250 to almost 500. Even if there is any small reduction in the figure, one is still only treading water. We need to know that a long term solution is in place for people going on those waiting lists. It seriously impacts people's quality of life. Take Dan Joe who came into my office who has had to stop driving because he is unable to move his foot and Chris has been waiting for over a year and a half. Many of these people are being told that they will have to wait 18 months to two years. I acknowledge the Minister's commitment but these are people who have received recent responses from the HSE. Is the HSE aware of the Minister's target?

Deputy Simon Harris: Deputy Moynihan's comments are fair. The NTPF is used to drive down waiting times, which is an appropriate way to use it. We will get offers of treatment to anyone waiting over nine months this year which is a significant improvement on which we need to build further. The Deputy is correct. What we need to do in the longer term is elective only hospitals, one for Cork, one for Dublin and one for Galway. They are funded in the capital plan, so the funding is there and we need to get on and deliver them. Looking at other jurisdictions, in Scotland they established an elective-only hospital where they bought what had been a private hospital and converted it to a hospital to drive down waiting lists. They made huge progress and I want to do that in Ireland. I have the funding to do it and there will be hospitals in Cork, Dublin and Galway.

Acting Chairman (Deputy Eugene Murphy): If Deputy Moynihan is happy with that answer I will move to his colleague Deputy Cahill.

Mental Health Services Provision

14. **Deputy Jackie Cahill** asked the Minister for Health his plans to improve the services and facilities for adolescent psychiatric patients in County Tipperary; and if he will make a statement on the matter. [17081/18]

Deputy Jackie Cahill: I raise the issue of adolescent psychiatric care in County Tipperary. In recent months we have had three adolescents who have spent eight to nine weeks in a paediatric unit in Clonmel waiting for acute psychiatric care to become available in Cork.

It is intolerable that a teenager, whose parents had her admitted to the hospital system, has to wait such a length of time for specialised psychiatric care. Will the Minister give us an assurance that if a person is admitted to hospital, acute psychiatric care will be provided within a reasonable length of time?

Deputy Jim Daly: I am aware of the issue the Deputy is talking about. Yesterday I spoke to a parent from Tipperary who was in that situation. I guess it is the same case. There are about 300 admissions a year to adolescent inpatient CAMHS units. Thankfully, the number is reducing. Last year there were about 380. I am aware of the pressures in the provision of beds. There are new beds. We have about 70 beds in the system. There will be new beds in Portrane and the new national children's hospital. I am working with management in the HSE on the issue at Eist Linn and the issue in Tipperary which the Deputy has raised. If he wants to speak to me afterwards, I am happy to do so.

Deputy Jackie Cahill: The mother of one of the girls had to spend seven to eight weeks sleeping in the ward at night. The girl was on suicide watch 24/7. To have to wait eight to nine

weeks to be admitted to a specialised psychiatric care unit is not acceptable.

Deputy Jim Daly: I am uncomfortable speaking about the case, as I am familiar with it and have spoken to the family. I am aware of the issues involved. The Deputy may chat to me afterwards about it. I would prefer not to discuss it with him across the floor of the House.

Written Answers are published on the Oireachtas website.

Leaders' Questions

Deputy Dara Calleary: We are all aware that a case is being taken by the Office of the Director of Corporate Enforcement about very serious allegations. It is under judicial review. I want to ask the Tánaiste about the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten's actions as he outlined them yesterday in the House and about political accountability. Every Minister is accountable to the House. The revelations in yesterday's edition of *The Irish Times* which have been confirmed by the Minister that he had given a heads-up to a PR lobbyist acting on behalf of INM, a company involved in a media merger for which the Minister had statutory responsibility, smack of old-style politics and cronyism, the type of politics Fine Gael has always tried to state it is above. The reality is that the PR lobbyist was after one thing and one thing only - a heads-up as to what would happen with the merger application involving INM and Celtic Media. It is not as simple as a phone call between two mates. It is not as insignificant as the Minister and the Taoiseach are trying to portray. The Minister is trying to imply nothing sensitive was discussed when it is clear a heads-up was given. He has confirmed that when he took the call from the PR lobbyist on his mobile phone, he was informed for the first time by the PR lobbyist that the Competition and Consumer Protection Commission had made its ruling on the merger involving INM and Celtic Media. I am sure the Tánaiste will agree that it was highly irregular that a lobbyist had this information and I cannot understand why it did not set off alarm bells with the Minister. What action is the Government taking to ascertain how that information reached a lobbyist before the Minister?

The Minister did not record the call and did not speak to officials about it. He did not inform the Dáil and the public about it. In fact, three weeks after it, he withheld his intentions and personal views from the Dáil during parliamentary questions. He said on the day, "I have not made my views known and I am not going to." That is a direct quote from his contribution. This stinks. The Minister made a virtue of not telling Deputies about his intentions, personal or ministerial, when he had disclosed them to a lobbyist. It is ironic that he has invited any Member of the Dáil to inspect the file when nothing is recorded in it about the personal call with the lobbyist about the merger. Does the Tánaiste believe it is appropriate that the Minister said he had acted in this manner and that his defence was that he had been speaking in a personal capacity, rather than as a Minister with statutory responsibility? Does the Tánaiste accept that as an excuse? Is it not a "dog ate my homework" excuse? Does the Tánaiste accept that the Minister, in the quotes I have outlined, misled the Dáil last December? Does he agree that the Minister's actions were inappropriate and unacceptable?

An Leas-Cheann Comhairle: Before the Tánaiste answers, I am not suggesting Deputy Dara Calleary in any way contravened Standing Order 59(3). I do not say it to any Deputy, in particular, but to the House. Standing Order 59(3) reads, "A matter shall not be raised in such an overt manner so that it appears to be an attempt by the Dáil to encroach on the functions of the Courts or a Judicial Tribunal". Nothing has been said so far that would contravene it. I say

it to ensure it will not happen.

The Tánaiste: The Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, made himself available yesterday when he made a very clear statement and answered questions for over an hour. The statement and questions, combined, lasted for an hour. He has given a comprehensive explanation of what happened. He made it clear this morning that he regretted the conversation. There is a responsibility on us to put the conversation in context.

To answer some of the Deputy's questions, it is my understanding the CCPC put on its website on 10 November the fact that it had made a decision on the proposed INM-Celtic Media merger. The Minister was not aware of it because it was not publicised. It was simply put on the website. The lobbyist concerned rang the Minister and informed him that the decision had been made. Clearly, he was trying to establish what would happen next. The Minister gave no information that was not already in the public domain. He gave a view, but he also made it very clear that he would be following the advice of his officials to the letter. That is exactly what he did when one traces through the months that followed. While the Minister is right to say it would have been better if the phone call had not taken place, he did not initiate it. He happens to be very accessible; his mobile phone number is on his website where anybody can get it. The lobbyist made a phone call. The Minister gave a view, but he also made it very clear in the context of that view that he would be following the advice of his officials, as he has done in other cases. That is exactly what happened. His view was based on no more than the legislation in place and information in the public domain.

That is the context in which the House should judge the issue, rather than trying to create something that is not based on a fair context and the facts as they have been presented, as some people have attempted to do. I am not suggesting the Deputy who has asked the question is in that category, but others have done so. My position is clear. I have listened to the Minister's explanation and I am satisfied with it. It is comprehensive. It would have been better if the conversation had not taken place. This conversation did not reveal anything to this lobbyist except what anybody else who was informed about the legislation and who read the newspapers at the time would have said was going to be the likely scenario, that in the second stage of this process there would likely be a referral to the Broadcasting Authority of Ireland, BAI, but that the Minister would follow the advice of officials on this issue, which is exactly what he did, consistent with the legislation and his obligations.

Deputy Dara Calleary: Was that a personal or a ministerial answer? It "did not reveal anything" – it did. It gave an indication from the Minister as to how he would proceed and the lobbyist then used that information and passed it to his client months before the Minister made his official view known. He revealed to the lobbyist what he would not reveal to Dáil Éireann under questioning and in fact said to Dáil Éireann that he had not expressed any opinion on it. That was the Minister. It was not a personal phone call. It was not a chat between two friends about rugby. This was about ministerial business, and the consequences were that a participant in a commercial process, of which the Minister had oversight, was given information and used that information. The notion that this is something that can be wished away cannot be allowed to continue. I asked the Tánaiste a straight question. Does he think his actions during that phone call were appropriate? Was it appropriate, as a Minister dealing with the specific issue, to have that discussion with a lobbyist?

The Tánaiste: The Minister has answered that question and I agree with him.

Deputy Dara Calleary: What is the Tánaiste's opinion?

The Tánaiste: He said this morning that he does sincerely regret expressing a view on it, but he is absolutely clear that he said he would abide by the recommendation of his officials. The Deputy's claim that he gave an indication of how he would proceed needs to be put in the context that he made it clear he would proceed on the basis of the recommendations from the Department and the officials. He gave a view that there was a likely scenario that this would be referred to the BAI because of the significance of the merger, which caused plenty of public commentary at the time. He did not say anything that was new. He was stating the obvious.

I do not believe that the conversation should have taken place in the first place. The Minister accepts that too and regrets it but that is very different from making a claim that the Minister gave information that was inappropriate at the time. I do not believe he did. He said he would be acting on the advice of the officials. He gave a view that it was likely this would be referred to the BAI, no more than that.

Deputy Pearse Doherty: Yesterday the Minister for Communications, Climate Action and the Environment, Deputy Naughten, made a statement to the Dáil in which he outlined several facts relating to the ongoing controversy around the proposed takeover of Celtic Media by Independent News and Media, INM. There is no need for further clarity because the Minister has clarified the matter and the facts speak for themselves. The Minister confirmed that he spoke to Eoghan Ó Neachtain in November 2016. He said he knew that Ó Neachtain was acting on behalf of INM. He confirmed that no note was taken and that he did not inform any of the officials in the Department of the conversation with Mr. Ó Neachtain. He confirmed that he informed Mr. Ó Neachtain that the likely course of action relating to the proposed takeover of Celtic Media would be subject to a referral to the BAI.

The notion that this was a purely personal view stretches the bounds of credibility. Mr. Ó Neachtain was hardly phoning the Minister for a personal view. Does the Tánaiste believe that was the reason for the phone call? We all know that he rang him because he was the Minister with the regulatory and statutory responsibility for referring the takeover bid to the BAI. The Minister also confirmed that it was two months before he provided that information to others. This was indisputably commercially sensitive information and INM knew this. Why else would it be referred to in an email to the then chairman of INM as highly confidential? Why else would the then chairman suggest to the largest shareholder that the normal course of action would be for the Minister just to sign it and that a referral to BAI was unprecedented? This all adds to the fact that this was valuable information provided by a Minister to someone acting on behalf of a party interested in acquiring Celtic Media. That is what the Minister has done and it is unacceptable, no ifs, no buts. These are the actions which led to the Director of Corporate Enforcement describing it as potentially constituting inside information, not Sinn Féin, not the Opposition, but the Office of the Director of Corporate Enforcement and a possible breach of stock market rules.

This is an example of old-style politics of the golden circle variety, the nod and wink culture, the who-you-know mentality, the old boys' club. We all thought those days were over. We disagree on many things but I hope we can agree those days are over and this is not acceptable. Will the Tánaiste stand over that? Does he have full confidence in the Minister and how he handled himself? Last night our party leader, Deputy McDonald, wrote to the Taoiseach stressing the need for him to act and deal adequately with the situation in hand. What is the Tánaiste, as one of the most senior persons in government, personally going to do about this or

is he just going to turn a blind eye to the type of practices that have unfolded and that we have been informed of over the past 24 hours?

The Tánaiste: Nobody is turning a blind eye to anything. That is why the Minister was before the House last night, answering questions and making a statement to clarify what happened. We are here talking about it, taking questions on it, as the Taoiseach was yesterday, and we are providing answers. Yes, I do have confidence in the Minister. I have known Deputy Naughten for 20 years. I know him as a straight Minister, just as he is a straight politician. He regrets the fact that this conversation took place, but in my view he did not do anything that constitutes giving inappropriate information to anybody. The communications between a lobbyist and INM after that are matters for them to explain. The question that I understand has been raised by the ODCE in respect of potential insider information refers to the information flow between one shareholder in INM and a lobby group or chairman of INM. It is not referring to a ministerial intervention.

We need to assess this intervention or conversation that involved the Minister, in the context of what was said, that the Minister intended to proceed on the basis of advice from the officials, as he had done in previous cases. He was asked for a view as to whether it was likely that it would be referred to the BAI and he answered, as I think anybody who was informed on the legislation in this area and would have seen the information that was publicly available at the time, was likely to have done.

Deputy Seán Crowe: He was the Minister.

Deputy Paul Murphy: The Minister was talking to a lobbyist.

The Tánaiste: There are two issues. The first is whether this conversation should have taken place, and the Minister regrets that it did. The second is whether that conversation constituted the Minister giving any inappropriate information to the lobbyist concerned, and I do not believe it did.

Deputy Brendan Howlin: Of course it did.

The Tánaiste: He made a comment, without knowing any more facts. He knew fewer facts than the lobbyist concerned in respect of the Competition and Consumer Protection Commission, CCPC, ruling. Later, when he was asked in this Chamber for a response on this issue, it was under consideration in the Department, he was aware of the process and he had been informed on it. He could not of course give an opinion once there was a process under way until he had a full recommendation from the Department.

Deputy Pearse Doherty: It is incredible to listen to the Tánaiste talk about the Office of the Director of Corporate Enforcement and its claim about insider information, making the point that it is between the chairperson and a shareholder of INM. He fails to understand that the information passed between those two individuals came from the individual now sitting beside him. It was the Minister, Deputy Naughten, who provided that information to the lobbyist acting on behalf of INM who provided it to the chairperson who provided it to the senior shareholder. Does the Tánaiste want to ignore that fact? The number one priority he outlined in his policy document during the Fine Gael leadership contest was rebuilding trust. He published with it a Bill to establish an anti-corruption and transparency commission. The Taoiseach, in his policy document, stated transparency and accountability on the part of those in positions of power are essential to good decision-making and public confidence in our system of government. So

much for the promises from the Taoiseach and Tánaiste because what we have here is not a new style of politics, and it is not about new leadership. This stinks to the high heavens of the old style of politics. This is about the old boys' club. The Tánaiste cannot still stand here and say the conversation his Minister had with the lobbyist on behalf of INM was wrong. He continues to dispute the fact that the ODCE said the information is potentially inside information. Does the Tánaiste have full confidence in the position of the ODCE? His former Minister for Justice and Equality said it was not fit for purpose. What statement will the Tánaiste make? Is he just turning a blind eye to what is blatantly obvious to all of us, that is, that the Minister provided commercially sensitive information to a listed, traded company during an acquisition process?

The Tánaiste: When trying to rebuild trust in politics, one starts by assessing things on the basis of the truth of what happened rather than trying to create a political environment in which people are going after somebody's head, which is what is happening here. The Taoiseach, the Minister, Deputy Denis Naughten, and I have said it would have been better if this conversation had not taken place. I also said that we need to consider what was said in the conversation. In that conversation, the Minister made it very clear that he would be making recommendations and acting on the basis of advice from his officials. That is exactly what happened when the process subsequently took effect. Deputy Pearse Doherty wants to try to distort that-----

Deputy Pearse Doherty: No.

The Tánaiste: -----to create an impression that the Minister was somehow giving an inside steer to a lobbyist in an inappropriate way. I do not believe that was the case. If one looks at the file, in terms of how the Minister behaved subsequently-----

Deputy Pearse Doherty: There is no note in the file on that conversation.

The Tánaiste: If one examines all the reports that have been published on the Minister's website, one will see that he subsequently took action on the basis of the advice he was given, which is exactly what he said he would do. He was asked for a view and he gave a view based on information that was in the public domain, which was not secret and which was not insider information for anybody.

Deputy Pearse Doherty: I know the Tánaiste failed to express confidence in the ODCE in claiming this is insider information, or potentially insider information.

Deputy Brendan Howlin: Let us start with the Tánaiste's own words, his statement on assessing the truth and the facts. The Minister, in a private call with a lobbyist, provided commercially confidential information as to his intended course of action on an important matter. That is a fact. That information did not-----

The Tánaiste: That is not a fact. The Deputy should not mislead the House.

An Leas-Cheann Comhairle: The Tánaiste should not interrupt. He will have three minutes.

Deputy Brendan Howlin: Is it not a fact that the Minister told the lobbyist of his intended course of action when he had a statutory duty to make that decision? That information did not become public for a further two months. There was a statutory process in place that the Minister pre-empted. In his own words to the House yesterday, he expressed "a purely personal view that the likely course of action would be a referral to a phase 2 assessment in accordance with

the guidelines”. As others have said, he did not divulge this information to the House in response to questions weeks later. He correctly said yesterday that this is not a secret process and that guidelines are available. It is now clear, however, that he indicated to the representatives of an interested party his intended course of action in advance of receiving any formal advice from his officials. The House was told this yesterday. The Minister made much yesterday of access to the full file in the Department, as the Tánaiste has done today. The problem is that there is no record of this call on that file, and no official was alerted to it. In simple terms, a statutory process involving the control of the shareholding of the media in Ireland was undoubtedly compromised by the premature advising of one party of the intended course of action of the Minister in a statutory role.

In response to my question yesterday on whether this was the only communication the Minister had with representatives of a PR agency or agents of INM, and on whether there were other calls, the Minister answered only partially, saying he had a discussion with Mr. Leslie Buckley on 3 May. Could the Tánaiste now clarify whether he has ascertained whether there were any other calls or exchanges of views between interested parties and the Minister?

The attempt to separate a personal conversation from the Minister’s statutory duty is really a worrying one. A Minister performing a statutory duty is always a Minister. The Cabinet conduct rules are clear that Ministers cannot be private citizens when they choose to be in the middle of carrying out a statutory function. What is clear now is that the Minister should not have taken the call. He should not have provided his views on his likely course of action. He undoubtedly, albeit unwittingly, compromised a statutory function. If the Minister for Communications, Climate Action and Environment does not recognise these facts, responsibility then falls to the Tánaiste and the Taoiseach to acknowledge them. Will they do so?

The Tánaiste: Let me try to go through the sequence of comments and questions. First, Deputy Brendan Howlin is making the claim that the Minister informed a lobbyist of his intended course of action.

Deputy Brendan Howlin: I said “likely course of action”. That is what he told the House.

The Tánaiste: What he said with certainty, which is the important issue here, is that he would act solely on the advice of his officials. That is what he said.

Deputy Brendan Howlin: He told the House yesterday.

An Leas-Cheann Comhairle: Deputy Brendan Howlin will have a further minute.

The Tánaiste: The Deputy will have an opportunity to come back.

I just asked the Minister about the issue of other calls and he said there are none that he is aware of.

The telephone call was one that the Minister took. He had no idea what it was going to be about so he could not have not taken it in the first place.

Deputy Brendan Howlin: He should have ended it when told what it was about.

The Tánaiste: The Minister has made clear he regrets having had the conversation that took place but what we should be assessing here on the basis of what he said clearly last night, and again today, is whether information was given on the basis of his having had knowledge about

facts that were not publicly available. I do not believe that is the case. Therefore, the only certainty that came from this conversation was that the Minister said he would act on the basis of the advice of his officials.

Deputy Brendan Howlin: He did not say that to the-----

The Tánaiste: He has, of course, said he felt the likely scenario was that it may end up in the BAI. Most people following the story would accept that was not news to anybody. How that conversation was then interpreted by the lobbyist concerned is a matter for him. We have to judge the Minister on the basis of the facts as we know them in terms of what took place in the conversation.

Deputy Brendan Howlin: The Tánaiste is conflating two issues: the outcome of the passing on of the information and the actual fact of passing on the information. There is no doubt that the passing on of his likely course of action — these are his own words; that is what he told the House — compromised the statutory process. Whether it was acted upon is irrelevant to that fact.

Bearing in mind that the failure of a previous Minister to abide by the Department's own protocols on contacts with interested parties during a process such as this was at the heart of the most significant litigation this State has ever endured, these matters are not trivial matters. Whatever the consequence in this case was, the notion that Ministers in the middle of a statutory process would take calls from lobbyists identified as representatives of an interested party and give them their intended course of action, and compound this three weeks later by withholding exactly the same information from the Dáil, and never putting it on the file for inspection, is very worrying.

I said this morning that I would welcome the Minister's acknowledgment of the failings in this regard and that it would never happen again. The Tánaiste, as deputy Head of Government, should say that to the House so we can have confidence in processes that are very important — in this instance, to media plurality in the State.

The Tánaiste: Much of that is very fair comment. There is certainly no sense that we are trying to trivialise anything. It was an important process. When the phone call took place though, the Minister's element of that process had not begun. That is the point I am making. He did not have any inside knowledge one way or the other and did not even know that the CCPC had made a ruling, which had been published on its website the previous day.

It would have been much better if the conversation had not taken place. The Minister regrets it; we all do. However, that is different from saying he gave a steer on his intended course of action. He said there was a likelihood that it might be referred to the BAI, but he also said definitively that he would follow the advice of his officials on any decision he would make.

Deputy Sean Sherlock: That is a steer.

The Tánaiste: His subsequent actions show that to be the case to the letter.

Deputy Brendan Howlin: He should not have done it.

Deputy Maureen O'Sullivan: I would like to move away from what has been dominating Leaders' Questions to an issue that is causing a great deal of concern for many people in both rural and urban Ireland. That concern has been brought about because of the way in which Citi-

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zens Information Services, CIS, has been dismantled because of decisions taken by the Citizens Information Board, CIB. CIS comprises 113 local information services and 100 outreach services. Services link clients with Free Legal Advice Centres, FLAC, Women's Aid and migrant services and address a wide range of issues such as employment, family law, tax and finance. They also source translation services because CIS is used by many of our new communities. In one year alone, there were more than 600,000 callers nationally. In the north east and north west of Dublin's inner city services engaged with 16,000 residents and the figure for Dublin overall was 40,000. Those availing of services have difficulty in dealing with Departments and agencies, local authorities and in understanding Government schemes and services.

CIS has proved to be a trusted intermediary between the public and the State. Staff have been efficient and professional. One of the service's strengths has been their independence but recently the CIB decided to put in place a restructuring implementation committee. The changes it proposed have led to a great deal of disquiet about adverse effects. The concerns of CIS were outlined to the CIB, but they were ignored. The National Association of Citizens Information Services, NACIS, together with the Money Advice and Budgeting Service, MABS, national management forum and managers network, brought these concerns to the Joint Committee on Social Protection. Its report concluded that the restructuring plan was "flawed and ill-considered", but it was ignored by the CIB. A motion was passed in the House by a large majority calling for a halt to the proposed restructuring, but it was also ignored by the CIB.

The reasons given by the board for restructuring were that it would lead to efficiencies, save money and improve services, but there was no evidence to support this. It will cost between €8 million and €9 million to dismantle the current system and that money is going to private consultancy firms in accountancy and law. One aspect of the restructuring will create another tier of regional managers and boards which will lead to additional costs. With regard to efficiencies, the organisation has been efficient. The restructuring will damage services, with some having to close. Staff and volunteers are demoralised and demotivated by the total disregard shown for their concerns and the determination of the CIB to bulldoze its way through them. The restructuring goes against everything the service stands for, especially its independence. The joint committee asked that there be a new, inclusive and transparent consultation process. I am seeking such a process before further damage is done to a service that is efficient and professional.

The Tánaiste: I thank the Deputy for raising the issue. There was an almost five-year consultation process before the decision to reorganise and restructure CIS was taken. This is about reorganising governance and providing for more efficiencies, not about reducing services. There will be a smaller number of governance bodies, but the services will not change. Many organisations go through such reviews. It is not about reducing services but about making sure we have a better governance model, better decision-making and more consistency throughout the country in performance and delivery for clients and so on. I agree with the Deputy that CIS provides important services. I have witnessed how helpful, efficient and informative staff can be. These are important services which we are not downgrading. We have implemented a series of recommendations following a long consultation process. When governance is changed in an organisation, some people will not be happy because it changes their role in the decision-making processes and so on. We are trying to provide better outcomes for people working in the CIB and those who rely on its work. I am told that a number of months ago there was a significant meeting in Kilmainham which was attended by 800 individuals in the CIB and that there was no evidence of demoralisation among staff and so on. It is important to give a clear

signal that this is not about reducing services. The review is trying to improve services and make changes in the governance model in how management, decisions and governance happen within the CIB. While these aspects have reduced in scale, it is about better governance and delivery by the CIB which, by and large, does a good job.

Deputy Maureen O'Sullivan: Nobody disagrees with better delivery or a review, but at a recent meeting in the audiovisual room volunteers and staff disputed what the Tánaiste has outlined. The Office of the Comptroller and Auditor General has said nothing which suggests it had concerns about the existing structure, although there may have been an issue about internal capacity. I ask the Tánaiste to read the transcript of the meeting at which CIB representatives appeared before the Joint Committee on Social Protection because he will see the disdain they had for concerns Oireachtas Members raised with them. CIS saves money because it reduces the need for costly processes such as appeals, employment hearings and court cases. Staff work directly with people experiencing disadvantage and there is a huge voluntary input, which saves a great deal of money. They also provide unbiased, impartial feedback for public authorities. CIS recently received a gold star award for service excellence from the European Foundation for Quality Management. It has also been part of a European project as a role model for Balkan countries in respect of its independence and transparency as a civil society organisation. Now it has go back and state what it has been doing has been dismantled. I am concerned by the CIB's total disregard for CIS, the authoritarian way it deals with concerns expressed by Oireachtas Members and staff and the way in which all of these issues are being addressed. The staff and volunteers deserve much better from the board.

The Tánaiste: In reply to a recent parliamentary question on the issue the Minister for Employment Affairs and Social Protection said:

The CIB have assured me that there will be no job losses, no diminution of existing services, no closure of services and no disruption to services. The rationale for the CIB's decision is to improve its governance arrangements in accordance with the Code of Practice for the Governance of State Bodies and to meet the requirements of the Comptroller and Auditor General.

An implementation advisory group is overseeing implementation of the new changes and so on. Of course, the Government wants to listen and hear about it if there are issues in the implementation of the new arrangements. That is what the House is for. We raise questions to make sure supports for the many people who face disadvantage, and receive assistance and support through CIS, are delivered to the fullest extent possible. However, it is also important to acknowledge that when governance is changed and the structure of decision-making bodies changes, it sometimes creates friction. Our job is to assess whether it is working for the people who rely on the services and those working in them. That is what the Minister will do.

Questions on Promised Legislation

An Leas-Cheann Comhairle: I remind Deputies that the format is a question and answer, and not to expand.

Deputy Dara Calleary: The events of recent days have shown a number of serious flaws in the lobbying legislation with regard to the duty to report. Are there plans in Government to review that legislation?

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The Tánaiste: Very tight lobbying legislation has been introduced in recent years. I think Deputy Howlin was involved in that. It is good legislation and it may well be tested in the context of some issues that have been raised in recent days. If lobbyists have acted in a way that is inconsistent with the law, then there are independent mechanisms to ensure that they are held to account. We will see how that transpires.

Deputy Pearse Doherty: A Leas-Cheann Comhairle, ba mhaith liom an t-ábhar ar chlár an Rialtais a thógáil faoi do liosta feithimh. I ask about the reduction in waiting time for children suffering from scoliosis who are awaiting spinal fusion surgery and related appointments. The much-feted scoliosis action plan was abandoned early this year without even coming near to hitting its targets. The Scoliosis Advocacy Network has highlighted publicly that four-month surgery targets are not being met. It tells us that the theatre in Crumlin which is supposed to carry out these surgeries is only operating on a three-day week and outsourcing has stopped, although there are hundreds of children waiting for surgery for scoliosis in Ireland. We know that waits for first appointments for scoliosis are now running at two to three years. These waits are putting children at risk of deterioration, more complex procedures and poorer outcomes. When will we see a functional plan for scoliosis for 2018 with the necessary human and financial resources so that we can reduce these waiting lists and provide for these children and their families?

The Tánaiste: This is a serious issue. I have spoken to Deputy Harris about it on a number of occasions because we all deal with families and young people affected by scoliosis. I will hand over to the Minister of State in that Department to provide a more detailed answer.

Minister of State at the Department of Health (Deputy Jim Daly): I assure the Deputy, as he is aware since the numbers are on the record of the House, though I do not have them to hand, that there has been a significant decrease in the number of people waiting. That is not to take from the number that are waiting. Significant progress has been made in the past 12 months in the number of procedures that have been carried out. Efforts are continuing to reduce those waiting lists. It is important that we keep the balance and keep the focus on it to ensure that those numbers go down, while keeping the balance with all the other procedures.

Deputy Pearse Doherty: When is the plan for 2018 going to be provided?

Deputy Louise O'Reilly: It is already four months late.

Deputy Jim Daly: I do not have a date for it but I will pass it on after I have spoken to the Minister, Deputy Harris. It is due shortly.

Deputy Brendan Howlin: Under the prudent maxim of “As we work for the best, we prepare for the worst” and given the public indication that contingency planning is under way across Departments in the event of a hard Brexit, we understand that upwards of 270 or 280 documents have been submitted. What interaction does the Tánaiste propose to have with Members of this House with regard to the preparations that will be required financially and legislatively - apparently emergency legislation will be required with regard to financial services and others - so that in the event of things going pear-shaped, which we work very hard to avoid, between now and next March, we are prepared for every eventuality? Will the Tánaiste brief us on that? Will he produce heads of Bills on that? How will he prepare for that issue?

The Tánaiste: I would like more time to respond to that but I will briefly say that an enormous amount of contingency planning is under way across Government. It is my Department's

job to co-ordinate that. Before the summer, we will publish a framework document on what that looks like but it will not give all of the detail because it does not make sense to publish some reports that may undermine our negotiating strategy. As I have done to date, I will happily brief either leaders or party spokespeople and give them a lot of detail about the contingency planning, some of which might not be prudent to publish. I will happily do that as long as that confidentiality is respected, which it has been on many sensitive issues relating to Brexit so far.

Deputy Thomas P. Broughan: Pages 75 to 77 of the programme for Government refer to services for children. I have a question specifically about children on the autistic spectrum. In north Dublin and Fingal, we have waiting lists of 20 months for a HSE assessment. When a child is two or two and half years old, 20 months for an early intervention is not an early intervention. We had a discussion yesterday at the Committee on Budgetary Oversight with the Minister, Deputy Donohoe, about additional funding that is probably available this year for health. Is it possible to bring forward a programme to eliminate those kinds of waiting lists and address early intervention, particularly for children on the autistic spectrum?

The Tánaiste: I agree that early intervention and early assessment are essential for children on the autistic spectrum. We put more resources into disability all the time. That will continue. This will develop as a conversation between the Minister for Health and the Minister for Public Expenditure and Reform.

Deputy Mick Barry: This is a question for the Tánaiste or perhaps the Minister for Housing, Planning and Local Government. As they are aware, residents at the Leaside apartment complex in Cork are facing what is effectively a mass eviction at the hands of a vulture fund, a matter of concern to them but also to many others, given that homelessness in the country stands on the brink of 10,000 people. Is it sufficient that, for legal protection, residents of this kind have guidelines that have been handed down? Should there not be legislation which gives them firm rights in law, including the actual banning of economic evictions of this kind? Is that not more appropriate legislation?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): We have discussed this before. Guidelines were issued in the course of last year. I said that if those guidelines need to be put into legislation, I will do that. Earlier this week, I brought heads of a Bill to protect tenants to Cabinet. Some new protections are coming in very quickly. If further legislation is needed, I have indicated that a second Bill is coming for the rental market later in the year. If the guidelines need to be put into law, we will do that at that time. We await the outcome of certain processes before the courts.

Deputy Mattie McGrath: The programme for Government contains specific mention of sustainable rural housing. I ask the Tánaiste who was previously Minister for Housing, Planning, Community and Local Government and indeed environment about the European Court of Justice directive of February 2005. The Minister, Deputy Murphy, recently said in the Seanad that county development plans were not to be amended in any shape, make or form. They still had to apply the February 2005 EU guidelines. Will the Tánaiste clarify that they are still in place and that local authorities or councils cannot have any new guidelines until such a time as there is a comprehensive review and statement on the 2005 directive?

Deputy Eoghan Murphy: I can confirm that those guidelines are still in place and that new guidelines are coming shortly as part of Project Ireland 2040.

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Deputy Eamon Ryan: At the informal energy council in Sofia today, the Swedish, Austrian, Danish, Portuguese and other governments indicated that they want to increase the level of ambition for renewable energy in Europe as part of the 2030 package. Given our huge renewable resources, has the Government considered joining that pro-climate action club, considering our own energy ambition for renewables? Will it support those countries in that call for Europe? Will it amend our legislative plans accordingly?

The Tánaiste: We have a lot of ambition relating to renewable energy development in Ireland. We have one of the highest contributions from wind on our electricity grid and that is growing. We have a huge funding programme under way for ocean energy research, which we want to develop into reality. I would have to see the new proposed targets and speak to the Minister involved before making a commitment on that. We would certainly look at it.

Deputy Louise O'Reilly: The programme for Government states that to recruit and retain talent, it will "Implement the new procedures to ensure more efficient and timely recruitment of nurses". I am sure the Tánaiste has read the open letter to the Government from a student nurse, Tara Nic Chormaic, which states the pay and conditions under which student nurses work are beyond shocking and that they and the job they do are worth much more. It asks when the Government will recognise this. When will it make good on the commitment it has given in that regard? Tara is an example of the talent the Government has committed to recruiting and retaining. The health service and the Government are failing student nurses.

The Tánaiste: There is a big focus on trying to recruit more nurses into the system. They are being offered full-time contracts and other incentives to stay in Ireland and work in the health system. However, it is important to acknowledge that nurses work in many tough environments in the health system. The emergency departments in many hospitals are particularly pressurised. It is not easy for nurses or doctors. That is why we are trying to change things-----

Deputy Louise O'Reilly: It is not changing the system.

The Tánaiste: -----by implementing a reform programme and a dramatic and steady increase in funding for the health system to provide a better working environment and better working conditions.

Deputy Tony McLoughlin: The programme for Government contains specific recommendations to grow tourism nationwide, in particular along the Wild Atlantic Way. However, I highlight for the Tánaiste and the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, a situation in County Sligo where a flawed health and safety decision by the Marine Survey Office has led to the closure of Inishmurray to tourists seeking to visit the historical site on the island. Several skippers from Sligo have tours booked throughout the summer. It is vitally important, therefore, that access be reinstated. I ask the Minister of State to visit the site at his earliest convenience to see at first hand the problems being experienced. I also ask him to respond on the issue.

An Leas-Cheann Comhairle: The Tánaiste will decide who is to answer the question.

Deputy Eamon Scanlon: Like Deputy Tony McLoughlin, I have been contacted by people about this issue. A constituent of mine invested €200,000 in a boat to ferry people to the island. There has never been an accident in the course of tourists visiting the island, nor has anybody been hurt. The landing area on Inishmurray is safer than that on Skellig Michael. It is wrong that people are being prevented from earning a living and that tourists cannot visit the island.

Many American tourists whose families used to live on the island visit it while on holidays.

An Leas-Cheann Comhairle: The question is about the Marine Survey Office of the Department of Transport, Tourism and Sport. The Tánaiste has asked the Minister of State, Deputy Brendan Griffin, to respond.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I thank Deputies Tony McLoughlin and Eamon Scanlon for raising the issue. I am aware of it and although the specific matters raised are ones for agencies outside the control of my Department, the ramifications for the tourism industry in the area are pertinent. My Department is looking into the issue to see how it can help to resolve it. I appreciate the importance of the attraction to the tourism industry in County Sligo. I will visit the location as soon as possible to see for myself the situation on the ground and how the issue can be resolved.

Deputy Niamh Smyth: The programme for Government contains a commitment to provide better healthcare. There is a need for increased investment in and expansion of the emergency department in Cavan General Hospital. It has ten examination cubicles, which is not adequate to deal with the 32,000 patients who attend it annually. There is one small triage room and no designated paediatrics area. There are no appropriate isolation or decontamination facilities. The reception area is very small. The Royal College of Surgeons in Ireland hospital group has made a case for upgrading the emergency department. I ask the Tánaiste to respond to that request.

Deputy Jim Daly: I thank Deputy Niamh Smyth for her question. Project 2040 recognises the shortfall in capital infrastructure not just in Cavan but also countrywide. That is why €11 billion is to be committed in the next ten years to increase capacity and improve facilities. When compared with the €4 billion spent in the past ten years, the commitment shows the ambition of the Government to improve facilities, including those in Cavan.

An Leas-Cheann Comhairle: For some reason, two Deputies have a No. 4 card. I will call both of them.

A Deputy: All the fours, 44.

(Interruptions).

Deputy Jack Chambers: Deputy Pat Buckley was not in the queue. Sinn Féin must be printing its own cards.

(Interruptions).

An Leas-Cheann Comhairle: I could very easily resolve the issue by calling neither Deputy, but I will call both of them and personally carry out an inquiry.

Deputy Jack Chambers: I will allow Deputy Pat Buckley to clarify if he was in the queue.

An Leas-Cheann Comhairle: I call Deputy Jack Chambers who will be followed by Deputy Pat Buckley.

Deputy Jack Chambers: Was he in the queue?

An Leas-Cheann Comhairle: I remind the Deputy that he is wasting time.

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Deputy Jack Chambers: I thank the Leas-Cheann Comhairle. The programme for Government contains a commitment to increase capacity in primary care services in a shift away from hospitals, as referred to by the Minister of State, Deputy Jim Daly. In recent months there has been a shift towards online consultations with GPs. A review of that practice has been carried out in the United Kingdom. People have been inappropriately prescribed drugs without an adequate history being taken and without a physical examination. Will the Department of Health mirror what is happening in the United Kingdom in that regard? It is a patient safety issue for those who have online consultations and are inappropriately prescribed drugs when they could have a severe medical problem.

The Tánaiste: The Minister of State, Deputy Jim Daly, has informed me that the Department of Health is aware of what is happening in the United Kingdom in that regard and that it is considering it.

Deputy Pat Buckley: The real No. 4 rises to speak. Page 66 of the programme for Government contains a commitment to conduct an evidence-based expert review of the current status of implementation of international best practice in mental health services in Ireland. The review will also advise on providing further capacity in child and adolescent mental health services, CAMHS. Yesterday I was informed at the Joint Committee on the Future of Mental Health Care that 70 children of schoolgoing age had taken their own lives last year. That number does not include children between the ages of 16 and 18 years who were not in school. CAMHS teams all over Ireland are severely understaffed. It is almost two years since that commitment was given in the programme for Government, but the chronic shortage of staff has not improved and the plan is not working. I ask the Minister to lift the embargo on the recruitment of front-line staff and do whatever is necessary to fully staff CAMHS teams.

Deputy Jim Daly: Staffing is a continuing challenge. As the Deputy is aware, it is not just about resources; it also about finding skilled and qualified staff. Since 2012 over 2,000 staffing positions have been approved, but to date we have only been able to fill 1,352 of them in mental health services. That is not down to finance but to the availability of staff such as consultant psychiatrists, of whom there is a scarcity worldwide, not just in Ireland. That is the recruitment challenge we face in dealing with the increasing demand for mental health services. As the Deputy is aware, €910 million has been allocated for mental health services, an increase of €200 million in the past five years. Funding has been increased significantly.

Deputy Declan Breathnach: I refer to the commitment in the programme for Government to review the school curriculum at primary and second level and the promised legislation on a parents and students charter. There was an interesting debate in the House yesterday evening on relationships and sexuality education, RSE. The Minister for Education and Skills, Deputy Richard Bruton, gave a commitment that the National Council for Curriculum and Assessment, NCCA, would carry out a full review, in particular of RSE and social, personal and health education, SPHE. In view of the pressures on pupils, including mobile phone contact, the Internet, consent, obesity, healthy eating, mental health, relationships and sexuality, I ask the Tánaiste and the Government to give a commitment to the House regarding a date for the review of the primary and second level curriculum, in particular, with a view to placing on a statutory and mandatory basis a badly needed learning for life programme.

It is important to mention that, with other Members, I queued this morning to receive numbers. Deputy Pat Buckley was not in the queue.

Deputy Pat Buckley: I was there.

Deputy Mattie McGrath: Shame. It is disgraceful.

Deputy Jack Chambers: It is a disgrace. Deputy Pat Buckley was not in the queue.

An Leas-Cheann Comhairle: Deputy Buckley should resume his seat.

(Interruptions).

An Leas-Cheann Comhairle: I will deal with that. I call the Tánaiste.

Deputy Bobby Aylward: He was not seen in the queue anyway.

An Leas-Cheann Comhairle: I will deal with that.

Deputy Mattie McGrath: He is bringing the House into disrepute.

The Tánaiste: We are not talking about the numbers again, are we?

An Leas-Cheann Comhairle: Members should make no accusations when they do not have the facts.

Deputy Brendan Howlin: Let us abolish them.

The Tánaiste: As an aside, the more we talk about the numbers, the more foolish we look to those on the outside.

An Leas-Cheann Comhairle: The Tánaiste should hold on. That is not a matter for me and neither is it a matter for the Tánaiste.

The Tánaiste: That is not a reflection on you at all, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Yes, but it is a matter that was discussed at the Business Committee this morning, and I have every confidence in those who were there and they will look at it again in the near future.

Deputy Brendan Howlin: It should be abolished.

The Tánaiste: That is good. I hope so.

An Leas-Cheann Comhairle: As it stands today, I can only implement the rules of the day.

The Tánaiste: I understand the system might finish today, which is good news for everybody.

Deputy Aengus Ó Snodaigh: It is not.

Deputy Seán Canney: It may be after this farce.

An Leas-Cheann Comhairle: The Tánaiste should not be presumptuous.

The Tánaiste: The education (parent and student charter) Bill went through pre-legislative scrutiny in November 2017. It is on the priority list but it is proving to be more complicated than we had thought, but it is a priority and the Government intends to bring it forward soon.

19 April 2018

Child Care (Amendment) Bill 2018: First Stage

Deputy Jim O’Callaghan: I move:

That leave be granted to introduce a Bill entitled an Act to amend section 12 of the Child Care Act 1991 to ensure that a child care service provider has lawful authority to retain custody of a child prior to the making of any emergency care order.

I seek leave to introduce a Bill entitled the child care (amendment) Bill 2018. The Bill is being introduced by Deputy Anne Rabbitte and I and it seeks to amend section 12 of the childcare legislation that was put in place in 1991. As Members of the House may be aware, section 12 of the Child Care Act provides the principal legal mechanism whereby members of An Garda Síochána exercise their childcare protection function. Under section 12, members of An Garda Síochána are permitted to remove a child from the care of his or her family in circumstances where a garda believes there is an immediate and serious risk to the healthcare or welfare of a child. The provision can only be exercised in circumstances where the member of An Garda Síochána recognises that an emergency care order cannot be made at that particular time. The legislation gives extraordinary powers to members of An Garda Síochána to enter without warrant and to remove a child to safety. It is frequently used by members of An Garda Síochána at weekends and at night time. The extremity of the powers is recognised by the fact that they can be authorised and exercised without any prior permission or warrant from a senior Garda member or indeed from a court.

In January 2017, the rapporteur on child protection, Dr. Geoffrey Shannon, published a report, having conducted an audit on the exercise by An Garda Síochána of section 12. Sometimes in this House we spend time discussing reports that reflect very badly on An Garda Síochána. We are right to do that because it is in the public interest to do so. However, similarly, when a report is produced which reflects very well on the Garda Síochána, it should also be highlighted. As Members will know, Dr. Shannon’s report reflected very well on members of An Garda Síochána and how they exercise their powers under section 12. The report did, however, indicate that there are problems within An Garda Síochána with the recording of issues concerning section 12 on the PULSE system.

In passing, I must say it is a source of regret to Deputy Rabbitte and me that many of the recommendations included by Dr. Shannon in his report have not yet been implemented by the Government. That is something to which the Government needs to give urgent attention.

The purpose of the Bill we are introducing today is to specifically amend section 12 of the Act because at present when a child is removed from a home late at night or at a weekend and when there is not a possibility of bringing him or her into a specific childcare protection area, the child will be put in the charge of a service provider, as it is defined under the Act. At present there is no statutory recognition of the fact that the service provider owes a duty of care to the child in question. Currently, the only powers and duties the service provider appears to owe to the child are duties that arise from contract. Dr. Shannon believes, and we concur, that it would be more appropriate if section 12 was amended to ensure that when a child is handed over to a service provider as a result of a garda exercising section 12 it is in the knowledge that the service provider will have a duty of care to the child in question. That duty of care will obviously be very extensive. It will be reflective of the vulnerability of the child and the onerous responsibility that is placed on the childcare provider.

I seek leave to amend section 12 of the Child Care Act by putting in new sections 6, 7, 8 and 9. I believe the measure will be of benefit to An Garda Síochána but more particularly it will be of benefit to the children of Ireland who very much require this legislation to protect them when their families cannot provide them with safety.

An Leas-Cheann Comhairle: Is the Bill opposed?

Tánaiste and Minister for Foreign Affairs and Trade(Deputy Simon Coveney): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Jim O'Callaghan: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Anne Rabbitte and Sean Sherlock - to discuss the withdrawal of funding from Scouting Ireland; (2) Deputy Kevin O'Keeffe - the need to fill the medical officer post at St. Patrick's Hospital, Fermoy; (3) Deputy Sean Fleming - the future of services at the Midland Regional Hospital, Portlaoise; (4) Deputy John Brassil - to discuss the issue of flooding on the R551 road, at Ballyheigue, County Kerry; (5) Deputy Niamh Smyth - the need to invest in hospital services in Cavan; (6) Deputy James Browne - to discuss plans for the future of Rosslare Europort; (7) Deputy Pat Casey - to discuss when the schools at project brief stage in the schools building programme in Wicklow will progress to the next stage; (8) Deputy Seán Crowe - to discuss the killing of Palestinian civilians in Gaza in recent weeks; (9) Deputies Kathleen Funchion, Martin Kenny and Martin Ferris - the depletion of fishing stock and pollution of the River Barrow; (10) Deputy Mary Butler - to discuss the unique south-eastern model in residential care homes; (11) Deputy Fiona O'Loughlin - to discuss the reinstatement of the Coughlanstown Road, Ballymore Eustace, County Kildare; (12) Deputy Frank O'Rourke - to discuss delivery of key services for children and young adults with disabilities in Kildare North; (13) Deputy Mattie McGrath - the need for additional acute mental health inpatient beds for the paediatrics ward at South Tipperary General Hospital; (14) Deputy Mick Wallace - to discuss the fourth quarter social housing construction report for 2017 released this week; (15) Deputy Clare Daly - to discuss the recent expulsion of a Russian diplomat; and (16) Deputy Barry Cowen - to discuss the decision of HSE and Offaly Midoc to close facilities in Birr and Edenderry.

The matters raised by Deputies Anne Rabbitte and Sean Sherlock; Kathleen Funchion, Martin Kenny and Martin Ferris; Kevin O'Keeffe; and Sean Fleming have been selected for discussion.

19 April 2018

Fodder Shortage: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Charlie McConalogue on Tuesday, 17 April 2018:

That Dáil Éireann:

notes:

— the major role agriculture plays in creating employment, generating economic activity and acting as a custodian of the countryside in Ireland;

— the unique vulnerability and exposure of agriculture to fluctuations in the weather;

— the ongoing hardship inflicted upon farming communities across Ireland due to the fodder crisis that has been evident in the country since last autumn, and the sacrifices farming families have made to protect their livestock;

— that the complete and utter failure of the Government to address the fodder shortages meant that there were no contingency plans in place, despite Teagasc advising to prioritise the feeding of meal/cereal based concentrates to plug the fodder gap;

— the farcical situation with the Government reaffirming on 4 April 2018 that there was an availability of fodder in the country, while co-operatives were ordering fodder imports from the United Kingdom on the very same day;

— that due to inaction, the fodder crisis has become a national emergency, putting a huge strain on farmers' mental health and creating animal welfare issues;

— that some farmers are spending €2,500 weekly due to the fodder crisis according to the Irish Farm Accounts Co-operative, while Teagasc estimates reduced profitability for every day that cows are not grazing at between €2.20 and €3 per cow;

— that the fodder transport scheme has failed to address the crisis, as signified by the extremely low uptake and excessive regulatory criteria put on farmers to access the scheme, which had the impact of driving up the demand and price for already scarce domestically sourced fodder;

— the belated move by the Government to open the fodder import support scheme to all co-operatives and private feed merchants; and

— that the Government chose not to include a measure in Ireland's Rural Development Programme, RDP, 2014-2020, which would compensate farmers for losses caused by adverse weather, as is currently permitted; and

calls on the Government to:

— immediately bring forward a hardship fund to help small and medium-sized farmers who have been severely impacted by the fodder crisis;

— introduce a meal voucher scheme for farmers affected;

— swiftly make available low-cost credit for farmers to help pay for the costs of sourcing fodder and concentrates, while immediately finalising and opening the low-cost loan scheme announced over seven months ago in budget 2018;

— ensure all balancing payments for outstanding 2017 RDP scheme payments, such as the green, low-carbon, agri-environment scheme and the sheep welfare scheme, are paid immediately, as farmers' cashflow problems mount;

— dedicate a budget to the Department of Agriculture, Food and the Marine early warning system, which supports farmers at a local level, before any welfare problems occur;

— establish a special standing committee composed of relevant stakeholders to monitor and report to the Department of Agriculture, Food and the Marine quarterly, to keep fodder supplies under review with fail safe measures to ensure that such a crisis does not emerge again;

— temporarily halt all cross-compliance inspections on farms, as well as Bord Bia farm audits;

— include a permanent scheme in the RDP to compensate farmers for losses caused by adverse weather; and

— show flexibility regarding the upcoming 2018 basic payment scheme deadline.

Debate resumed on amendment No. 2:

To delete all words after “That Dáil Eireann” and substitute the following:

“notes:

— the major role agriculture plays in creating employment, generating economic activity and acting as a custodian of the countryside in Ireland;

— the competitive advantage Ireland has in sustainable livestock production, particularly dairy, beef and sheep farming, based on a grass-based production system, which is both relatively low cost and carbon efficient;

— the shared Food Wise 2025 strategy for the development of the sector, which highlights the opportunities to grow the value of farm output, value added and agrifood exports, growth that must be managed in an environmentally sustainable manner;

— the unique vulnerability and exposure of agriculture to fluctuations in the weather;

— the ongoing hardship due to fluctuations in the weather and the sacrifices farming families have made to protect their livestock;

— the role the Department of Agriculture, Food and the Marine, Teagasc, co-operatives, farming organisations and farmers have played in working through this challenging period;

— the securing of an increased advance payment in October 2017, under Pillar 1 and Pillar 2 of the Common Agriculture Policy, CAP;

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— the payment of €1.6 billion in CAP direct payments to Irish farmers, before the end of 2017, providing an important source of income support for farm families;

— that for the first time in winter-spring of 2017-18, under the new sheep welfare scheme, advance payments totalling €16 million issued to sheep farmers, with a further €3 million to issue in the coming weeks, providing valuable support to the sheep sector;

— the securing of an additional €25 million in budget 2018, for payments under the areas of natural constraint, ANC, scheme, where the highest level of support is targeted at those who are faced with the highest level of constraint on their land, bringing the total amount allocated to the 2018 ANC scheme to €227 million;

— the prioritisation by Teagasc of the provision of direct support to these farmers through fodder budgeting and nutritional advice not only then, but throughout the winter and spring;

— the convening of a stakeholder group chaired by Teagasc, comprising all the main stakeholders including feed merchants and co-operatives, banking and farm bodies, to monitor the fodder situation; and

— the timely introduction of a targeted fodder transport scheme to address the shortage of supplies of fodder in the north and north west, in January of this year; and

further notes:

— that the Minister for Agriculture, Food and the Marine is in regular contact with all of the stakeholders following the introduction of this scheme;

— the timely introduction of a fodder import support scheme to cover all co-operatives and importers approved by the Department of Agriculture, Food and the Marine, to import fodder;

— the extension of the deadline for the submission of nitrates derogation applications until 30 April 2018;

— the extension of grazing under the traditional hay meadows, THM, measure in the green, low-carbon, agri-environment scheme until 1 May 2018;

— the securing of a commitment towards flexibility in the ‘three-crop rule’ under greening requirements in Pillar 1 of CAP;

— the availability of rapid emergency feed assistance to any farmer facing immediate feed shortage, through the Department of Agriculture, Food and the Marine animal welfare helpline that supports the farm animal welfare advisory council’s early warning-intervention system, EWS;

— the need to ensure that farmers are adequately equipped with the necessary knowledge and advice to deal with fluctuations in the weather and to keep fodder supplies under review;

— the one-to-one assistance being provided to farmers by the Department of Agriculture, Food and the Marine, to lodge their basic payment scheme applications;

— the continuous monitoring of the situation by the Department of Agriculture, Food and the Marine, and Teagasc; and

— the increased regularity of severe weather events and the need to consider the inclusion of appropriate risk management tools, to mitigate against the impacts of such events on farming enterprises in the next iteration of the CAP.”

(Minister of State at the Department of Agriculture, Food and the Marine, Deputy Andrew Doyle)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion on the fodder shortage. On Wednesday, 18 April 2018, on the question that the amendment to the motion be agreed to, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 50; Níl, 85; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Breen, Pat.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Brassil, John.</i>	
<i>Byrne, Catherine.</i>	<i>Breathnach, Declan.</i>	
<i>Canney, Seán.</i>	<i>Broughan, Thomas P.</i>	
<i>Cannon, Ciarán.</i>	<i>Browne, James.</i>	
<i>Carey, Joe.</i>	<i>Buckley, Pat.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Butler, Mary.</i>	
<i>Coveney, Simon.</i>	<i>Byrne, Thomas.</i>	
<i>Creed, Michael.</i>	<i>Cahill, Jackie.</i>	
<i>D’Arcy, Michael.</i>	<i>Calleary, Dara.</i>	
<i>Daly, Jim.</i>	<i>Casey, Pat.</i>	
<i>Deasy, John.</i>	<i>Cassells, Shane.</i>	
<i>Deering, Pat.</i>	<i>Chambers, Jack.</i>	
<i>Doherty, Regina.</i>	<i>Chambers, Lisa.</i>	
<i>Donohoe, Paschal.</i>	<i>Collins, Joan.</i>	
<i>Doyle, Andrew.</i>	<i>Collins, Niall.</i>	
<i>Durkan, Bernard J.</i>	<i>Connolly, Catherine.</i>	
<i>English, Damien.</i>	<i>Coppinger, Ruth.</i>	
<i>Farrell, Alan.</i>	<i>Cowen, Barry.</i>	
<i>Fitzgerald, Frances.</i>	<i>Crowe, Seán.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Cullinane, David.</i>	
<i>Flanagan, Charles.</i>	<i>Curran, John.</i>	

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<i>Griffin, Brendan.</i>	<i>Daly, Clare.</i>	
<i>Halligan, John.</i>	<i>Doherty, Pearse.</i>	
<i>Harris, Simon.</i>	<i>Donnelly, Stephen S.</i>	
<i>Heydon, Martin.</i>	<i>Dooley, Timmy.</i>	
<i>Kehoe, Paul.</i>	<i>Ellis, Dessie.</i>	
<i>Madigan, Josepha.</i>	<i>Ferris, Martin.</i>	
<i>McEntee, Helen.</i>	<i>Fitzmaurice, Michael.</i>	
<i>McLoughlin, Tony.</i>	<i>Fleming, Sean.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Funchion, Kathleen.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Harty, Michael.</i>	
<i>Murphy, Dara.</i>	<i>Haughey, Seán.</i>	
<i>Murphy, Eoghan.</i>	<i>Healy, Seamus.</i>	
<i>Naughton, Hildegard.</i>	<i>Howlin, Brendan.</i>	
<i>Neville, Tom.</i>	<i>Kelleher, Billy.</i>	
<i>Noonan, Michael.</i>	<i>Kenny, Gino.</i>	
<i>O'Connell, Kate.</i>	<i>Kenny, Martin.</i>	
<i>O'Donovan, Patrick.</i>	<i>Lahart, John.</i>	
<i>O'Dowd, Fergus.</i>	<i>MacSharry, Marc.</i>	
<i>Phelan, John Paul.</i>	<i>McConalogue, Charlie.</i>	
<i>Ring, Michael.</i>	<i>McDonald, Mary Lou.</i>	
<i>Rock, Noel.</i>	<i>McGrath, Mattie.</i>	
<i>Ross, Shane.</i>	<i>McGrath, Michael.</i>	
<i>Stanton, David.</i>	<i>Mitchell, Denise.</i>	
<i>Zappone, Katherine.</i>	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Nolan, Carol.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Jonathan.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	

	<i>O’Sullivan, Jan.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Maria Bailey and Seán Canney; Níl, Deputies Michael Moynihan and John Lahart.

Amendment declared lost.

Deputy Martin Kenny: I move amendment No. 1:

(a) to insert the following after “as is currently permitted; and”:

“— that this fodder crisis started last September 2017, when land became so waterlogged due to the severe weather that farmers, particularly in the north west, were unable to operate machinery on the land and failed to get a second cut of silage or hay;”

and

(b) to insert the following after “2018 basic payment scheme deadline.”

“— introduce a land improvement and drainage scheme that would:

— help prevent land from becoming waterlogged;

— make land more accessible for harvesting silage and hay; and

— help to increase early grass growth.”

Amendment put:

<i>The Dáil divided: Tá, 86; Níl, 50; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	
<i>Aylward, Bobby.</i>	<i>Barrett, Seán.</i>	

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<i>Barry, Mick.</i>	<i>Breen, Pat.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brophy, Colm.</i>	
<i>Brady, John.</i>	<i>Bruton, Richard.</i>	
<i>Brassil, John.</i>	<i>Burke, Peter.</i>	
<i>Breathnach, Declan.</i>	<i>Byrne, Catherine.</i>	
<i>Broughan, Thomas P.</i>	<i>Canney, Seán.</i>	
<i>Browne, James.</i>	<i>Cannon, Ciarán.</i>	
<i>Buckley, Pat.</i>	<i>Carey, Joe.</i>	
<i>Butler, Mary.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Byrne, Thomas.</i>	<i>Coveney, Simon.</i>	
<i>Cahill, Jackie.</i>	<i>Creed, Michael.</i>	
<i>Calleary, Dara.</i>	<i>D'Arcy, Michael.</i>	
<i>Casey, Pat.</i>	<i>Daly, Jim.</i>	
<i>Cassells, Shane.</i>	<i>Deasy, John.</i>	
<i>Chambers, Jack.</i>	<i>Deering, Pat.</i>	
<i>Chambers, Lisa.</i>	<i>Doherty, Regina.</i>	
<i>Collins, Joan.</i>	<i>Donohoe, Paschal.</i>	
<i>Collins, Niall.</i>	<i>Doyle, Andrew.</i>	
<i>Connolly, Catherine.</i>	<i>Durkan, Bernard J.</i>	
<i>Coppinger, Ruth.</i>	<i>English, Damien.</i>	
<i>Cowen, Barry.</i>	<i>Farrell, Alan.</i>	
<i>Crowe, Seán.</i>	<i>Fitzgerald, Frances.</i>	
<i>Cullinane, David.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Curran, John.</i>	<i>Flanagan, Charles.</i>	
<i>Daly, Clare.</i>	<i>Griffin, Brendan.</i>	
<i>Doherty, Pearse.</i>	<i>Halligan, John.</i>	
<i>Donnelly, Stephen S.</i>	<i>Harris, Simon.</i>	
<i>Dooley, Timmy.</i>	<i>Heydon, Martin.</i>	
<i>Ellis, Dessie.</i>	<i>Kehoe, Paul.</i>	
<i>Ferris, Martin.</i>	<i>Madigan, Josepha.</i>	
<i>Fitzmaurice, Michael.</i>	<i>McEntee, Helen.</i>	
<i>Fleming, Sean.</i>	<i>McLoughlin, Tony.</i>	
<i>Funchion, Kathleen.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Harty, Michael.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Haughey, Seán.</i>	<i>Murphy, Dara.</i>	
<i>Healy, Seamus.</i>	<i>Murphy, Eoghan.</i>	
<i>Howlin, Brendan.</i>	<i>Naughton, Hildegard.</i>	
<i>Kelleher, Billy.</i>	<i>Neville, Tom.</i>	
<i>Kenny, Gino.</i>	<i>Noonan, Michael.</i>	
<i>Kenny, Martin.</i>	<i>O'Connell, Kate.</i>	
<i>Lahart, John.</i>	<i>O'Donovan, Patrick.</i>	
<i>MacSharry, Marc.</i>	<i>O'Dowd, Fergus.</i>	

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<i>McConalogue, Charlie.</i>	<i>Phelan, John Paul.</i>	
<i>McDonald, Mary Lou.</i>	<i>Ring, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>Rock, Noel.</i>	
<i>McGrath, Michael.</i>	<i>Ross, Shane.</i>	
<i>Mitchell, Denise.</i>	<i>Stanton, David.</i>	
<i>Moynihan, Aindrias.</i>	<i>Zappone, Katherine.</i>	
<i>Moynihan, Michael.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Jonathan.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Bríd.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

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Tellers: Tá, Deputies Aengus Ó Snodaigh and Denise Mitchell; Níl, Deputies Maria Bailey and Seán Canney.

Amendment declared carried.

Motion, as amended, agreed to.

Provision of Objective Sex Education Bill 2018: Second Stage (Resumed) [Private Members]

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Provision of Objective Sex Education Bill 2018. On the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 70(2) that division must be taken now.

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

Deputies: Vótáil.

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Mattie McGrath and Michael Harty rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen, I declare the question carried. The names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

An Leas-Cheann Comhairle: As this is a Private Members’ Bill it must, under Standing Orders 84A(3)(a) and 141, be referred to the select committee. The relevant committee for this Bill is the Select Committee on Education and Skills.

Provision of Objective Sex Education Bill 2018: Referral to Select Committee [Private Members]

Deputy Ruth Coppinger: I move:

That the Bill be referred to the Select Committee on Education and Skills pursuant to Standing Orders 84A(3)(a) and 141 of the Standing Orders relative to Public Business.

Question put and agreed to.

Sitting suspended at 1.35 p.m. and resumed at 2.20 p.m.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Fossil Fuel Divestment Bill 2016

and made no amendments thereto.

Plastic and Packaging Pollution: Statements

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): With the agreement of the House, I wish to share time with the Minister of State, Deputy Damien English.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Denis Naughten: I was in St. Patrick's boys' national school in Drumcondra this morning. Tomorrow is a plastic-free day in the school. Getting that level of understanding among young people of how to deal with plastic waste through reduction and recycling shows how much attention the problem is generating. That is to be welcomed.

I acknowledge the Sick of Plastic campaign which will run from 21 April. The six principles behind the campaign are valid. I refer to retailers offering more products without packaging or with easily compostable or recyclable packaging, as well as households and consumers choosing products with easily compostable or recyclable packaging or using less plastic. I have worked successfully with major retailers on the issue of food waste. There will be a similar focus on plastics. In January, the European Commission published the European Strategy for Plastics in a Circular Economy. The strategy focuses on plastic production and use. It sets a goal of ensuring all plastic packaging will be recyclable by 2030. Member states are asked to consider using the extended producer responsibility model in dealing with plastics. We have used the model successfully in Ireland.

This year Repak is celebrating 20 years as the producer responsibility scheme for packaging in Ireland. The success of the scheme is evident in the consistent exceedance of the EU packaging targets. In addition, Ireland has operated a successful producer responsibility scheme since 2001 for the collection of agricultural non-packaging plastics. My officials have also been encouraging stakeholders in Ireland to ensure they engage with the Commission on the pledging campaign contained within the strategy. I am also working at grassroots level in Ireland as I believe education is the key to effecting change.

Last November I launched the first ever national recycling list that covered the entire country. Regardless of where people live or what company collects their recycling bin, the materials going into it are the same. I also launched the recycling ambassadors programme at the end of 2017. It aims to provide 650 workshops across the country to educate communities on how to use recycling bins properly. Other suggestions have been made to me, including the introduction of a deposit and return scheme for plastic bottles. The merit of its introduction in Ireland is still under consideration. I am considering a pilot scheme for it. Introducing changes without detailed examination can have unintended consequences. Our waste performance meets our waste targets and is well ahead of most of our EU colleagues. There is no indication of what deposit charge is being proposed. One deposit return machine in a shop could cost €35,000 to buy. Any new scheme should be clear on how much it will cost, the additional waste benefit to be achieved and whether it will tackle the largest problems. The introduction of an expensive new system on top of what is already a successful kerbside collection system needs to be analysed carefully. That is why rolling out an initial pilot scheme would help to tease out many of these issues and the costs involved.

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It should be borne in mind that the main cause of litter pollution in Ireland in 2016 was cigarette litter. Bottles accounted for 1.6% of total litter composition. Although I am pleased that the consecutive annual national litter pollution monitoring surveys have shown that the situation is generally improving across the country, I am still concerned that the fines for offences in place under the Litter Pollution Acts do not serve as a sufficient deterrent. It is my intention in the near future to seek Government approval for substantial increases in the statutory fines for litter offences.

Recently, I wrote to the European Commissioner with responsibility for the environment to welcome the plastics strategy. I assured him Ireland fully embraced the ambitions of the new strategy. I asked the Commission to focus, in particular, on the most difficult non-recyclable plastics such as soft wrapping, film and single use items such as coffee cups and plastic cutlery. I am determined to make sure these products, if they come onto the market here or elsewhere in Europe, will be recycled or biodegradable and that they will not go into landfill sites. On foot of this, I am looking forward to the Commission proposing within the next month EU-wide actions to tackle single use plastic items.

I do not have time to outline fully all of the work I am doing on plastics, for example, under the national waste prevention programme. However, I am aware that plastics present an urgent global problem. Ireland is taking action and we will take more in partnership with our European colleagues.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I welcome the EU plastics strategy. My Department and I are fully committed to working with the European Commission and other member states to achieve the ambitions set out in the first ever Europe-wide strategy for plastics, particularly marine litter. We are liaising and co-operating very closely with waste and litter policyholders in the Minister, Deputy Denis Naughten's Department to develop a co-ordinated and integrated response to the strategy.

I welcome the proposals outlined in the strategy to reduce the amount of plastic waste entering the marine environment. I am particularly pleased with the proposal that all plastic packaging on the EU market be recyclable by 2030. Improved waste and litter management is fundamental in reducing the level of waste that becomes litter. Measures such as the plastics strategy are key marine litter measures for the purposes of the marine strategy framework directive. However, we will also have to work to reduce our consumption of plastic and also emphasise reusable over single use items.

Marine litter is a persistent problem affecting all regions of the world which needs to be addressed urgently. Plastic presents a particular problem. Owing to its buoyancy, it can be carried easily by currents or blown by winds from landward or seaborne sources. It persists in the environment for an extremely long time. It breaks down into secondary microplastic particles and there is a growing body of strong evidence that plastics and microplastics are impacting on marine fauna. As well as being created by the breakdown of larger items, microplastics are entering the marine environment directly in a wide variety of forms, some examples being fibres from artificial textiles or ropes, lost raw material pellets or through tyre wear. Some marine microplastics litter is also caused by plastic microbeads used in cosmetics, cleansing products and detergents.

As plastic marine litter is a transboundary issue, no one country can solve the problem

unilaterally. It is encouraging that the plastics strategy intends for the EU to take a leading role with member states engaging and co-operating to halt the flow of plastics into the oceans as well as taking remedial action against plastic waste already accumulated.

Ireland is actively involved on the international stage in developing measures to address marine litter. Ireland plays an active role on implementation and technical working groups under the marine strategy framework directive. We are also engaged with policy and working groups set up under the Convention for the Protection of the Marine Environment of the North-East Atlantic - the OSPAR Convention - to address the issue of marine litter in the north-eastern Atlantic area. I take great pride in saying that Ireland is a lead country in several of these areas. These actions complement the proposals in the plastics strategy, including those relating to microplastics in wastewater and storm water. Another proposal relates to co-leading an action to identify and assess measures to reduce the impact of single-use items commonly identified as marine litter. My Department is the lead Irish partner in the OceanWise INTERREG programme established to reduce the impact of expandable polystyrene as marine litter. The Marine Institute is involved in the CleanAtlantic INTERREG programme to identify marine litter hot spots in the north Atlantic region.

We commission, support and are involved in the oversight of an array of monitoring and research programmes related to marine litter. I am delighted that the plastics strategy places such a strong focus on innovation and research. The strategy also makes reference to the importance of public awareness campaigns. My Department supports a wide range of awareness-raising and citizen activation measures such as An Taisce's world leading Clean Coasts range of programmes, the green schools global citizenship and the marine environment programme. We are working to incorporate marine litter awareness into mainstream anti-litter programmes. These programmes are considered examples of international best practice. I am supportive of the recommendations emanating from the strategy relating to marine litter. The recommendations cover a wide range of actions, including reducing single-use plastics; tackling sea-based sources of marine litter such as ghost fishing nets; monitoring and curbing marine litter more effectively; curbing microplastics pollution; and restricting substances such as oxo-plastics. The beach litter surveys undertaken for OSPAR have identified that plastic, including single-use items and packaging materials, constitute the vast bulk of beach litter. I am mindful of the concern of Members and the public with regard to microplastics. I wish to assure the House that legislation is being prepared to prohibit the sale or manufacture of certain products containing microbeads.

Shipping and sea and ports are considered a significant marine litter source. Accordingly, we are assisting the Department of Transport, Tourism and Sport on work to revise the EU directive on port reception facilities. We also work closely with Bord Iascaigh Mhara to encourage programmes such as the Fishing for Litter scheme.

I believe the EU plastics strategy will be central to achieving the target of reducing marine litter sources and inputs. We are committed to working with other EU states and the Commission to meet the high-level objectives of this strategy and the marine strategy framework directive to combat plastic pollution to protect our marine environment.

Deputy Timmy Dooley: I am pleased to speak about plastics pollution. As the weather brightens, thankfully, and more of us can take a walk on the local strand, in the local forest or along the many roads, the prevalence of plastics throughout the country is glaring at us in the face. There is no way around it - we must dramatically reduce plastics production and the pol-

lution that emanates from it.

Waste reduction is an area in which I am proud to say that Fianna Fáil has made a huge mark. Fianna Fáil made Ireland the first country to introduce a levy on plastic bags. This policy has been emulated by countries throughout the globe and it has kept millions of plastic bags out of our hedgerows, oceans, landfill sites and countryside. We also introduced legislation to phase out single-use non-compostable tableware. Unfortunately, the measures have been stalled by this Government.

While in government, Fianna Fáil introduced Repak, a not-for-profit company that supports recycling. The operation has had a major impact on recycling rates in Ireland, which increased from 15% to 66% between 1997 and 2011. That was more than a fourfold increase and one this Government has completely failed to match. Instead, the Government has seen the amount that Ireland sends to landfill rise exponentially. This is totally unnecessary. Never before have there been so many options to reduce packaging and process waste away from landfill, yet the Government is letting us slide into creating more and more waste, which in turn will eventually require more and more landfill. The option of exporting our waste to China and elsewhere is no longer possible because of the approaches those countries are taking in respect of imported waste.

We are all aware of the terrible impact plastic packaging and pollution has on our environment. Each year approximately 8 million tonnes of plastics flow into the oceans. I imagine many of us were shocked by “Blue Planet II”, which showed how plastic pollution even affects waters and oceans that are thousands of miles from land. Plastics pollution impacts the ability of marine life to thrive. It completely destroys complex ecosystems, which we will never recover. Pollution has an extraordinary impact on human life too. It is estimated that billions of people ingest plastic either by drinking polluted water supplies or by consuming seafood that has ingested plastic.

There are more earthly reasons to reject excessive packaging. Packaging is neither free to produce nor to dispose of and it is producers and consumers who must bear the cost. The McK-insey consultancy firm has shown how consumer goods companies can reduce overall packaging costs by 10% by making simple design changes. We all know from paying household bin charges how expensive it is to dispose of waste. All too often people choose to dispose of their waste freely in the ditches and scenic spots around our towns, cities and countryside. It is estimated that approximately 60 tonnes of waste are dumped illegally in Ireland every day.

If we accept that the reasons to act are pressing, how should we go about reducing waste? It is my belief that individual consumer behaviour can only go so far in reducing the volume of waste that is sent to landfill and produced each year. We could have 100% compliance in recycling our recyclable waste, but this is worth little if we do not drastically cut the amount of overall waste.

Fianna Fáil believes that more must be done to move Ireland towards a circular economy. This approach, which essentially sees resources where others see waste, is rapidly gaining momentum throughout the world as governments and businesses begin to see the many opportunities contained within it. A major study by the Ellen MacArthur Foundation in 2015 found that using a circular economy approach could boost Europe’s resource productivity by 3% by 2030, generating cost savings of about €600 billion each year. We support the creation of a cross-departmental waste reduction task force that would work with stakeholders and consumers to

minimise the amount of waste produced in Ireland every year.

Like the Minister, I support the EU Commission's published European strategy for plastics in the circular economy. The aims and objectives of the strategy are good but it will require implementation. I am concerned because the Government has always been good to accept strategic positions but more is needed. I imagine there will be a launch and the strategy document will be part of it, but it will be an objective to which people will look. What we really need is an aggressive implementation plan. We all know what needs to be done but it is about getting it done and putting in place the resources to ensure it happens.

On a basic level, we all know what is required. The Minister cycles, walks and spends time in the countryside. At this time of the year, the hedgerows have not regained their normal strength. Spring has been a little longer in starting this year. People are out and about. I hear in the community of how people cannot get over the amount of litter that is thrown away. The waste is made up of fast-moving consumer goods. The way these goods are displayed, the amount of packaging and the non-biodegradable nature of the goods are such that they are causing major injury to our amenities.

We need to work on behaviour and we need to improve the sanctions in place. Local authorities need to do far more in detection. There needs to be more litter wardens in every village and town. We need to use modern technology. There is much talk about drone technology being used in certain large scale dumping environments, but we need to be more aggressive about using the laws in place and pursuing people for fly-tipping, which is having a fundamental injurious impact on our environment.

Deputy Brian Stanley: I welcome the opportunity to speak on the issue of plastics. I wish we were speaking about it with a better record in terms of reducing litter, reducing illegal dumping and reducing the volume of plastic we are producing. I commend the Sick of Plastic day initiative that will take place this Saturday. The fact that this is happening and that people will be encouraged on Saturday to hand back to supermarkets and shops any excess packaging is welcome because the problem starts with the manufacturer and is then passed on to the wholesaler and the retailer. In Ireland, 983,380 tonnes of packaging waste was generated in 2015. That is a massive figure, and it will increase this year because we were only working our way out of a recession in 2015.

Manufacturers are creating a conveyor belt system of waste with little interest to date from Governments in terms of changing that. Some measures were introduced, and I welcome that the Minister mentioned that legislation on microbeads is being prepared. That is an issue we need to address, but the waste continues to be produced with excessive packaging on products. Plastic use in packaging accounts for 40% of Europe's overall plastics. At the end of the conveyor belt, that creates a burden on the householder and we see that it sometimes winds up being illegally dumped. People have to pay expensively to dispose of it.

The principles of reduce, reuse and recycle need to form the foundation of Government policy and we need solutions to be brought forward to solve the horrific problems of pollution and illegal dumping in the State. Sinn Féin is of the view that reduce has to be the first of those principles followed because we have to get to grips with this problem. Sinn Féin brought forward a Bill last year on establishing the type of deposit return scheme for plastic bottles and containers that the Minister mentioned. The Bill contained other provisions on illegal dumping and obligations on landlords and tenants. It is quite comprehensive. Considering the problem we face,

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it will take effective legislation and action to do this, but the Government simply rolled back from it. I put forward that Bill and I would like Government to give it serious consideration and to take it up. We are not out of the blocks yet in terms of seriously tackling this problem.

When we talk of plastics waste we have to start with the manufacturer and excess packaging and work back to the householder and deal with plastic waste along that chain in terms of reducing it. The figures we are dealing with, as I outlined, are staggering, both nationally and globally. I mentioned that 983,380 tonnes of packaging waste were generated in Ireland in 2015, which is a huge amount. A total of 32% of plastic packaging is escaping collection systems, and we all know where it is ending up. We can see it in rivers, in the ocean, and in hedgerows, and dumped over gates in fields, in bogs, in beauty spots, and all over the place. I have even seen plastics being dumped in lakes. A study was conducted by scientists from the National University of Ireland Galway who published a report this year on plastics pollution in oceans and in fish life. This study was conducted in a very remote part of the North Atlantic. I was shocked by its finding that of the fish analysed, 73%, or nearly three quarters, had ingested microbead plastics or plastics of some sort. Microplastics are contaminating everything, even our drinking water, which we all know, along with the fish in our seas. We are doubly ingesting plastics. Once plastics are in the environment, they take a long time to break down. It can take up to 400 years for them to decompose.

In 2015, the European Commission adopted the circular economy package. This is where waste is reduced to a minimum at source. This EU package contains action plans. The Government has acknowledged its support for the circular economy but this State does not yet have a policy document in place or planned to match that. That is the type of action that needs to be taken.

The production of plastics has doubly damaging, destructive and long-lasting effects on our environment. Plastics are affecting our environment through pollution on the land and in the ocean, but they are also the link between emissions and climate change, and we know the problem that poses, with 90% of plastics being derived from fossil fuels. That is a connection we have to make. If we were to eliminate the use of fossil fuels in the morning for heat, transport etc., we would still be drilling for oil because of our dependence on plastics made from fossil fuels, which are contained in many of the goods we have ranging from pens, tableware, plastic seats, seats in cars to dashboards. We need to address that.

I mentioned the conveyor belt system of waste from excess packaging, but what do we do with the waste or where do we recycle it? We have hit a brick wall with that because of China's decision earlier this year to ban the importation of recyclable material from this State. The latest figure we have is that 95% of our plastic recyclables were being sent to China. Now that the route for the vast bulk of this waste has been completely blocked, it leaves the State exposed. It is reminder to all of us of the amount of waste we are producing and that it does not simply disappear when it put in the back of a bin lorry as it is driven down the street. It has to go somewhere. The fact that the Chinese market has been closed off exposes us to the reality of the amount we are creating and the years of inaction in terms of how we deal with plastics waste at source.

The current model of household waste collection in this State is seen as unique in Europe. I refer to the side-by-side competition. The Minister has given more choice to the collection companies but less choice to householders. Companies will be charging more for recycling bins. Is that a backward step? Are we encouraging more illegal dumping? We need to examine

that and pay careful attention to it.

The Citizens' Assembly has made recommendations on information campaigns around the benefits of tackling climate change and steps to reduce plastic packaging, including a deposit return scheme for plastic bottles. The Bill I brought forward last year on a deposit return scheme for plastic bottles etc. has passed First Stage.

The Minister said he intended to set up a pilot scheme. I welcome that but I question whether it is necessary to pilot it because these schemes have been common across many countries in Europe for decades. I agree with the Minister that we do not want to start some hare-brained scheme that will fail, but there are models in place. The economies of other countries in terms of the systems they operate are not that different from ours, particularly the northern European countries. There are models in place for decades that are operating well. The Opposition and the Government should examine those and pick the best from them. We should do this and not spend more time talking about it. That alone will not solve the problems with plastics but it will go some way towards dealing with them.

We need to consider many changes in policy and legislation. This State can and should be a leader in having a green environment and protecting it. We need to start by encouraging more people to reduce, reuse and recycle, with a major emphasis on reducing, particularly in terms of setting a good example but also in terms of climate change benefits. However, we are not doing that. In fact, we are blackguards. We are lagging behind on that. The reason for that has to start in this House with the Government's lack of imagination, initiative and action in dealing with these environmental issues.

We need to engage industry, local businesses, where I acknowledge some good work has been done, and local government. I have told the Minister previously that we need to engage local government actively in major initiatives. The local authorities are the closest to the citizen and to communities, and while good work is being done at that level, we have to step that up in terms of waste reduction. Good work is being done by Tidy Towns committees, the Green Schools programme and with retailers, but we need to accelerate a major drive towards waste reduction and only recycle that which cannot be reduced. Citizens must become more involved in that. If the Government is going to take initiatives on illegal dumping, they will be broadly welcomed, but I have yet to see the detail of those. I propose that we take more effective action on that.

The Garda, litter wardens and citizens have to get involved in this in terms of gathering evidence against people who are driving out to country areas under the cover of darkness, sometimes in good cars, Jeeps and other forms of transport----

Deputy Denis Naughten: Not bangers.

Deputy Brian Stanley: -----and dumping large amounts of rubbish. To catch those people we need the active involvement of citizens. Drones are being used. They are becoming cheaper. We should encourage more use of drones. We have to stop this dumping. What I see on roadways and in hedgerows around the countryside is an absolute disgrace.

Deputy Denis Naughten: Hear, hear.

Deputy Sean Sherlock: I welcome the opportunity to speak to this issue. As we speak, I have a Bill before the House on the prohibition of microbeads. It is before the committee. On

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28 March, we had a positive engagement with experts from NUI Galway, Galway-Mayo Institute of Technology and the Department's officials regarding the Bill's progression.

I noted the words of the Minister of State, Deputy English, about the Government's intention to publish legislation on banning microplastics or microbeads, but we have yet to see the colour of the Government's money in that regard. There is evidence that it has been talking about this matter since 2016, but we have seen no legislation as yet.

I am happy to withdraw my legislation. I do not view it as partisan in any way. It follows on from a Bill that was introduced by Senator Grace O'Sullivan and can be amended. I openly acknowledge that it has flaws. Its intention is to ban microplastics and the scourge of microbeads, which find their way into river courses and out into the sea. There is an evidence basis for those plastics being ingested by fish and eventually working their way back into the human food chain.

I am hopeful that the Government will publish its legislation. A great deal of water has gone under the bridge since that commitment was first made in 2016, though, and we are now in 2018. According to the Minister of State, the Government will have legislated for this matter by the end of the year. I take his bona fides in good faith, but the Government has said all of this before. It would be easy for Deputies to be sceptical about whether the Government will produce that legislation, but we will hold it to account.

When they appeared before us on 28 March, the officials of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, stated:

In relation to the Prohibition of Micro Plastics Bill 2016, our primary concern is that the legislation which will be required is technically more complex and challenging than is drafted in [my] legislation. As an example, as well as ensuring we have robust and future-proofed definitions of microbeads and plastic, we have to work out how the prohibition can be enforced, who will enforce it and what staffing and financial resources will be required to do so.

I take these comments in good faith, given that there are challenges, but they are not insurmountable. Rather, they are minor and I am surprised that they have not been contended with to date.

The officials stated further:

We are very concerned about the confusion between microbeads and microplastics in this proposed legislation as microbeads are only a small subset of microplastics. As has been highlighted in previous Oireachtas debates, a national prohibition of products containing microbeads will have implications for the principle of free movement under the provisions of the Treaty on the Functioning of the European Union.

This is another red herring, a smokescreen that is being used to delay matters. There is precedent in the House. When a former Minister, Deputy Micheál Martin, introduced the smoking ban, a period of time passed before effect was given to the legislation and the same claim, that it would be contrary to free market rules, was used. It did not stop the ban coming into effect, though. The same can be done in this instance. There is precedent because other European Union member states have already instigated such a ban. The time is now. If the Government is serious, let it produce its legislation. Nearly a month has passed since the committee's in-

teraction on my Bill and people want to see microplastics and microbeads banned. In terms of capturing the *zeitgeist*, people want an environment that is healthy, protects future generations against aquatic life ingesting these dangerous microplastics and ensures that our seas are clean, which goes to the heart of the matter.

The reputable academics, Dr. Audrey Morley, Dr. Kevin Lynch and Dr. Anne Marie Mahon, who appeared before the committee on 28 March gave extraordinary evidence. They told us about certain beaches in the west that they surveyed, and stated:

When we were there, the level of pollution on the beach was very obvious. As we were walking we said the sand looked interesting. When we bent down and picked up some of it, we noted it was not actually sand but 100% microplastics. Therefore, the sand on the beach is composed entirely of microplastics. The students were very interested in moving into this area. We were happy to supervise their projects.

The rest of the presentation that day was an exposition of that work.

Two issues arise. First, sand being replaced by microplastics is a worrying trend. Second, students have a significant hunger to research this matter because they want the problem eliminated. That is a positive sign. As policymakers, we need to move into this space more rapidly than we have done heretofore and legislate for the banning of microbeads. We should not be throwing up smokescreens about whether doing so would be contrary to EU rules. Other EU member states are moving rapidly in this space. Ireland is an island and a maritime nation. As such, this is an existential issue for us. I do not see why we cannot have a greater degree of urgency in this regard.

I am hopeful that the Minister, Deputy Eoghan Murphy, will publish his legislation, but the Government should remember that it does not have a majority in the House and my Bill is still surviving before the committee. I will keep my Bill on the table and will only withdraw it at such time as I am sure of the Government's commitment to legislate for what is a very important issue, given that it speaks to future generations of Irish people.

Deputy Richard Boyd Barrett: I am sharing time with Deputy Gino Kenny, with seven minutes for me and three for him.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Richard Boyd Barrett: We are having this debate because I requested it at the Business Committee a few weeks ago. I thank the other parties on the committee and the Ceann Comhairle for agreeing. My request was prompted by the fact that the Sick of Plastic campaign's day of action is this Saturday and I was keen that the House would debate the matter before that positive initiative, which will involve many environmental groups and young people. I was also prompted by an inspiring visit to Newpark school, which my son attends, a few weeks ago. The transition year students have a campaign, called "Plastic Outta the Park".

It is a fantastic initiative essentially to eliminate the use of single-use plastics, particularly plastic bottles, and replace them with multi-use receptacles. It is a very positive initiative. Civil society, environmentalists and young people are leading the fight. They are absolutely right to do so. We all need a good kick up the backside to understand how serious this is. I did not really understand how serious it was until I saw a film called "Trashed" a few years ago. I showed it in here. It was a film made by the actor Jeremy Irons, who came to the Dáil to show the film.

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Very few people actually turned up to watch it. I had not seen it. I was asked by Jeremy Irons to put it on in here because he was showing it in parliaments in a number of places. I was shocked by what I saw in that film.

Anybody who looks into the facts of plastic pollution could be nothing other than terrified. If the threat of climate change is an existential threat to humanity so is plastic pollution. The facts are really scary. We throw enough plastic away every year to circle the entire planet four times. Of the plastic we use, we use 50% just once and throw it away. Only 5% of the plastic that is used globally is recovered. Plastic accounts for 10% of all waste generated. *3 o'clock* It uses up about 8% of the world's oil production. As has already been mentioned, the connection with the oil industry is very important in this regard. In America, they throw away 35 billion plastic water bottles every year. Annually, 500 billion plastic bags are used worldwide, which is more than a million every minute, and 46% of plastics float and can drift for years before eventually concentrating into big ocean gyres. It takes about 1,000 years for plastic to degrade and 97% of all plastics that have ever been made are still in existence, much of them floating in the world's oceans. The great Pacific garbage patch which was featured in the "Trashed" film is absolutely terrifying in its proportions. It is twice the size of Texas. It is just off the coast of the United States and is a massive concentration of plastics. About 40% of the surface of the world's oceans is covered in plastic. One can go on. Annually, 1 million sea birds and 100,000 marine animals are killed from plastic in our oceans. About 44% of sea bird species have plastics inside them or on them. I can go on with the terrifying details. Plastic is choking the oceans and potentially choking the life out of the world we live in. We need to act very soon and very radically if we are going to address this.

It is not just microbead plastics we need banned. We need to ban all non-recyclable plastics. All non-biodegradable packaging should be banned. It cannot be done overnight. We should set an ambitious target for doing it. We should set a date for a couple of years' time and tell producers and retailers the ban is coming in a couple of years and they better get with it. They should get with the programme and stop producing these plastics. They would have to start to move towards it. Things like a deposit and return scheme are good but we need to be much more radical. We used not to have plastic bottles. I remember we used to have glass bottles and one got 5p back on them. Why did we get rid of them? We used to have a thing called the Irish Glass Bottle plant that did all the recycling. Disgracefully, it was closed down. We should have our own recycling industry in this country recycling stuff that cannot biodegrade and stuff that can be recycled but does not damage the environment. We also need to invest seriously in developing alternatives to plastic packaging.

I was in Oxford a few weeks ago. There is a small company there producing film-like plastic that is not plastic; it is made of sugar. One can eat it and it biodegrades. There was stuff on the radio the other day about the enzyme that eats plastic. Coincidentally, I got a call from an old mate of mine who is producing this stuff. It is an enzyme that eats plastic. This stuff can be done but it needs Government investment and support to do it.

If we are serious about this, the whole recycling and waste collection system needs to be taken back into public ownership and standardised. If one just looks at what the private producers are doing, there is no consistency in what one can and cannot recycle. Their policies are being dictated by what is profitable for them rather than by what is good for the environment. We have to take profit out of the equation and for the State to take the lead in getting rid of these plastics that are destroying our planet.

Deputy Gino Kenny: It is good we are having this debate about single-use plastics and the throw-away culture in capitalist society. Most people became fully aware of the crisis after seeing David Attenborough's "The Blue Planet" documentary. People were aware of what plastics were doing to the planet. It was utterly depressing when they opened a whale and found over 200 types of plastic in the belly of the animal, which killed it. Anybody watching would be completely depressed and we need to do something about it. One can get very depressed when one thinks about environmental issues. Sometimes one says to oneself that nothing can be done and the results seem inevitable. There is a new movement on the planet and it is well ahead of Governments, particularly this one. It is the plastic pollution revolution. We do not need the vast majority of things we get in the supermarket. I looked at my green bin yesterday. The packaging and stuff that comes with buying things in the supermarket is just not needed. Most of the stuff that goes into the green recycling bin goes over to China. There is no logic to the wastefulness of society. We are having a debate about coffee cups. Every single plastic coffee cup has to be 100% recyclable. In the Department of Agriculture, Food and the Marine, all the cups are 100% recyclable. I think the same is true in Leinster House. They are not in most coffee places. It is unforgivable. Most people are well ahead of that.

I do not know if the Minister alluded to the deposit and return schemes in his speech. There is a fascinating movement going on across the world. Some countries are well ahead and 38 countries have deposit and return schemes. In supermarkets, there are machines that take cans, plastic bottles and glass and give people back money or credit in the supermarket. Every supermarket and shop in this country should have one of those. Most people would agree to that. They have them in Norway and Germany. In Holland, they have one plastic that is completely oil-free. It is a great initiative. The Minister might take up my suggestion to call all CEOs of the big supermarket chains in and explain to them that we want to try to roll this out as a scheme in most supermarkets. I know it cannot be done in every shop. I am sure big supermarkets such as Tesco, Dunnes, Lidl and Aldi would be on for the idea of a kiosk that accepts plastic bottles and gives money out.

Another thing I hate, as I am sure anybody who walks around Ireland does, is the use of plastic bottles. Plastic bottles are thrown everywhere. If they were worth 20 cent, little young fellows would collect them. Back in my day, they used to collect glass bottles and bring them down to the supermarket. Placing a monetary value on used plastic bottles would make people recycle. In 2003, in Germany less than 40% of plastic bottles were recycled. Now, since the deposit and return scheme started, 99.9% of all plastic bottles are recycled because of the monetary return. It would be at least a start if the Minister could take that on board. Capitalism is a very dirty system but we can start with something where we can all make a difference.

Deputy Thomas P. Broughan: I am grateful for the opportunity to contribute briefly on this important topic of plastic and packaging pollution. Just yesterday I received a reply to a parliamentary question I raised on the Minister's plans to introduce a recycling deposit scheme for plastic containers following the example of the UK and EU member states. It was disappointing, of course, that he told me that the 2014 review of the producer responsibility initiative model in Ireland did not recommend the introduction of a recycling deposit and refund scheme. I welcome, however, the Minister's reply that following Deputy Ryan's recent Private Member's Bill the Oireachtas Joint Committee on Communications, Climate Action and Environment has been asked to examine "the implementation issues, the likely costs and the effectiveness of a proposed deposit and refund scheme in Ireland". When will this examination be completed? Can we aim for budget 2019?

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Deputy Eamon Ryan: It is done. It is finished.

Deputy Thomas P. Broughan: That is great news. We need to move on this as quickly as possible. Given the concerns about climate change, time is of the essence. Earlier this year, scientists from the National University of Ireland Galway published disturbing research which showed that more than 70% of deep-sea fish in the Atlantic Ocean had ingested microplastics. It is reported that more than 8 million metric tonnes of plastic end up in our seas annually. There have also been recent reports on the huge levels of plastic and other rubbish being deposited in the oceans by the shipping industry and I recall debating that issue in particular when I was a spokesperson on the marine in this House. There could be between 80,000 and 100,000 large vessels on the oceans now. There are particular problems with plastic and other dangerous rubbish being dumped in rivers and carried to the seas in a number of countries. Yesterday, the Minister of State, Deputy Kyne, attended the launch of the iMARL project in Dún Laoghaire. He pointed out that there are 300,000 miles², or 500,000 metres², of ocean which we have a primary responsibility to protect.

More than a third of products sold in the EU annually are wrapped in plastic and the Minister has reported that 1 million plastic bottles are bought around the world every minute. Public information campaigns to educate and change public behaviour on the use of plastics is important and the public is very willing to be educated in that respect. What frustrates people much of the time is the performance in the retail industry in particular of producers and retailers. The key responsibility rests with producers and businesses, especially those in the retail market to change their behaviour and use biodegradable and sustainable packaging for all their products. As in the case of the glass bottle industry in the past, people are exasperated that they cannot buy apples, oranges, tomatoes and potatoes, basic food ingredients of our daily lives, without having to get a plastic bag as well particularly in the winter months. The other responsibility rests with the Minister. He has the executive responsibility to act with budgetary or other measures as necessary, including bans, on non-biodegradable plastic packaging and other plastic products.

Climate change is one of the most pressing matters for our future generations. We are seeing the real impact of our changing climate over recent decades and again this year. The UK Government, with its Commonwealth partners, recently announced a £61.4 million fund which will be divided between research, manufacturing in developing countries, improving waste management as well as a pledge to match public donations. This morning it was announced that the UK plans to ban plastic straws in England and cotton buds and other single-use plastic products will be banned in the coming year. Scotland last January began consultation to ban the manufacture and sale of plastic cotton buds. Our plastic shopping bag levy has been in place since 2002 and it was increased to 22 cent when it seemed there was a reversal in behaviour. We should now introduce a levy on disposable coffee cups. It is welcome that we recently switched to compostable takeaway coffee cups here in Leinster House. Can the Minister tell us if this has happened across the whole of Government?

The new ban on imported plastics in China has put the ball in our court. The Citizens' Assembly, which has been doing stellar work on important issues since last year, this week laid its report, How the State can make Ireland a Leader in Tackling Climate Change, and 98% of the members agreed that climate change must be at the centre of policy-making here. We seriously need to reduce emissions in transport and agriculture. Let us start with major actions to move away from plastics especially in the retail sector.

Deputy Catherine Connolly: I am glad the Minister is here for this debate. In this initiative we are being led by people on the ground who are way ahead of us. Sunday is Earth Day and the focus is on the global to support the effort to eliminate single use plastics. On Saturday there is an initiative to encourage large supermarkets and retailers to refuse the use of plastic packaging on food. There is also the Citizens' Assembly. I come from Galway where I and other politicians were led by the nose. Management were led by the nose when the people of Galway showed what was possible and we reached 70% recycling in a pilot project. The engineers had told us it was not possible. They said 45% over five years was the maximum. The reality is different.

Plastic manufacturing employs 1.5 million people in the EU and has a turnover of €350 billion. That accounts for only 18% of the plastic produced globally every year. It is obviously very good for the economy on one level but all Deputies have considered its consequences. The plastic in our oceans occupies a space three times the size of France. Before I came in here I was going to say it was the size of France but my colleague in my office corrected me. That is an incredible figure and if it does not force us to show leadership and take action I do not know what will.

The scientists in NUIG, in my city, have studied only the north-west Atlantic Ocean and have shown that 73% of the 233 deep water fish there have ingested plastic particles. They are entering the food chain with unknown consequences for not only the environment but for human health. The World Economic Forum projects that by 2050 there will be more plastic than fish in our oceans.

The last time we spoke on this subject when the Green Party tabled its Bill the Ceann Comhairle said he would show leadership and take action. I understand he has done that in the restaurant. Will the Leas-Cheann Comhairle come back to us with details on what action was taken? As a result of the debate some action was taken on a minute level.

There is huge potential for jobs and the economy. Only 3%-5% of all new plastic products use recyclable plastic. The other 97% or 95% is going to waste that cannot be recycled. We have no choice but to recognise that this is a crisis and to listen to those who are begging us to show leadership and do something about it. I would like the Minister to come back to us with an action plan. We do not have a bad record on repackaging and recycling plastic under EU regulations but that target has changed significantly and in 12 years' time we will have to reach the target. What is our action plan? Will we meet that target? I would like to see a written report every six months showing what progress we are making. In addition to each of us taking action in our daily lives, we need leadership from the Government. We all need to be involved. The Minister needs at least to produce a six-month plan, given what I and other Deputies have just said.

Deputy Eamon Ryan: As several Members said, this Saturday people throughout the country will be engaging in a campaign - the Sick of Plastic campaign - to call for a change in how we use plastic. It will be led by Friends of the Earth and supported by VOICE Ireland. It will ask people to shop and drop, or to leave their plastic packaging at the shop as a statement of intent in where we need to go. The campaigners will not be alone. As it happens, as part of the national spring clean organised by An Taisce and others and the ongoing clean-ups that take place, there will be a huge clean-up along the canals in this city and, I am sure, County Roscommon. Canal clean-ups have been occurring for years and are very successful. In my locality we will be going along the River Dodder. Dodder Action does work pretty much every month, but

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the big clean-up will be this Saturday. People will go out to get plastic out of the environment.

Anyone who wants evidence that we have a problem will see that the River Dodder is awash with plastic. Owing to the heavy storms, all of the litter upriver has been washed down in the past month. Therefore, every low-lying branch along the river is coated like tinsel on a Christmas tree, except with waste plastic, which we will take off. It is a slow, dirty job but a rewarding one. Having done the clean-up for a few years, I realise people are more conscious about protecting their local environment and deeply concerned. That is why they understand we need to treat plastics differently.

As Deputy Gino Kenny said, people such as Sir David Attenborough are showing the significant consequences of plastic waste, not only in the River Dodder in my area but also in the marine environment and the rest of the natural environment. According to European plastics reports, 85% of beach litter is plastic. It is worse in the ocean because the materials do not break down in it. They break down into smaller parts but do not decompose. They do not break down for hundreds of years. The smaller parts which become even smaller as a result of abrasion get into the food chain, about which there is increasing scientific concern and to which Sir David Attenborough pointed. It calls for immediate action to stop us from using plastics.

On the related issue of climate change, for every 1 kg of plastics we use 6 kg of greenhouse gases are emitted. I refer to the energy and source materials used. Plastic is oil based. What is occurring must stop rapidly.

Last but not least, people are exercised by this issue and joining the Sick of Plastic campaign because they understand what is occurring. In one part of the world, be it the Middle East, Venezuela or North Dakota, oil is being drilled at a huge cost, in energy terms, and polluting the water. It is then being shipped to the other side of the earth to be turned into a plastic pellet which is then shipped to another location where it is turned into a plastic container. It is then shipped to another location where it is turned into a product for wrapping or a cup. It is then shipped right back across the world to Dublin, for example, where it sits in my hand for about three or four minutes, after which it is done. There is considerable movement of materials backwards and forwards. Unfortunately, according to the European Union, only 30% of single-use plastic is recyclable. Ireland is not very different in that regard. The waste is such that only 5% of the economic value is retained. As the European policy paper states, in this process there is waste in the order of €70 billion to €105 billion, in addition to the destruction of the planet. Everyone is now copping on and saying it has to stop. That is why there is not only an EU plastics strategy but also a circular-economy strategy.

When we dump our plastic, we ship it back to China. It is contaminated. Because the Chinese environment has become desperately polluted, the Chinese have said they will take no more. This system has to change, which is why people are looking for action. It is not rocket science. It is difficult in the sense that it means changing our entire systems, but we should remember the age-old adage that we should reduce, reuse and recycle. Reducing, the first and most important principle, is the easiest. The best way to reduce the amount of plastic used is to ban it. In our legislation which we presented almost a year ago there is a provision to ban the likes of plastic straws. I am sorry, but we just do not need them. As Deputy Richard Boyd Barrett said, it is not a difficult choice. It is a matter of saying, "Sorry, they are gone." The same applies to plastic forks. Fair play to the Ceann Comhairle in that regard. He has been instrumental in helping us to make some small but not insignificant changes in Leinster House. For years in the canteen there were plastic forks which were used just once for two minutes

to eat a slice of cheesecake, which probably stays on the hips a long time, as they say. Where does the fork go? At least, there is now a wooden fork which will not be in the environment decomposing for several hundred years. It will decompose in several weeks. The same applies to microbeads which were referred to by Deputy Sean Sherlock. Making a similar decision on their use would be an immediate, easy way to reduce the amount of plastic in the environment.

The Conscious Cup campaign recognises that it is not very difficult to have a refund scheme for cups. One would have a bamboo cup. We have been using some that can be used for as many times as one wants. A cultural change is required, but it can be effected. Twenty years ago no one was using throwaway, single-use materials. Therefore, it is not impossible for us to change. It is not impossible to move away from using plastic bottles altogether. People are doing so in Trinity College Dublin. They are making really ambitious plans because the college is a contained area. The Trinity plastic-free campus campaign has done a brilliant job in testing the idea that we may not need so much plastic and that we could use water fountains and recycle, for example.

We need to be radically more ambitious about recycling. It starts with the likes of a deposit refund scheme for plastic bottles, which is also part of the legislation we presented last year. The Minister asked about the rate. To a certain extent, the legislation gives the Department flexibility because it is best placed to make the decision. It gives time for implementation. I suggest a rate of 20 cent per bottle, similar to the rate it seems that the UK Government wants to introduce later this year. It is not out of kilter and would offer people a real incentive. If one was to do this, one would achieve a 95% rate of return and recycling, as Deputy Gino Kenny mentioned. One would have high-quality recycling material and could develop a local industry, rather than shipping material to China. It is not rocket science and not untested. It was done across Europe. It is about to be done in the United Kingdom and it is being done in America. We can do it here.

On Deputy Thomas P. Broughan's point, the Department might state we have not engaged in enough analysis. I am sorry, but to my mind we have. We are using the findings of EU analysis. We brought over Dr. Dominic Hogg from Eunomia. He has been a leading expert adviser to a number of international organisations, including the European Union. He set out in detail in our committee hearings how we could proceed and how it made economic sense. It is not very expensive. In fact, it would save money. If the system was designed well, it would help smaller retailers and give footfall back to them. It is ready to go. It is to be presented to the committee pretty soon.

This is an important issue. There was a good news story today. At a meeting of the finance committee the Department of Finance agreed to a money message for Deputy Thomas Pringle's Fossil Fuel Divestment Bill. It is not what I would want; I would want a stronger, Bill but it got through Committee Stage today and will proceed through Report Stage. It is about to be enacted. It is the first chink in the armour in terms of the control of the Department of Public Expenditure and Reform over the ability of this House to legislate. I hope the second chink will be made by the Waste Reduction Bill which will be considered in a couple of weeks. We have the numbers here. It is very practical and simple; it is not difficult legislation. We will not opt for a ban on coffee cups because there is a legal difficulty, but we will opt for a levy instead. It is an easy amendment for us to make and it is coming at the Government. If it refuses to issue a money message, it will need to outline the grounds for its decision. Must we conduct more research? Must we go back to the Library and Research Service, which has done a good job with us in the past year, and conduct more analysis before we can make a political decision,

which is what we are entitled to do? We are at the centre of our democracy and we can say we are sick of plastic and that we will legislate to help the country to become good at recycling, reducing and reusing. That is why our Bill is one element in a series, including the clean up. If anyone, including the Ceann Comhairle, is in Dublin next Saturday, I will be at Donnybrook bridge at 10 a.m. to clean up the River Dodder and we might head on to the canal from there.

Deputy Eugene Murphy: I am grateful for the opportunity to make a contribution to this important debate. On what is a difficult day for the Minister, I appreciate that he has remained in the House for the entire debate. I pay tribute to him as a constituency colleague because he has been active on this issue and he approaches it with great passion and commitment.

As our party spokesperson, Deputy Timmy Dooley, said, we very much support the debate. The issue needs to be discussed more regularly in the House. The debate has been interesting and while, naturally, we would like the Government to do more, we all agree that we have a massive problem with the plastics industry. However, we also have to recognise that there are several hundred firms in the industry which provide thousands of jobs. Deputy Catherine Conolly referred to the number of staff and the revenue generated by the industry in a European context. Nevertheless, as we drive through the countryside - the Minister has been angered by this - we can see what has happened and local people are angry and annoyed. The N5 runs through our constituency from Tarmonbarry on the County Longford border to Ballaghderreen on the County Mayo border and the littering on that national route is so bad that people are proposing to go on the road to slow traffic down, which I would not advise them to do, and show motorists what they have to clean up on the side of the road. They find plastic cups, nappies, used contraceptives, clothes and newspapers. Tyres are dumped in abundance beside roads.

The Minister diverted money for litter control into our area to clean up a mess. While one person dumping a small bag is against the law and he or she must be dealt with, groups are going around under cover of darkness and telling people that they will dump their bags of litter for a small charge. There are not legitimate operators and they are doing enormous damage throughout the country. We have to implement laws to deal harshly with them. I do not seek a severe penalty on a minor offender but these operators need to be dealt with. People can tell the Minister where this activity is a problem. One tonne bags are filled to the brim with waste and thrown on to our bogs. It is difficult to identify who is doing this but we need to review legislation in this regard and take a no-holds-barred approach to dealing with these people. Let us cut to the chase; they should be jailed. They will keep doing this unless we introduce legislation. I accept that others dumping waste must be dealt with under the law but not to the same extent. These groups operate under the dark of night and are taking waste from people who may be unable to pay for their waste to be collected. However, I always say to constituents that if they have a problem getting rid of their waste, they should get on to their local authority to deal with it and not dump it in the countryside.

It is great that all schools at primary and second level are into recycling and litter prevention in a major way. They have adopted the green message and that gives me hope for the future. However, we are at a critical juncture and the House will have to take action to deal in a serious way with this major issue.

Deputy Declan Breathnach: A sperm whale washed up off the coast of Spain in February this year. Biologists who recently carried out an autopsy discovered plastic bags, a jerrycan, several pieces of rope and net, and even a 5 litre drum. The volume of human trash in the whale weighed 30 kg or 66 lb. The experts confirmed that the plastic killed the whale. It could not

digest it and died due to a blockage. The case triggered international outrage and campaigns against single-use plastic, which often ends up in our oceans and inside unfortunate creatures such as this sperm whale. Statistics show that more than 500 marine species are impacted by plastic pollution. A previous study found more than 5 trillion plastic pieces in the ocean, leading to the ocean floor being described as “a plastic cemetery”. With 8 million tonnes of plastic ending up in the ocean every year, researchers say that by 2050, there will be more plastic than fish in the oceans. That is equivalent to 620,000 Eiffel towers or 60 million blue whales.

There are always ways to reduce our plastic usage and I concur with other speakers that young people get this. However, this requires strong, systematic efforts by all sections of society. We urgently need a strategic approach to changing mindsets on the dumping of plastics. Legislation is needed to ban single-use plastics and to ban plastic microbeads from cosmetics and detergents, which I have raised in the House previously. We need to include all citizens, not just young people, in this campaign and continue to highlight the detrimental effects that plastic waste has on our environment and wildlife. It is incumbent on policymakers, corporations and all citizens to play their part. As Deputy Eamon Ryan and others said, this is National Spring Clean Week. I commend schools and Tidy Towns committees for their work in that regard. I spent 25 years on a local authority and they would put our local authorities to shame. Councils such as my own did away with plastic bring banks, which is outrageous, when as a country we dispose of 3.6 million plastic bottles annually. I could go on and on about microbeads and the effects of showers and so on.

We should look to ban unnecessary plastic packaging. The United Kingdom states it will eliminate plastic waste by 2040. We need to set a target in that respect. Ireland was to the fore in this regard when the plastic bag levy was introduced. The smoking ban was implemented indoors. A similar, robust campaign is needed to get everyone on board to ban single-use plastics, plastic packaging and the dreaded microbeads. Plastic pollution is having a detrimental effect on marine life and, in particular, it impacts on breeding and growth patterns. It is a known scientific fact that many fish species are beginning not to know what sex they are. On a positive note, just this week, scientists created an enzyme capable of eating plastic that will help our approach to tackling pollution. This will be a biological catalyst but the research has a long way to go.

Deputy Eugene Murphy referred to illegal dumping, a scourge right across the country. No matter what clean-ups are done on the roads or elsewhere, they are as bad each week. We can introduce CCTV and impose heavy fines, but people need to learn from the young. I say this as a former teacher. They put us to shame on this issue. While the European Union is looking at this, we need to move swiftly with our own legislation in order that we can lead by example. We need to get serious about cleaning up our water systems and setting cleaner environmental standards. We all have a part to play. It is important to reflect and say Ireland produces, per person, 61 kg of plastic per year, which is almost double the EU average. China will not take our waste any longer. To get a message across, every time one washes a fleece in a washing machine, scientists tell us that over 1,900 particles of plastic material end up in the water system.

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Topical Issue Debate

Voluntary Sector Funding

Deputy Anne Rabbitte: I thank the Minister for coming in to bring clarity to a question that has been in the media for the last week with regard to the withdrawal of funding for Scouting Ireland. Scouting Ireland does excellent work around the country and this is down to the commitment, good work and will of the volunteers who keep it running. All the volunteer group's work should be properly supported and resourced by Government but, at the same time, organisations working with children and young people have a huge amount of responsibility and protecting children must be paramount to the ethos of everyday operation. Funding must be contingent on honouring this responsibility and on putting in place strong safeguards and processes to ensure that children are kept out of harm's way. I support and recognise the need to have strong child protection policies, including child protection officers and mandatory Garda vetting for all adults involved in the organisation. The Topical Issue matter was put down to understand the reason for the withdrawal of the funding and what processes are now in place to get the funding reinstated. The volunteers are reading about it in the newspapers and really want clear understanding as to why exactly it has come to this and what processes the Minister is putting in place.

Deputy Sean Sherlock: I raise this issue along with Deputy Rabbitte on the basis that we are both concerned about it and are both members of the Joint Committee on Children and Youth Affairs. We are both conscious that this story seemed to emerge in the public domain through *The Irish Times* but, until now, this House has not had an opportunity to discuss the issue. We were conscious about giving the issue an airing. We want to move to a situation for the approximately 40,000 members of Scouting Ireland, 13,000 volunteers, 35 staff and approximately 500 troops that exist throughout the island of Ireland, both North and South, where we can clarify the funding position and collectively work on the issues of child protection. I am not aware of the content of the Ian Elliott report. I understand that Scouting Ireland brought in Ian Elliott as a person who would go through the Children First guidelines or kick the tyres on that. I understand that a barrister was subsequently appointed to go through the recommendations of that report. I am not sure if the Minister has sight of the Ian Elliott report. I do not have sight of the report but, in some respects, this is a little reminiscent of when I found myself in this House in 2007 advocating for the publication of the Cloyne report, which was the subject of Ian Elliott's reporting of issues relating to the diocese of Cloyne. I hope that we are nowhere near that kind of scenario and I suspect that we are not. I want to ensure that there is confidence in the work of Scouting Ireland. We all know there are people in our communities throughout this island who give their time voluntarily to ensure that all child protection procedures are adhered to. They do so on a voluntary basis and want to ensure the sustainability of the entity that is Scouting Ireland because it is an invaluable entity to our lives and it enhances the lives of communities throughout the island.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Scouting Ireland commissioned Mr. Ian Elliott to carry out a review into the organisation's handling of an allegation of a serious sexual assault on an adult volunteer by another adult volunteer. While this alleged assault took place in 2009, it was only reported within the organisation in 2016. The purpose of the review was to examine all matters surrounding the reinstatement of the in-

dividual in question, including the roles of individual senior volunteers of the organisation in the reinstatement process. I am aware that Mr. Elliott's report on this issue resulted in Scouting Ireland engaging a barrister to conduct a full investigation into this allegation, particularly with regard to the handling of the matter by certain senior volunteers. I will be provided with copies of both reports when completed and I would prefer to await the outcome of these investigations before making further comment.

As a result of media coverage of these events last week, I became aware that the alleged perpetrator of this alleged sexual assault had been reinstated without undergoing further Garda vetting which had been recommended by the gardaí. In addition, it was reported that he was subsequently promoted within the volunteer ranks. Funding provided by my Department to any youth organisation is contingent on that organisation meeting with a range of governance requirements. This includes its commitment to and compliance with its legal requirements in the area of child protection as set out in the Children First Act 2015 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. All publicly funded organisations are required to meet strong governance standards. I have a duty of care regarding the public funding provided by my Department. In view of this, I decided to withhold any further drawdown of funding to Scouting Ireland until such a time as I can be satisfied that the organisation's governance standards are up to the required level. I am not satisfied. I have a responsibility to children and for the use of public moneys.

I wrote to Scouting Ireland on 13 April advising it of my intention to withhold funding from the organisation. I also requested an urgent meeting with the board of Scouting Ireland to provide it with an opportunity to clarify the issues raised in the media coverage and to provide assurances that I require with regard to the standard of governance that applies within the organisation. I will meet with Scouting Ireland this evening. That meeting will be with the chief executive officer, the current chief scout, who chairs the board, and the current treasurer. I have been informed that the chief scout will step aside from this evening pending the completion of the independent investigation and the treasurer will serve as acting chair of the board in his absence.

Scouting Ireland is part funded by my Department under the youth service grant scheme. This funding is provided to 30 national and major regional voluntary youth organisations for the support of voluntary youth work. The funding is to ensure the emergence, promotion, growth and development of youth organisations with distinctive philosophies and programmes aimed at the social education of young people. Funding is provided primarily to the head offices of these organisations and many are engaged in youth work activities on a regional or nationwide basis. In 2017, funding of €876,337 was allocated to Scouting Ireland under the youth service grant scheme. To date in 2018, the organisation has received €438,168. This means that Scouting Ireland is funded until the end of June. I hope that it will use that time to constructively engage with my officials and to address all outstanding issues in regard to the standards of governance in the organisation.

Deputy Anne Rabbitte: I thank the Minister for her frank answer. The clarity she has brought to the matter is much appreciated, as is her openness in telling the House about what is to happen later today. The volunteers will welcome the clarity in regard to funding continuing until June. The Minister's reply has raised many questions about timeframes which it would not be fair of me to ask at this moment. She stated that funding is in place until June but we must know the timeframe for the completion of the report. I assume that is one of the questions she will ask later today. I note that she stated the chief scout is standing aside. There are many

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questions for the board in regard to compliance and governance procedures. The same policies and principles should apply in that respect whether an organisation receives €1 or €100,000 in funding.

Deputy Sean Sherlock: I accept the Minister's answer to the House and support her in her endeavours. Although no Member wants funding to be unnecessarily withdrawn, if there are question marks over governance standards, the taxpayer investment in the organisation should be withheld until those governance issues are dealt with. I ask the Minister to keep in mind the volunteers at a local level because they are without sin in all of this. They are going about their daily and weekly activities and are vital to our communities. I hope the Minister can engage proactively as quickly as possible to achieve a desired outcome for all interested parties such that funding can be restored. I appreciate why Scouting Ireland might say it is funded up to the end of June but it may not be that simple when day-to-day running costs are taken into account, so I ask the Minister to give us some assurance that funding can be restored.

Deputy Katherine Zappone: I assure the Deputies that children, young people and volunteers are at the centre of my attention, which is part of the reason for this decision. I will listen to what Scouting Ireland has to say this evening and then decide on the next step with the Secretary General of my Department. It is mid-April and Scouting Ireland has funding until the end of June, which gives it two and a half months to provide me with assurances that proper governance standards and practices are in place. That is a reasonable amount of time in which to do so.

Deputies will not be surprised to hear that since the news broke I have received other confidential correspondence from individuals in Scouting Ireland about additional matters of grave and serious concern. I will raise those issues with Scouting Ireland as part of the process. To address the sentiment expressed by both Deputies, I will conclude by saying that it was with a heavy heart that I made this decision but it is something that I had to do.

Water Pollution

Deputy Kathleen Funchion: I am glad to have the opportunity to raise this issue on behalf of the Barrow River Piscatorial Society. I thank my colleagues, Deputies Martin Ferris and Martin Kenny, for their support in this regard. I have been dealing with the society for over a year. It is very active in the community and has very serious concerns about the mainly commercial pollution of the River Barrow and the knock-on effect on fishing stocks and the river in general. It has continuously raised the issue with Inland Fisheries Ireland, IFI, which seems to be passing the buck or not taking the matter seriously. When the society came to me, I endeavoured to organise a meeting for it with Inland Fisheries Ireland and there was correspondence back and forth. Unfortunately, Inland Fisheries Ireland has not committed to a meeting. The society has the right to request a meeting and I do not see the problem with granting such request. We raise the issue to ask the Minister to ensure that the chief executive of Inland Fisheries Ireland, Ciaran Byrne, meets with the Barrow River Piscatorial Society so that it can raise its concerns. It believes it is being treated as a second class citizen because groups with an interest in other rivers have been granted meetings with Inland Fisheries Ireland.

Deputy Martin Ferris: My two colleagues and I met with a deputation from the piscatorial society during the week. Deputy Funchion has been raising this issue for a considerable period. The society brought the issue to our attention in the interests of the salmon stocks in the river.

As Deputy Funchion stated, it has sought a resolution to the issue for a considerable period with the IFI but, unfortunately, that has not yet been reached. The river has been polluted by construction material which was dumped in the vicinity of a fish pass, blocking it. As a result, fish find it difficult to get up the river, with an inevitable depletion of stocks. I have read emails in which some members of the IFI at a local level have stated they did not see the relevance of the fish pass being blocked. However, I have seen other letters that say the opposite. To resolve the issue, Ciaran Byrne, the chief executive of the IFI, must meet with the society, listen to what it has to say and see if a remedy can be found. That can happen if the political will is there.

Deputy Martin Kenny: My colleagues and I met with the society earlier this week and it is very clear that it has genuine concerns about the situation. The River Barrow is a major river in the south east and the second longest in Ireland. It is an excellent salmon river but the society is very concerned that its stocks are being depleted. The construction debris dumped in the river and other pollution issues are not being adequately dealt with by Inland Fisheries Ireland or the environmental section of Carlow County Council, with which the society also engaged but which did not give it the kind of hearing it hoped for. The parties involved should come together to agree on a common sense solution. It is not beyond our reach to organise that and I hope the raising of this matter in the House will be the catalyst to make that happen such that a solution can be agreed upon. This is about the adequate management of our inland waterways. Inland Fisheries Ireland is responsible for that and must be brought to the table to work out a solution to this issue.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank Deputies Funchion, Martin Kenny and Ferris for raising this issue. A response drafted by my Department is being circulated but it does not deal with the issue as raised so I will not read it into the record, although it is available for Deputies to read. The problem is that there is a multifaceted approach to issues such as this and responsibility does not lie with any one agency, which is hugely frustrating. As Deputy Kenny knows, there is a similar problem in regard to the Asian clam in Lanesborough-Ballyleague. The local authority and Inland Fisheries Ireland should probably consider the matter. I do not know the details of the issue as I have only the documentation in front of me.

I am responding on behalf of the Minister of State, Deputy Kyne, who has responsibility for inland fisheries. He is out of the country representing me at the moment.

As the Deputies are aware, the provisions of the water pollution Acts come under the remit of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. I will commit to taking the points raised by the Deputies back to the Minister of State, Deputy Kyne, early next week. I will discuss this issue with him and we can try to see if we can progress it.

Deputy Kathleen Funchion: It is a simple request. We are asking the Minister to use his offices to insist that Inland Fisheries Ireland would meet this group. The society is an established group and its members have spoken to their local representative, which is not uncommon, but I cannot get any indication from Inland Fisheries Ireland that it intends to organise a meeting.

I accept that this is the area of responsibility of the Minister of State, Deputy Kyne, and I urge the Minister, Deputy Naughten, to speak to him and to try to organise a meeting. We will raise the issue again if a meeting is not facilitated. I do not accept that it is not the responsibility of one particular organisation. The group wants to meet with Inland Fisheries Ireland and it has

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its reasons for that. Such a meeting should be facilitated. It is pretty disgraceful that we have to come in here to raise the matter. The society is respected in its own right and it should have been able to arrange a meeting itself.

Deputy Martin Ferris: The way to resolve the issue is for there to be a face-to-face meeting. It could take half an hour. A meeting can take place if the will is there to do it. In a reply from David McNerney to Donnacha Byrne it was said that material should not have been put in the river which is an SAC area and that it is very poor practice. The problem is that an individual dumped construction material into the river which blocked the fish pass. The material needs to be taken out of the river to allow the fish to travel their traditional route. All that is required is for the parties to sit down face to face and the issue can be sorted out very easily. I thank the Minister for taking the time to address this issue.

Deputy Martin Kenny: I welcome the Minister's contribution. Sometimes when a Topical Issue is raised the question can be short and it may not spontaneously produce the right answer. I note that the scripted reply of the Minister states that the primary responsibility for the monitoring and management of water quality is the local authority under the Local Government (Water Pollution) Acts. While that is the case, local authorities are quite weak because in many cases they are understaffed and under resourced and I am sure Carlow County Council is no different from many others around the country, and it is difficult for it to try to do the kind of work it is expected to do in respect of water quality.

I would appreciate if something could be done to try to arrange a meeting as quickly as possible in order to resolve the issue. It is very poor that we have to come in here to try to get that to happen. If an angling organisation, environmental group or conservation group has an issue or someone involved in tourism who is trying to make a few bob out of whatever is happening on the river cannot meet with the proper organisations who have responsibility for it without having to raise it in the Dáil, it is a poor reflection on the situation. That issue must be addressed as well. I thank the Minister very much for his response.

Deputy Denis Naughten: I do not know the detail of this case. The priority is to get the issue resolved. I will take the matter back to the Department and to the Minister of State, Deputy Kyne, to see if we can try to resolve it. I do not know the ins and outs of the matter, but it seems there could be three Departments and two agencies under the control of my own Department involved. I do not know what the issues are but I commit that I will go back to the Minister of State, Deputy Kyne, and he will communicate directly with the Deputies on the matter.

An Ceann Comhairle: It is not my role to interfere in these matters but it would be quite extraordinary if a reputable voluntary organisation, through public representatives, asked for a meeting with a statutory body and those representatives felt the need to come into the Chamber to progress the issue. The statutory body would want to have a pretty compelling reason it would not facilitate the meeting.

Hospital Staff Recruitment

Deputy Kevin O'Keeffe: I thank the Minister of State, Deputy Catherine Byrne, for coming into the Chamber today but I must say I am disappointed that, again, the Minister of State with line responsibility, Deputy Jim Daly, did not see fit to be here. This is the second time for me to raise the issue here and although he is a Corkman I do not know where his loyalties lie

at this stage. I spoke on the issue previously in November 2017. The issue is the filling of the permanent medical officer position at St. Patrick's community hospital in Fermoy. There are many other issues in my constituency that I would love to raise in the Topical Issue debate in this Chamber but I feel that I need to further emphasise the importance of filling the vacancy for the medical officer position.

I remind the Minister of State of the contents of the programme for Government. I refer to page 53 which relates to health, which states: "Efforts to increase access to safe, timely care as close to patients' homes as possible will be a priority for the new Partnership Government". It also states on page 55: "The HSE will be mandated to employ GPs on a salaried basis where needed and put in place support structures and staff". How does the Minister of State stand over the current situation in Fermoy?

Herein lies the kernel of the problem. First, there is not a full uptake of respite beds at present in St. Patrick's community hospital and, second, some eligible patients end up being sent to alternative nursing home or community hospital locations. That is not good enough, as we have a state-of-the-art facility in Fermoy. Families are being pressurised to second GPs to provide cover when the availability of a respite bed arises. I remind the Minister of State that not all patients or their GPs are from within the confines of Fermoy. Some patients who have been allocated a respite bed at St. Patrick's community hospital cannot avail of the care there. The reason is that their own family doctors cannot put themselves in a position to travel to the hospital and attend to them if and when the need arises. The offer of a bed, therefore, has to be declined. The HSE can cause a cold relationship between families and their doctors by passing on the blame. That is not going down well in the area.

In fairness to the HSE, it has communicated with me. It acknowledged the problem but does not consider it to be a crisis situation. How can we allow a situation where there is a half-filled temporary position to continue? The situation is beginning to reverberate around the entire north Cork area. The HSE seemed to indicate there was no problem in the context of Fermoy but in recent weeks I was shown a letter which was written to a constituent who was seeking a respite bed for her mother in another facility. She was advised that due to circumstances beyond the control of the HSE the availability of respite to clients across the north Cork community services area has recently been reduced. The letter went on to say that this had greatly increased the demand for respite services in Nazareth House in Mallow. That suggests the problem in Fermoy is starting to have a knock-on effect on other community hospitals. I urge the Minister of State to intercede or to ask the Minister with line responsibility to take urgent action to address the issue.

Minister of State at the Department of Health (Deputy Catherine Byrne): I apologise that the Minister is not here. I do not know where he is but I have been asked to respond.

An Ceann Comhairle: I hope he is not missing.

Deputy Catherine Byrne: He has gone missing; I do not know where he is. I am sorry that he is not here.

On behalf of the Minister of State, Deputy Jim Daly, I thank Deputy O'Keeffe for raising this issue. The Health Service Executive is responsible for the delivery of health and personal social services, including those at facilities such as St. Patrick's community hospital, Fermoy. Fermoy Community Hospital is an integral part of the Fermoy community and plays a major

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role in the care of older people from the town and the surrounding areas. The hospital currently has 71 beds, 54 of which are for long-term care with the remaining 17 providing convalescence, respite and palliative care. Medical cover in Cork and Kerry community hospitals and nursing units is provided by medical officers who are local general practitioners employed under contract by the HSE. This service is not a full time, on-site service, with GPs visiting at agreed times and when required during normal day time working hours. Out-of-hours cover for all residents is provided by SouthDoc after 5 p.m. on weekdays and at weekends or bank holidays. The Deputy will be aware that the provision of full medical officer cover has proven difficult at Fermoy since September 2017, following the retirement of the one of the local GPs, and more recently with the resignation of another in March 2018.

Medical cover at Fermoy Community Hospital is currently provided by a local GP. The latter provides 0.8 whole-time equivalent medical hours cover. In effect, this means that full medical cover is provided for all 54 long-term care residents, three convalescent patients and one palliative care patient, in addition to any respite admissions who are registered patients of the GP's practice. The HSE has acknowledged that the difficulties in attracting a GP or GPs to take on unfilled parts of the medical officer post is impacting on the take-up and full use of the nine respite beds in Fermoy. However, respite beds which are managed through public health nurses in the community remain open and are being utilised. It should also be pointed out that the other community hospitals and nursing homes in the surrounding areas are offered and utilised when respite care is required.

Due to the lack of full medical officer cover, respite admissions require a person's own GP to complete the assessment and administration process and to be available, if required, during the core hours of 9 a.m. to 5 p.m. It should be noted that difficulties have arisen when some GP practices in the local area have advised that they are unable to provide medical cover for their patients during respite due to work pressures and capacity issues within their own practices. Cork Kerry Community Healthcare continues to seek a permanent and sustainable solution to providing full medical cover at Fermoy Community Hospital. The GP who currently provides this service has indicated to the HSE that he is willing to provide full medical officer cover to the hospital once he has resolved the GP locum situation that continues to be problematic for him and his practice.

Deputy Kevin O'Keeffe: I thank the Minister of State for her reply. As I said previously, the response is glamorous but it does not solve the problem. The Minister of State has said that there has been a problem in Fermoy since September but the problem did not start then. The HSE would have been aware that a problem was going to arise well before September 2017. I do not want to be seen to be repeating myself. In that context, the Minister of State was here on the previous occasion when I raised this matter. She promised then that she would ask the Minister to get back to me with more constructive answers but I have heard nothing. I have been in communication with the HSE on the matter in the meantime and have received various different answers. At one point, the HSE, in a rushed response - the Ceann Comhairle may recall this - referred to five days but forgot about the other two days in a week.

As I indicated earlier, this is having a knock-on effect throughout north Cork. It is jeopardising other families who have access to other community hospitals in the area. Previously, these families were getting more than the minimum respite period because they were able to avail of respite at other facilities but now they are being restricted. If families cannot get a GP to go with their loved ones to the respite care unit in Fermoy, the HSE diverts them to Mallow or, in some instances, to other nursing homes. Questions arise in this context too because many fami-

lies send their loved ones to nursing homes at their own expense. Those nursing homes often have more beds than community hospitals but are not required to provide full medical officer cover. Why is the requirement for such cover so rigorously enforced for community hospitals? Ironically, SouthDoc is situated on the same driveway as Fermoy Community Hospital. SouthDoc has a resident doctor available 24-7. Why can the HSE not liaise with SouthDoc when locums cannot fulfil their temporary contracts?

Deputy Catherine Byrne: Again, I thank the Deputy for raising this very important issue. Respite care availability is an issue with which all public representatives deal on a daily basis. I am sorry that this is the second time that Deputy O’Keeffe has had to raise this issue in the House. I have been present on both occasions to deliver the departmental response. I emphasise to the Deputy that when I deal with a Topical Issue matter in this House, I go back to the Minister with line responsibility and explain the situation, verbally and by email. I am sorry that today’s answer does not meet the Deputy’s requirements. However, I reiterate that the GP who is currently providing cover is willing to provide full medical officer cover but, unfortunately, he is having problems finding a locum to fill in for him in his practice. I read a report on this matter before coming to the Chamber. The HSE is willing, ready and eager to fill this post but has not been able to do so to date. In view of the Deputy’s ongoing concerns and the fact that he believes that today’s reply is not adequate, I will make it my business to contact him either later today or Monday and speak to him about the matter again at length. I offer my apologies to Deputy O’Keeffe.

Hospital Services

Deputy Sean Fleming: I thank the Ceann Comhairle for allowing me to raise what is a very important issue in my constituency, namely, the future of services at Midland Regional Hospital Portlaoise. I am disappointed that the Minister for Health, Deputy Harris, is not here this afternoon. Indeed, I raised this matter last autumn and the Minister was not here on that occasion either.

Essentially, the Minister is the source of the problem in respect of Portlaoise. A report has been on the Minister’s desk since September 2017 relating to the hospital in Portlaoise. The report includes proposals to close the emergency department and the maternity department and to ensure that all deliveries take place at the Coombe hospital in Dublin. It also proposes closing the paediatric care unit and the intensive care unit as well as ceasing all inpatient surgery. This report was drafted by the HSE and after detailed engagement between the HSE and departmental officials it was presented to the Minister last September, which is seven months ago. At this stage, the future of Portlaoise hospital is out of the hands of the HSE and is in the hands of the Minister for Health, the Cabinet and the Government. Nobody other than the Minister can make a decision on this matter. Therefore, it is up to him to bring the uncertainty regarding the future of the hospital in Portlaoise to an end. This uncertainty is undermining the hospital and causing damage to its future. As I have already mentioned, I raised this matter last November but got no detailed response on that occasion. Since then there was a large rally in Portlaoise in early December. I was pleased that Deputy O’Loughlin from Kildare attended that rally. She is with me in the House today because many people in the Kildare area use the hospital in Portlaoise.

The Laois Oireachtas Members met the Minister in December. He said that he would

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commence a process of consultation with local GPs and the community and he issued a press statement to that effect before Christmas. I tabled a parliamentary question for written reply on Tuesday last which asked the Minister who is chairing the consultation process that he announced last December, what meetings have taken place since that announcement and the timescale for the conclusion of the consultation process. The Minister's reply was that he had asked for a consultation process to be undertaken and that this is currently "under consideration". It is totally unacceptable that seven months after the Minister received a report, the consultation process on same has not even commenced.

I stated clearly last September that what was needed was a rejection of the report in its entirety and I told the Minister that arrangements should be put in place to improve services at Midland Regional Hospital Portlaoise. The continued delay while this report sits on the Minister's desk is undermining confidence in the hospital and the staff who work there. It is undermining the confidence of patients and people who may want to avail of the hospital's services in the future. It is also undermining the potential recruitment of essential staff at the hospital. Why would anyone take up a senior medical post in the hospital when its future is not clear? There is a report on the Minister's desk which proposes the effective elimination of all services in the hospital. The Minister has allowed that report to sit on his desk for seven months and by doing so, he is deliberately contributing to an undermining of the future of Midland Regional Hospital Portlaoise. The only thing the Minister needs to do is to get formal Cabinet approval to reject that report in its entirety. He should ask himself why, at a time of such crisis nationwide, officials in the HSE and the Department of Health are spending so much time drawing up reports on the closure of the accident and emergency and maternity departments at Portlaoise hospital. He should have rejected the report when he received it last September, but he did not do so. I am calling on him to reject it now.

Deputy Catherine Byrne: On behalf of the Minister, Deputy Harris, I thank Deputy Fleming for raising this Topical Issue. I hope the reply that has been provided to me reflects the points that have been made by the Deputy, some of which I have noted on paper. I will read the reply before coming back to the Deputy on any further points he may have. I assure the Deputy that, as the Minister for Health has stated previously, the most important issue in the consideration of services at the Midland Regional Hospital in Portlaoise is the need for patient safety and outcomes to come first. The Minister is committed to securing the further development of the role of Portlaoise hospital, a constituent hospital within the Dublin Midlands hospital group. Since 2014, there has been a focus on supporting the hospital to develop and enhance management capability, implementing changes required to improve clinical service and incorporating the hospital into the governance structures within the Dublin Midlands hospital group. Significant work has been undertaken to strengthen the stability of services at the hospital. Funding has increased by 35% relative to the 2012 budget. Staffing levels have increased by 29% from the 2014 base. Governance and management arrangements in Portlaoise hospital have been strengthened. Additional clinical staff have been appointed. Staff training, hospital culture and communications have improved.

The Dublin Midlands hospital group has been working for some time on a draft plan for a new model of clinical service delivery at Portlaoise hospital which takes account of the need to develop services at the hospital in the context of the development of a model of service provision for the entire hospital group. The draft plan has been submitted to the Department of Health. I emphasise that patient and public requirements are paramount and have underpinned the Department's consideration of the draft plan. The HSE group involved in developing the

draft plan for Portlaoise included eight national clinical programmes, the National Ambulance Service and the HSE's national acute hospitals division. HSE consultations took place with the clinical staff and management in Portlaoise hospital, general practitioners, the Irish Prison Service, Tallaght Hospital's surgeons and emergency department services and the Master of the Coombe Hospital. As agreed at a meeting with Members of the Oireachtas from County Laois, no decisions have been taken on the draft action plan. The Minister, Deputy Harris, is giving consideration to a process for wider consultation. I know Deputy Fleming will have other questions to ask. I will reply to some of them when I come in again.

Deputy Sean Fleming: I thank the Minister of State. I appreciate that she was sent in here to read a script on behalf of the Minister for Health. It is very troubling that four months after the Minister said he was setting up a consultation process, he now seems to have back-tracked. The reply the Minister of State read on his behalf suggests he is merely "giving consideration to a process for wider consultation". The problem is that the HSE and the Minister have caused almost three years of uncertainty. In 2016, the regional management announced the possibility of scaling back the accident and emergency department. From day one, that undermined the future of services at Portlaoise hospital. During 2016 and 2017, the draft report went up and down between the Minister's office, the Department and the HSE before it landed on the Minister's desk in September 2017. The uncertainty must be brought to an end. There is nothing more damaging to a hospital than uncertainty. The Minister, Deputy Harris, is the only person who can eliminate the uncertainty that has put a cloud over the future of Portlaoise hospital for two and a half years now.

It seems that four months after the Minister met us, he is now considering a further process of consultation. We do not want a consultation process at this point in time. We want the Minister and his Cabinet colleagues to take a definitive decision to reject the report that is on the Minister's desk. I do not want to spend another year discussing a report that essentially wants to close most services in the hospital, including the accident and emergency, maternity and paediatric units. We do not want further consultation on that. As the Minister of State has outlined, people were consulted before the report was given to them. The consultation period in relation to the drafting of the report should be over. We want the Minister to decide to reject the report in favour of increases in investment, funding and staffing to ensure the people who rely on Portlaoise hospital enjoy safe and high quality services. This needs to happen as quickly as possible. There should be no further talking. This report needs to be rejected for once and for all so that the cloud of uncertainty that lies over the hospital in Portlaoise can be lifted by the Minister.

Deputy Catherine Byrne: I assure the Deputy that I was taken aback by one aspect of the script when I was reading it on behalf of the Minister. The Deputy mentioned that the report was received last September. I think there is some justification for some of the issues he has raised. There is nothing as bad as a hospital and its patients being left with uncertainty. I promise the Deputy that I will do my utmost to allay his frustrations and concerns regarding the services at Portlaoise hospital. I hope the Minister for Health will come back to the Deputy as soon as possible. I will emphasise to him that a decision on this matter is needed as soon as possible. Maybe he will correspond with the Deputy on the matter at a personal level. I cannot provide any other information because I do not have it in front of me.

An Ceann Comhairle: On a procedural matter, Deputies Fleming and O'Keeffe both suggested that the responsible Minister should attend Topical Issue debates. Everybody appreciates the helpfulness of the Minister of State, Deputy Catherine Byrne, in these matters. I under-

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stand that when a Topical Issue is submitted and selected, the office of the responsible Minister communicates with the Deputy who has been selected with a view to reaching an understanding about who will answer the question.

Deputy Sean Fleming: No.

An Ceann Comhairle: That is the procedure that should be followed.

Deputy Fiona O'Loughlin: It has never happened.

An Ceann Comhairle: If it is not being followed, the matter will have to be dealt with.

Deputy David Cullinane: Hear, hear.

Extreme Weather (Miscellaneous Provisions Bill) 2018: Second Stage [Private Members]

Deputy Imelda Munster: I move: "That the Bill be now read a Second Time."

This Bill provides for the safety of workers when certain red alert severe weather warnings are issued by Met Éireann. It will enhance public safety during status red weather warnings and ensure the safety of rescue service personnel during such warnings. We have had to contend with two such events in recent months - Storm Ophelia in October 2017 and Storm Emma in February and March of this year. This legislation was proposed in the aftermath of Storm Ophelia, during which three people tragically lost their lives. It provides for clear guidelines in an attempt to avoid the utter confusion with which many employers and workers had to deal during previous storm events in the absence of such legislation. In the immediate aftermath of Storm Ophelia, the Taoiseach rightly acknowledged that there was significant confusion regarding the action that private sector businesses and self-employed people should take when extreme weather warnings are declared. A clear mechanism was in place in the public sector to close schools and public offices. Emergency services and local authorities responded to the crisis as best they could. When the same problems arose during Storm Emma, there was confusion with regard to people working in the private sector. Thankfully, no lives were lost during Storm Emma. I take this opportunity to commend the work of the emergency services and the local authorities during that event. During Storm Emma, the Taoiseach and the Minister for Housing, Planning and Local Government asked non-essential businesses to close for safety reasons. That was good practice because a status red warning means action has to be taken to ensure public safety during an extreme weather event. For safety reasons, it makes sense for businesses to close for the duration of such a warning. It makes no sense, therefore, that the Government will not support the Bill, which is designed to provide clarity for businesses and workers on the safety measures they should take while a status red warning is in place. During Storm Emma, non-essential personnel were asked not to go to work but workers were very much at the mercy of employers. We would like to think that most businesses would do the right thing and it is fair to say that most businesses did the right thing. Nevertheless, there were those which did not. In the absence of legislation, many businesses would seek to exploit the confusion that surrounds action or direction for workers and employers. This Bill would provide protection for those workers.

Another matter addressed in the Bill is risky behaviour during a status red warning. We witnessed such behaviour in many counties across the State, with people swimming in rough

waters and walking along piers and causeways during the red alert. Their behaviour was reckless, incredibly dangerous and stupid. It put their lives and those of members of the emergency services at risk. We are seeking, via this Bill, to give An Garda Síochána enhanced powers to pursue such behaviour under the law. It would make it an offence to engage in behaviour of this kind if a member of An Garda Síochána deems such behaviour to be reckless or without reasonable cause or excuse. It would be a criminal offence, with the penalty of a €1,000 fine, up to six months imprisonment, or both.

There is nothing in this Bill that has not been previously recommended by the Government. For it not to want to enshrine in legislation the safety of workers during a status red alert is both reckless and myopic. I urge all other parties to support the Bill and, in doing so, protect the safety of all workers and rescue service personnel. If the Bill provides for anything, it is clarity, certainty and safety during a status red alert. There is simply no justification for not supporting it.

Deputy David Cullinane: I am not sure if Teachta Adams is sharing this slot.

An Ceann Comhairle: It is first come, first served.

Deputy David Cullinane: If his name is down, that is all right.

An Ceann Comhairle: The Deputy can always give way to his party's esteemed former leader.

Deputy David Cullinane: Absolutely. We must look after him as well.

Deputy Gerry Adams: Go raibh maith agat, a Cheann Comhairle.

Deputy David Cullinane: It is ironic, I suppose, in some respects that we are moving this Bill on a day when it is so beautiful outside and the sun is shining. That is a result of the lottery system we have.

Deputy Pat Breen: May we go home then?

Deputy David Cullinane: Extreme weather events are very rare. Weather events such as Storm Ophelia and the snow we witnessed recently are not everyday occurrences. They are rare and that is their nature. It is why Met Éireann and the Government, to be fair, take all this seriously. It is the reason we have different categories of warning, with the highest being a status red alert.

The Bill does three simple things. It amends the Safety, Health and Welfare at Work Act 2005 to provide for the safety of employees during extreme weather situations; the Government does not want to support that. It amends the Criminal Justice (Public Order) Act 1994 to provide for the protection of public safety and the safety of rescue service personnel during weather warnings; the Government does not want to support that. The Bill also ensures that employees shall be treated by their employers as if at work for the period under warning; the Government does not want to support that either.

We are not talking about essential services or companies that provide essential work. We are not talking about public sector employees that provide front-line services and so on. It covers all non-essential work in the public and private sector. During the most recent extreme weather events, we had the Taoiseach, Met Éireann and a plethora of Ministers rightly telling

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people in red alert areas not to travel because it was unsafe to do so. With the vast majority of companies that closed, there was no difficulty for employees. When the decision was made to close those companies, employees got paid. The difficulty is that some employers, despite not providing essential services, decided to open and thus placed the lives of their employees at risk. The people who had to make journeys took their lives in their own hands because they wanted to protect their jobs, could not afford to lose pay, etc. Those who stayed at home risked losing a day's pay or having it treated as a holiday. That was very unfair to those workers.

We are trying to provide certainty in legislative terms. The Government is saying that we should trust all employers. As is the case with most employment rights legislation in this State, the idea was that we would work on the basis of a voluntary system whereby if the employer is good, employees would be protected, but if the employer is not good, there is still no real role for the State. Of course, there is a role for the State. We are trying to do something very simple in cases of very rare extreme weather events. What is so objectionable about asking employers to follow this when the Taoiseach, flanked by members of the emergency services, appeared on bulletins at 6 p.m., 9 p.m. and various other times and stated that people should not travel because it was unsafe to do so? He gave the correct message but the same people listening to the message were told by some employers to disregard it and come to work. If they did not go to work, they did not get paid. The Minister of State seems to think that was okay because the Government is not prepared to put a solution in place. We have heard from the Government that it will issue guidelines, which is no good. This must be underpinned by legislation. What is so objectionable to companies providing non-essential services being directed that in these very rare circumstances they should close. This would only happen in the geographical areas where there is a red alert. I cannot see it and the Government will have to answer on that.

I cannot understand why the Government objects to the second part of the Bill either. A small number of people engage in reckless activity during these weather events. We see them surfing, swimming, walking on piers and so on. By doing so, they put their lives at risk. If they get into danger, they also put the lives of members of the emergency services - who are obliged to respond - at risk. There is no criminal sanction for this and it is not an offence at all but it should be. It should be an offence if a person engages in reckless behaviour despite all the advice given out. We see and hear about this and people are incensed when it happens because emergency and front-line services are put at risk. Everybody says it is wrong. The Government now has a chance to take action and at least put some sort of deterrent in place but it will not do that either.

What is it about the Minister of State and this Fine Gael Government that when we bring forward legislation to try to improve the lot of workers and give them certainty, it is rejected? We had discussions about this previously. I brought forward a Bill on if-and-when contracts but apparently it could not work. A couple of months later, when the Government came under pressure, it produced legislation that does not go far enough. Why not accept our Bill? If the Government has difficulties with it, the legislation can be amended and we can be told what are the problems. Rejecting the Bill indicates to employees and workers that the Government really does not care. I should not have to remind the Minister of State that three people lost their lives during Storm Ophelia. One person was from Cork, one was from Louth and one was from my constituency in Waterford. Some of those families have been campaigning for legislation like this as they believe workers should get certainty.

I remember during the snow a number of months ago I received dozens of calls from workers who were very confused and did not know what to do. They had to make decisions that they

knew put their lives in danger. One can imagine these people had children, who would have been off school. These people were really upset because they did not know what to do and were under huge pressure from their employers. I was listening to the Taoiseach giving very clear warnings not to travel and an employer saying to travel. There has been no response from the Government at all. It is “trust the employers”. We can trust the vast majority of employers. However, for those who do not do things correctly and who put their employees at risk, it is our job as legislators to make sure we protect workers. The Minister will have to account for his actions. We can only do our best in opposition. When we are lobbied about a problem by people - Teachta Adams and Teachta Munster were lobbied by individuals in Louth as I and others were across the country - we come up with a Bill that attempts to and would fix the problem. That is our job in opposition. The Minister, the Taoiseach and the Government have responsibility, but they have done nothing at all. That is despite these two bad weather situations. I do not even have to use up all of my time. Other people will want to come in.

I am disappointed the Government is not supporting the Bill. I am not sure what is the position of the other party in Government, Fianna Fáil. We will hear that in a few minutes. Other parties have indicated they will support the Bill. I hope the Government will change its mind and support the Bill. The Minister, the Taoiseach and the Government often criticise Sinn Féin in a partisan and negative way for not providing solutions. When we do, as we are doing here, the Government’s response is that it will not support it. That is a matter for it.

The trade union movement, including the Irish Congress of Trade Unions, ICTU, which represents workers is looking for action. Goodbody Stockbrokers did an analysis of our Bill. It was a positive and constructive analysis. It said the *status quo* is not good enough and something has to be done. If the Minister is going to reject our Bill, I hope he has come in with some alternative that is better. If he has come in empty handed, then he is failing all of those workers who were failed the last time we had the two extreme weather events.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank all the Sinn Féin Members for being here and all the other Members. As Deputy Cullinane said, it is a fine afternoon. Let me state from the outset that it is vital that the public is not put into life threatening or dangerous situations during extreme weather events. The fact that Met Éireann has a graded, colour coded weather warning system has considerable merit. It serves to inform the public and business owners when caution is required and certain activities need to be curtailed. That is an important part of the system. In that regard, I appreciate the well intentioned motivation behind the current proposal. I believe, however, that the introduction of this Bill is premature as a full review of Storm Ophelia and Storm Emma is ongoing. Like other speakers, I compliment the emergency services during both storms and the work they did to ensure the safety of the public. I compliment the team in the Department of Communications, Climate Action and Environment as well. It would be more appropriate to wait for the outcome of this review to gain an understanding of experiences across the various sectors of the economy and Government. At that point it will be possible to determine what, if any, policy, legislative or general guidance changes are required. Also, many aspects of the Bill as presented are unworkable.

It has been the consistent policy of successive Governments to support the development of workplace health and safety legislation. Through the inspection, enforcement and promotional activities of the Health and Safety Authority, the number of fatalities and accidents arising from work related activities has fallen considerably over the last two decades. We can all welcome this and I am sure this progress will continue in the future. Our existing safety, health and

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welfare at work legislation offers robust protections for workers, as does Ireland's employment rights legislation.

This Bill proposes to amend the Criminal Justice (Public Order) Act 1994 to provide for the protection of public safety and the safety of rescue service personnel during an extreme weather warning. It will create a new offence when some individuals act recklessly, or without reasonable cause, and engage in any activity directly or indirectly which endangers life. While this proposal is well intentioned, from my perspective, the most important concept to consider in this debate is that of balance and the potential broader impact and consequences of the Bill as it is currently presented. The primary legislation relating to occupational safety and health is the Safety, Health and Welfare at Work Act 2005. Under this legislation employers, including the self-employed, already have a statutory obligation to provide for the safety of their employees while at work and while undertaking work activities. This statutory responsibility includes employees required to drive as part of their work.

However, normal commuting to and from a place of work in a private vehicle or using other modes of transport is outside the scope of the 2005 Act. The issue of the safety of the commuting public in this context of an extreme weather event is a matter of public safety and is outside the remit of my Department and that of the Health and Safety Authority. I contend that the underlying purpose of the Bill is to ensure broader public safety in the context of an extreme weather event with particular reference to the commuting public. I must stress therefore that the proposed amendments are not in keeping with the overall purpose and focus of the 2005 Act which is primarily to secure the safety, health and welfare of employees at work in the context of work activities.

These amendments would confer a range of disproportionate duties on employers, as well as obligations that go beyond what could be regarded as reasonable arising from work activities and the management of a workplace. The matters raised in the Bill are essentially matters of broader public safety. Employers already have a duty to ensure the safety and health of persons at work and to manage work activities to ensure, so far as is reasonable, the safety and health of their employees while they are at work. In this regard, in the period preceding a likely extreme weather event employers should assess the risks arising from the place of work, the work environment and from work activities in order to establish whether or not the work activities are likely to cause specific risks to the safety and health of workers arising from those work activities. If a risk is established, then adequate precautions must be taken to prevent the risk of injury.

In relation to the specific proposed amendment to section 11 of the Safety Health and Welfare at Work Act 2005 it should be noted that section 11(2) already deals with serious, imminent and unavoidable danger for persons at work and the protection of employees. Subsection (2) already obliges an employer to inform all employees of the risks involved and the steps to be taken to protect them in the event of such an emergency or serious and imminent danger. It is also notable that the plans and procedures to be put in place by an employer under section 11 also require the necessary measures be provided for the evacuation of both employees and any other individual at the place of work. Section 11(3) provides that an employee who leaves a place of work in such circumstances is not penalised. Subsection (5) excludes certain defined classes of emergency workers.

The proposed amendment to section 11 seeks to give the Minister for Communications, Climate Action and Environment vaguely described, ill-defined and broad powers to exempt

categories of employees from inclusion in the newly inserted subsection (4A). The terms used are vague. It is not at all clear what is meant by “essential service” or “work, that by its nature, requires continuity of it be maintained.” The provisions do not seem to be workable from either a legislative drafting, legal or practical perspective. The proposed amendment is framed as an absolute obligation on an employer to close all places of work in the affected area, without any precondition of assessments appropriate to the particular workplace, or a particular weather event, be it rain, snow, wind or a combination of these events. Furthermore, the amendment is framed entirely outside the existing provisions of section 11 which are all geared towards requiring an employer to plan and put in place procedures to deal with emergencies etc. There would undoubtedly be unintended consequences to such an absolute obligation. For example, what happens if employees, such as teachers with pupils, are already in their places of employment when a status red weather warning is given for the area? This Bill specifically directs employers such as schools to close during a status red weather warning. That could force staff and pupils out of a safe place of employment into dangerous weather conditions.

The Bill addresses the employer’s right to keep the business open especially when food production and supplies are concerned. Indeed, in the case of food distribution preventing workers from delivering food in circumstances where it has been determined that it is safe to do so may contribute to food shortages or give rise to loss of perishable foodstuffs and, in extreme circumstances, could give rise to social unrest.

The Bill proposes to insert a new section 6A into the Criminal Justice (Public Order) Act 1994. The provision creates an offence relating to dangerous activity in a workplace when a status red weather warning is in place. Under the provisions a person commits an offence where he or she acts recklessly or without reasonable excuse and engages in any activity that presents a danger to his or her life or to the life of other persons or interferes with the ability of the emergency services to perform their functions. This is unclear and ill-defined and could be interpreted by some to include going for a walk in heavy rain if there is a red alert for rainfall in the area. Indeed, industry representatives will argue that the Bill would adversely affect productivity if unnecessary closure of businesses occurs, impacting on businesses in terms of business continuity and competitiveness.

The Bill amends the definition of “public place” in the 1994 Act to include any part of the maritime area within the meaning of section 2 of the Continental Shelf Act 1968 in respect of which a status red severe weather warning is in place. However, this reference to the Continental Shelf Act 1968 is not understood upon review of the contents of the section.

The proposed section 6A(3) that would amend the 1994 Act defines “emergency service” as including the Garda Síochána, the fire service, the ambulance service, the coastal rescue service and the mountain and cave rescue services or a similar emergency service. The catch-all reference “or a similar emergency service” creates a grey area. The section does not specifically include waterways, whether inland or coastal, or emergency services such as the Irish Coast Guard, Civil Defence or Royal National Lifeboat Institution. It does not address the services of non-governmental organisations such as the Order of Malta, St. John Ambulance and Irish Red Cross emergency services or other private emergency services such as private ambulances.

The Bill amends section 8 of the 1994 Act to provide that the new offence is covered by existing Garda powers to direct people to desist from acting in a manner that runs contrary to public order and to leave the vicinity of the place concerned. The prescribed penalties for those found guilty of commission of the new offence relating to dangerous activity are, on summary

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conviction, a fine of up to €1,000 or imprisonment for up to six months or both. The proposed new offence of dangerous activity in a public place is well-intentioned. However, making it an offence to put one's own life in danger could deter a person from calling for assistance. My colleague, the Minister for Justice and Equality, has responsibility for the criminal justice aspects of the Bill, including the proposed amendment to the Criminal Justice (Public Order) Act. The Minister for Justice and Equality is conscious of the need to ensure that the law sufficiently reflects the duty on the Legislature to protect the lives and safety of the public and of the emergency services when experience shows that this is required. The foolhardy and reckless behaviour of some people entering the water when Storm Ophelia hit caused understandable controversy. While it is incumbent on everyone to act responsibly, the Minister recognises that there may be need to make the law more explicit in certain circumstances. The proposed new offence of dangerous activity in a public place is well-intentioned. However, it gives rise to some issues that may need to be teased out further if the Government were not to oppose it.

The Office of the Attorney General has been consulted and has highlighted several concerns. One relates to imprecision in the use of certain language and terminology. The broad scope of the proposed new offence could apply to all public places. There is inconsistency of language in other provisions in the public order legislation. There is some duplication or overlapping of offences that could lead to uncertainty and be exploited by the defence. For example, section 19 of the 1994 Act already provides for an offence of obstruction of peace officers - essentially the emergency services - and section 13 of the Non-Fatal Offences Against the Person Act 1997 provides for an offence of reckless endangerment. One unintended consequence that could arise relates to where a person has found himself or herself in a position where he or she presents a danger to himself or herself but is deterred from contacting the emergency services lest he or she leaves himself or herself open to prosecution. Another is the possibility of inadvertently criminalising a person suffering from mental health issues who has commenced the process of committing suicide, thereby presenting a danger to himself or herself, during an extreme weather occurrence. A further concern relates to the need to ensure that proposed penalties are appropriate and consistent with other legal provisions.

These issues need further and careful examination. I put it sincerely to the Sinn Féin Party that the Minister of Justice and Equality is nevertheless open to engagement on the criminal justice proposals in the Bill with a view to highlighting the various difficulties with the criminal justice elements of the Bill, as drafted, and inviting its sponsors to take on board this feedback and bring forward new proposals.

The Bill goes beyond the updated guidance that was issued by the Workplace Relations Commission in response to the weather warnings during Storm Emma.

The Bill has flaws, especially with regard to balance and proportionality. The practical and potential legal issues that would arise if it were to be enacted are numerous. They are capable of creating many difficulties and significant consequences for individual employers and businesses. Given these flaws I cannot support the Bill and I intend to oppose it.

Deputy Gerry Adams: I have to say ar dtús go bhfuil brón orm nach bhfuil an Rialtas ag tabhairt tacaíochta don Bhille seo. I am disappointed that the Government is not going to support the Bill. At the risk of being totally and absolutely wrong, I presume the Minister of State did not write the script I have before me. It has taken me the short time that it took the Minister of State to read out the script to try to absorb it.

I note that the Minister of State said on at least three occasions that it is well-intended, and that is nice. Then at the end, the Minister of State said that the Minister for Justice and Equality is open to engagement in respect of the criminal justice proposals in the Bill. We are up for that engagement and I would like to follow through on that. I have done this in the past with other legislation when we have worked through the details of some issues with officials.

I will get to the bones of what the Minister of State has said - I have not had the opportunity to study the script in great detail. The key to his statement is contained on page five of the script delivered. The Minister of State said that industry will argue the Bill will adversely affect company productivity if the unnecessary closure of businesses occurs, impacting on businesses in terms of business continuity and competitiveness. I believe that is the Government's problem. In other words, business and industry representatives anticipate this measure as meaning they will have to pick up the tab for a worker who would not be expected to turn in to work but who would have to be paid for it.

The Minister of State also said that in a likely extreme event employers should assess the risks arising from the place of work or the work environment and from all work activities. Those in Met Éireann are the people who assess that. The Government did a good job during the few days of extreme weather recently. The Government based all the warnings, instructions, guidance and appeals on what those in Met Éireann were saying. They are the people who tell us if we have a pending problem.

I got involved in this because the family of Fintan Goss from Ravensdale got in touch with my office. He was a young man on his way home from work. His child was christened beside his coffin. The family got in touch with my office so we discussed this and decided to try to bring something forward. One could say it was a fluke or a freak accident - we do not know how things work out in life at all.

The reason his family got in touch with us is that they wanted to ensure that this did not happen to someone else. This young man felt obliged to go to work. The same thing happened elsewhere and two other people, Michael Pyke and Clare O'Neill, were killed. That is the motivation and context for this Bill. I commend the Goss and the other families who, in the midst of their grief, sought to ensure that other families are protected in the future.

The Met Éireann website states: "The core rationale for issuing Weather Warnings is to protect the lives and livelihoods of all the nation's citizens." It is very clear. In other words, a weather warning is issued and people are requested to please take account of it and to take steps to ensure that they protect their lives.

The purpose of this Bill is twofold. It amends, as the Minister of State said, the Safety, Health and Welfare at Work Act 2005 to make sure that employees are safe during severe weather warnings issued by Met Éireann, not by anybody else. It also seeks to amend the Criminal Justice (Public Order) Act 1994 to ensure the protection of the public safety and the safety of rescue service personnel during such a weather warning.

As I read through the Minister of State's remarks, which are written in such opaque language, it refers to safety at the workplace and workplace health and safety, and we want to make sure that whatever progress is being made in that field continues, but this is about a decision whether a person, for non-essential work - not essential work - should be obliged to risk their life going to work.

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The Taoiseach asked everyone to stay at home for a 24-hour period during the status red alert. The Taoiseach was right. The State was effectively brought to a standstill. Public transport was disrupted, schools were closed and public sector workers were told to remain at home. Water and electricity supplies for many families were affected. The responsibility of the Government was to act as it did. In advance of Storm Emma there was widespread media coverage of the impending bad weather and we were left in no doubt about the seriousness of the extreme weather that was expected.

Places like Canada deal with weather conditions all the time in the winter which are much worse than what we experienced. Even though there is the danger of climate change and so on, we only get these big storms rarely but when we have that focus, those warnings, the Taoiseach asking everyone to stay at home, the shutdown of public transport and so on, then surely the Government is obliged for those non-essential workers to give them at least the protection that they deserve. It is straightforward in the case of public sector workers. Non-emergency service staff stayed at home. Oireachtas staff stayed at home. Sinn Féin staff stayed at home.

Front-line staff, hospital staff, showed amazing commitment and courage, as did carers and personal assistants. We all know stories of carers who trudged through the snow to help a person and personal assistants did the same. Another issue, with which we cannot deal today, is that some people with disabilities were left isolated for days because there was not the type of transport that could get to them in such a freak weather storm. In the private sector there was great uncertainty as to what people should do. Some people took a day's holiday and stayed at home, some people worked from home and some people either, at the behest of their employers or in the absence of clear guidelines, went to work. The objective of this Bill is to provide clarity and protection for workers and for citizens.

I am sure the Minister of State would agree that no employee should be asked or expected to jeopardise their safety to go to work when there is a clear risk to their health and safety. None of us would do it. We have a responsibility to act to remove this ambiguity. No one should have to worry about going to work if there has been a red weather alert. If it is good enough for public sector workers, for non-essential workers, why is it not good enough for private sector workers? The only reason is that the tab would have to be picked up by the private sector. Because these storms are rare, we do not believe it would put a huge burden on the State to resolve that difficulty. It would also mean that, for the first time, workers in the private sector would be on the same legislative basis as workers in the public sector.

The second part of the Bill, which Teachtaí Munster and Cullinane have addressed, deals with protecting the public and members of the emergency services. There are two Flann O'Brien-type sections in the Minister of State's remarks. One is where he states: "in the case of food distribution preventing workers delivering food in circumstances where it has been determined that it is safe to do so may ... [exacerbate] food shortages or give rise to a loss of perishable foodstuffs and, in extreme circumstances give rise to social unrest". Let us get real about the all of this. For those who drive through breaking high waves, on promenades, swim in the seas or drive into countryside blanketed in snow and so on, they put themselves and others like good samaritans, emergency staff and neighbours at risk. Everybody accepts that behaviour is irresponsible. We simply want to deal with that and to make sure there is a sanction that would put people off that sort of behaviour and, thus, also save those who might have to go to their rescue.

I am disappointed the Government is not going to support this Bill. I hope everyone else

does. I have written to all the party leaders. I wrote to all the Louth TDs, given that the request came from within our constituency. We are prepared to work with officials to try to amend or straighten out any genuine difficulties with this Bill.

Deputy Mattie McGrath: I am glad to be able to speak on this Bill and make my few comments. Ar an gcéad dul síos, ba mhaith liom mo bhuíochas a ghabháil leis na daoine go léir a bhí ag obair chomh dian. I thank all the people, the emergency services, An Garda Síochána, all the different agencies, the Civil Defence, especially the Red Cross, the Order of Malta and the Fire Service, all those people who went above and beyond the call of duty in the recent number of storm and severe weather events and the late spring snowfall, and also the private people who helped in every area. While there were awful events, they were the best thing that happened for community service, as the spirit of the meitheal came to the fore and people looked out for each other.

We have a very advanced system of weather warnings now. I would say it is on too often, ró-mhínic. Many community events were planned in places, then there was an orange alert and they were cancelled, and sometimes the weather that had been alerted did not develop into that. I acknowledge it is very hard to strike the right balance. I respect Met Éireann and what it has to do but we never had these weather alerts and we managed without them. Certainly they are an effective tool but we must also be careful as a great number of events had to be cancelled at different times and they did not happen at all despite huge community efforts having gone into planning them.

This is a Private Members' Bill and I have a lot of issues with it. Let us face it, there is a massive difference between public sector and private sector workers. Ask any small firm or growing business. It is easy for Deputy Adams and others to tell people to pick up the tab because there are not many of these events, but there are many bank holidays and other times when the private sector has to pick up all of the tab. Take water bills, for example, which were fundamentally opposed by Sinn Féin and parties of the left. Who is paying the tab now? The private employers are, since the money must come from somewhere. Water charges have been doubled, sometimes trebled. Let us face it.

This is not as simplistic as legislating to have equality between the private and public sectors. While something needs to be done to clarify the matter, we cannot rush to a decision, as we are not good at doing that. The new coroners Bill has been delayed again. There is significant trauma involved in those situations. That Bill has been expected in the House for the past two years. We were promised that we would have it this May, but it will now not even be before us this term, and perhaps not even next term.

We cannot have knee-jerk reactions. We must be cool, calm and collected. Above all, we must have the impact analysis of legislation, including its impact on businesses and, first of all, on people. Regarding life-saving courses, health and safety is the most important issue of all. It has gone over the top in many places, but we must have respect for all employees, be they public or private.

This was strange because we were sent home from here. I supported the decision that we as the Business Committee made to close during the last snow storm, but we then had a ludicrous situation. All of the emergency workers were out, but some county councils had a different engagement than other councils. Some acted soon and some did not. I salute all the council workers. I salute those in Tipp FM and Tipperary Mid West Radio in my county who worked

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tirelessly and risked life and limb in spite of the red alert to be at work and keep the channels of communication going. I salute them 100% - Ms Trudy Waters and Mr. Pat Murphy at Tipp FM and Mr. Joe Pryce in Tipperary Mid West Radio. How they kept the message going out was unbelievable. The Garda Síochána had to work no matter what alert was there.

Along with others, I pulled ambulances along the road at midnight and other times. It was no problem. I was delighted to be able to help. The council workers had all stood down. That was a farce. They were told that they could not work after dark. How was an ambulance going to get out to an accident? How was the fire brigade going to get out to a fire? Those emergency workers had to work anyway. Let us be fair to all individuals and respect everyone's rights. Gardaí could not travel. Some were able to secure Jeeps and the like, but they mainly had ordinary cars. That was nonsensical. The workers who normally maintained the roads and whose duty it was to keep them open were sent home. That was the case in Tipperary at any rate and I will not speak for anywhere else.

There was a major difference in Waterford, on the border of which I live. Its county council took an aggressive approach and cleared the roads for everyone who had to get out. I brought a number of people in the health services to work in homes for children with special needs. Some of the workers were there for two days and beyond because they could not leave. There was no one to replace them. The pathway to South Tipperary General Hospital was blocked as well. There were other issues like that. Emergency services had to keep going. We had to keep our hospitals going. We had to bring in generators as well as fuel for those and ambulances.

It is too simplistic to believe that we can just pass a Bill under which the public and private sectors will be treated in the same way. Consider farmers. The current farming crisis is a part of the weather events. In fairness, 99% of the people whom I saw taking to Facebook did so to thank farmers. Some areas would not be out of trouble yet if not for farmers going out with their equipment. Farmers never looked for a penny for clearing the roads and doing everything else. They never would. That is the meitheal society, with people helping one another.

Home helps were not able to travel to work. Deputy Adams and others spoke about them. People who needed their help desperately to perform basic functions that they could not perform themselves were abandoned. It is fine to announce a red alert and then everyone goes into a bunker and forgets about the people, but we are lucky that the last storm did not last too long because it was later in the year. Had it occurred in January, it would have been a different story. There would still be snow in places.

We must be calm and reflective and we must be conscious of the impact the legislation we churn out is having on our economy and people, especially those in rural Ireland as well as those in this city, though if something happened here, there would be enough people to make noise about it, march and so on. A lot of legislation is lined up, including the transport Bill from the Minister for Transport, Tourism and Sport, Deputy Ross, that will have devastating impacts on rural Ireland. This Bill would have that impact too. It is fine to talk about employers picking up the tab, but they have to do that all of the time. There are pension schemes and more things being granted every day of the week. Some of them are good and I am not anti-union or anything else, but I am an employer - I should declare an interest in that regard - and it is becoming so onerous with all of the red tape, form filling, regulation, impositions and inspections. We have become a nation of enforcers, with people from the National Employment Rights Authority, NERA, and God knows how many more agencies going around flashing cards at employers instead of trying to support them.

I am opposing the Bill. I will oppose any legislation that is not fair. What impact would this legislation have on rural Ireland, up the mountains, up the Sally Gap and God knows where else? I agree with one part of it, though, that relating to people joyriding, fun seeking, swimming and so on in certain places. It happens regularly in parts of my area, for example, Galtymore in the Galty Mountains. Hardly a weekend goes by that volunteers, who have to run bucket collections just to fund themselves, do not have to risk life and limb to rescue people. People think they can do what they like and go up the mountain only to get lost in snow, blizzards and fog. Anyone who lives near mountains like I do knows - a hill sheep farmer would know it - that, on a summer's day like today, and it is good to see a lovely spring day, a fog can come down in 20 minutes leaving someone without a sense of direction. People are unprepared. No matter what warnings are broadcast on radio or what red alerts are announced, they seem to want to be able to do what they like, travel over whatever land they like and then cry "Help" when they get lost. They are risking the lives of others. I cannot support the Civil Defence, mountain rescuers, air rescue and so on enough. Remember Rescue 116. Consider how rescuers must respond.

The Bill is too simplistic and comes from a party that is too simplistic about most things: "Let someone else pay"; "We are all right, Jack"; "Someone get this, get that, get the other." Many trade unions are of the same ilk and keep putting everything on the employer and small and medium-sized business people. This is not about picking up the tab, though. It is about equality and respect for these people, who are the drivers of our economy and who support it. We want to have fledgling businesses that employ our young people, who we want to be able to support and educate. These business people have buckets shoved in front of them by the Society of St. Vincent de Paul and other organisations in order to support their activities.

Remember the farce of what happened with Uisce Éireann. People want everything to be free, to pay for nothing and to introduce another law that will close the whole country down, to hell with the people who are isolated and sick and who need services. Local authority workers were sent home when ambulances were trying to get around the roads and farmers were pulling them out with tractors, towing gardaí and using their machinery. We only need to press a "Tá" or "Níl" button here. A red alert will close down the whole show and people will be forgotten about. That is endemic in this Government. Many people are being forgotten in society - young people, sick children in hospitals and elderly people who cannot get cataract operations and are left to go blind. This is not a Government Bill, but people need to show more thought and sensitivity instead of banging in Bills like this one just because the optics of it makes them look good in the media: "I am all right, Jack, and to hell with the little people."

Deputy Eugene Murphy: I was just out in the sunshine and one could nearly say that today's weather is extreme because it is approximately seven months since we last had a day like it. It is great to see.

I welcome the opportunity to contribute on this Bill, which I commend Sinn Féin on introducing. Unfortunately, our party cannot support aspects of it. While we support the spirit of the Bill, technical issues prevent us from supporting it in moving forward.

The Bill has two parts, the first of which makes it an offence to endanger lives recklessly during a red alert warning through actions such as swimming in the sea, mountain climbing and so on. The second makes it mandatory to close a workplace in a red alert area. While we strongly support the first issue, the latter is already covered by the Safety, Health and Welfare at Work Act 2005, which I will reference again.

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Deputy David Cullinane: I think someone gave the Deputy the Minister of State's script.

Deputy Eugene Murphy: Therefore, the Bill is a duplication of current law and would represent an overly stringent set of fresh rules in the matter of closing workplaces. Fianna Fáil supports strengthening provisions for penalising reckless endangerment of emergency workers and we will work with Sinn Féin or others on this part of the Bill. I compliment our local authorities, fire service, ambulance service, radio stations, national television and radio and everybody else in the run-up to Storm Emma and other storms on the outstanding work they did. As a result of the communication with the people, many lives were saved. Deputy Adams referred to some extremely sad cases, particularly the one in his constituency of Louth. I was struck at the time by how sad it was for the family that the man lost his life during the storm.

We accept that Ireland is subject to an ever-escalating series of storms in this era of climate change. This will lead to more pressure on our emergency services. We need to respond to such extreme conditions. Sometimes there is a somewhat knee-jerk legislative reaction and we do not need it. It is not to say there are no issues in the Bill we can support. Bills should reflect a real need and show they will have a positive impact. This Bill fails that test as it duplicates current law and would probably add further red tape for employers.

The Bill aims to achieve two things. First, it imposes penalties on those who put lives in danger through reckless behaviour when an extreme weather warning has been called. It seeks to give An Garda Síochána enhanced powers to pursue people for such behaviour. Second, the Bill ensures employees are not penalised for staying away from their places of work during a status red severe weather warning. The Bill ignores the fact that existing legislation already encompasses these concerns. The Bill raises definitional issues that should prevent it from moving forward to Committee Stage. An existing 1997 law makes it an offence to recklessly engage in conduct that creates a substantial risk of death or harm to another person. It allows for a fine of around €1,900 or 12 months in prison. As a party, we put forward the criminal justice (endangerment) Bill 2017 to strengthen this provision. We agree with this principle of the Bill and will work with other parties, particularly Sinn Féin because it brought it forward, to advance this idea. However the other half of the Bill is unnecessary. The Safety, Health and Welfare at Work Act 2005 places the responsibility on employers to ensure the safety of their workers. This covers such extreme circumstances as weather warnings. We do not believe that adding to the existing law will contribute to the health and safety of workers. Employers are already guided by legislation and must act in the best interest of workers' health and safety in such circumstances. While well-intentioned, putting in place hard rules based on strict legislative definitions creates more issues than it will solve.

The Safety, Health and Welfare at Work Act 2005 already makes it mandatory for employers to ensure the safety of their workers coming to and from work as well as within it. It raises the question of why this Bill replicates and complicates its core elements. Introducing a hard rule when the current system operates effectively and is legally enforceable, which is a very important point, appears to be unnecessary. It also raises definitional issues.

Let us look at the general duties of the employer under the Safety, Health and Welfare at Work Act 2005. In Part 2, section 8, those duties include to ensure the safety, health and welfare at work of his or her employees; to manage and conduct work activities in such a way as to ensure the safety, health and welfare at work of all employees; and to manage and conduct work activities in such a way as to prevent any improper conduct or behaviour likely to endanger employees. As regards the place of work concerned, the employer must ensure the design,

provision and maintenance of a safe, risk-free place of work, which includes access to and from it; and plant and machinery that are safe and without risk to health.

There have been many improvements in how we react to extreme weather situations. Our emergency services have done very well in recent times. The new weather alert system from Met Éireann will improve it a lot. I wish the Deputies well with the Bill. There are aspects we can support but we cannot support it in total.

Deputy Denise Mitchell: I welcome the Bill as a common-sense and workable proposal to ensure public safety during extreme weather events. Before I discuss the Bill as a whole, I especially welcome Part 2, which deals with dangerous activity in public places during severe weather events. During Storm Ophelia many of us were shocked when we saw on television and in reports in the newspapers people going swimming and going for walks along cliff faces during a red alert. These people were not only putting their lives in danger but also those of our emergency services. Anything that discourages people from such reckless behaviour has to be welcomed.

As for the Bill as a whole, during Storm Ophelia there was a lot of confusion over what actions employers and staff should take. This led to situations where staff travelled and put themselves in danger in fear of the consequences of losing a day's work. It saw staff commuting to workplaces in Dublin city and other urban centres and becoming stranded because bus and train services shut down early. The Bill will provide guidelines to employers to put the safety of their staff first. These red alert weather warnings are very rare but they are there for a reason. The reason is public safety and public good. I could not believe my ears when I heard the Minister for Housing, Planning and Local Government say his Government believes private businesses would do what is in the best interest of the safety of their employees. While I am sure most businesses have the interests of staff at heart, there are many others which do not. Meanwhile, the Government is supposed to have the best interests of its citizens at heart. The Taoiseach acknowledged there was a lot of confusion at the time of Storm Ophelia so clearly there is a need for clarity on this issue. Despite the warnings and the alerts three people lost their lives. In two of these cases, it was due to trees falling on cars. In one case the person was travelling home from a day's work. No worker should be expected to put his or her life at risk to travel to work during a red alert. No emergency service worker should be placed in additional danger by individuals acting in a reckless way during extreme weather events. The Bill provides clarity and hopefully it will help ensure that no such tragedies happen again. I appeal to people to back the Bill and protect workers.

Deputy Caoimhghín Ó Caoláin: It is fortunate the climate in which we live means status red situations are rare. I commend my Sinn Féin colleagues on bringing forward this Bill and I regret that the Government has decided to oppose it. This Bill seeks to ensure that our under-resourced but heroic emergency services are not unnecessarily deployed into danger where their very lives would be at risk. These critical players in times of serious and, in this instance, status red situations should be engaged only in assisting or responding to those who absolutely need that help. It is apparent to me and to most, even here in this House, that we were far from ready or prepared for all that happened during Storm Ophelia. We need a greater investment in our emergency services, including in equipment that may be required only in extreme weather conditions.

As my party's spokesperson on disabilities and older people, I advocate a plan to ensure that no one with a disability or infirmity is left isolated, alone and vulnerable in status red situa-

tions. This Bill provides for exempting key care workers, essential support providers, from any general closedown situation. People with disabilities, with specific daily care needs, and older people living alone or together in isolated locations and with particular health care needs deserve a special response in times of severe weather conditions. The emergency services should be relieved of unnecessary call-outs in status red conditions, prioritising those who need and deserve the deployment of the very best that we can provide.

It is regrettable that the Bill will not proceed, as the Government, Fianna Fáil and other voices indicate. The Minister of State said that he intends to mention this debate on the Bill and the elements of it that he feels most comfortable with to his Cabinet colleagues. I urge him, or some other speaker for Government, to report at an early point to this House on what real extra services are being considered for the next status red situation. It is not enough that we are informed and that there is the optic of the media letting us know the situation, with news reports of the heroic efforts of the emergency services. We, especially those who are dependent, also need to know that we and they will feature in Government's preparations in the event of another status red situation. That is the only real comfort we can give people now and in the hope and expectation that if the worst weather presents again, the State will be ready to muster and respond to the needs of those who really need its help because of their dependency, infirmity, disability and isolated locations. I urge the Government to put in place a real plan that takes on board all the critical elements and is prepared to meet the worst that weather can throw at us.

Deputy Paul Murphy: We are happy to support this Bill, which is a good one. It is a bit nauseating to listen to the Government and Deputy Eugene Murphy jump through hoops to explain their rationale. They must have a special department that writes these speeches to come up with explanations for opposing Bills that are perfectly simple and which obviously should be supported. The root cause was pointed out, namely, the fear of interfering with companies' profits. It is ironic that we are having this debate today because this morning the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach dealt with Deputy Pringle's Fossil Fuel Divestment Bill 2016. The Government's approach to that is to make it effectively toothless. In respect of the causes of the climate crisis, the Government is in favour of not taking the necessary action. At the other end of the line, however, and one of its effects, the increased number of extreme weather events - there will be more of them in Ireland, because in the past 12 months there have been two red weather alerts - it is not willing to touch the basic issue of profit and say that workers' lives and health and those of the public in general must come before the profits of business. It is as simple as that. What is the point of red weather warnings unless they mean something across the economy?

Unfortunately, the approach today is consistent with the approach of the Taoiseach and to Storm Ophelia where very confused signals were sent out to workers. The Taoiseach said it was up to businesses to decide whether to close during dangerous storm conditions which created the situation for hundreds of thousands of workers that they did not know whether they had to go to work. We saw this on social media and heard it from people contacting their public representatives and so on. There were irresponsible employers who expected their workers to turn up. Many workers made dangerous journeys only to be sent home. Public sector workers were rightly told not to show up, but in the same workplaces contracted private companies told their workers that if they did not show up they would have to take annual leave. Some of the companies that put workers at risk during the closure were Ryanair, Dawn Meats and Tesco. It should have been clear that a red weather warning means that nobody goes to work except those in essential services. Businesses should have put their workers' lives above their profits

and given them a paid day off.

I was struck by this line in the Minister of State's response: "These amendments would confer a range of disproportionate duties on employers, as well as obligations that go beyond what could be regarded as reasonable arising from work activities and the management of a workplace." The amendment requires simply that an employer, when there is a red weather warning and it is not an essential service, would have to contact its employees and tell them they do not have to come to work because it is not opening that day. The idea of referring to "obligations that go beyond what could be regarded as reasonable" is nonsense. It is extremely reasonable that companies would have to do that. The Government's approach is an excuse not to deal with the issue and it is a real shame. I hope the trade union movement and wider society will put pressure on the Government and Fianna Fáil to say this Bill should pass Second Stage next week and then become law.

Deputy John Brassil: I have concerns about the duplication and complication of existing legislation that the Bill may cause. Extreme weather conditions are now a norm. In the past 12 months alone, between rain, wind and snow, we have had three extreme red alert warnings. There were some fatalities as a result of Storm Ophelia. There was none, to my knowledge, as a result of Storm Emma, although there might have been one or two very serious accidents. The low fatality rate was due to the considerable efforts made and precautions taken by employers and employees who did not take a chance on going to work. The consequences of ignoring a red alert warning are very serious. I had the experience of working in the United Kingdom in two years in which storms hit, 1987 and 1989. The fatalities were numerous because people did not pay heed to the warnings given. In the first instance, there was no warning. In the second, it was largely ignored. The Safety, Health and Welfare at Work Act 2005 makes it mandatory for employers to ensure the safety of their workers. We should not do anything to interfere with it.

The road that links the town in which I live, Ballyheigue, to Tralee, the capital town, where the vast majority of the population work, has been flooded four times in the past 12 months, for one week at a time. The most recent event was last Monday. Everybody trying to get in and out of the town on the only major artery has to take a 30-minute diversion, which is totally unacceptable. It has the consequence of not allowing the emergency services to get to the town, if need be. The road is on a flood plain. In my time living in the town there has been a flood once every two years, or perhaps once per year, for a day or two at most, after which the flood waters recede. In recent times, however, the floods have lasted for a week and their depth and size are greater. As the only option is to close the road, one can imagine the difficulty it poses. I am taking the opportunity to ask the Minister of State to examine this matter. There are sluice gates at Arkeragh Lough that are not functioning. They should be manned and operated to control the flow of water.

That leads to the question of whether we need people working in extreme weather conditions. In some cases, we do. The instance to which I refer is a case in point. If there was somebody operating the sluice gates and controlling the level of water, we would not have the flooding we experience today, which is to last into the weekend. I ask the Minister of State to take this into consideration. I will be raising the matter with the OPW and the Department of the Environment, Community and Local Government to find a solution. We need to be cognisant that in red alert weather conditions we need vital public service workers manning the fort to keep everybody safe and systems operating.

Minister of State at the Department of the Taoiseach(Deputy Pat Breen): I will take on

board the Deputy's concerns about the route mentioned. It is a regional route.

Deputy John Brassil: It is a general route, the R55.

Deputy Pat Breen: We will take it on board and report it to the various authorities. There are other areas similarly affected throughout the country. I live in a country area and know what flooding is all about. I acknowledge the inconvenience caused for motorists. I will get back to the Deputy about the issue raised.

As I said, I appreciate the well-intentioned public safety motive behind the current proposal. However, the Bill is flawed and the Government cannot support bad legislation. It will support good legislation. This message has also been conveyed by Opposition speakers who spoke, including Deputy Mattie McGrath and Fianna Fáil Members. There are problems with the Bill which is premature, given that there is an full, ongoing review of storms Ophelia and Emma. As serious politicians, we should await the outcome of the review in order that we can all gain an understanding of the experiences across the various sectors of the economy. When the review is produced, the Government will determine whether policy, legislative or general guidance changes are required. I ask Sinn Féin to note that point.

The Bill seeks to amend the Health, Safety and Welfare at Work Act 2005 to provide that all places of work should shut during a status red severe weather warning issued by Met Éireann, unless exempted from doing so by the Minister for Communications, Climate Action and Environment. Met Éireann's weather warning systems have no legal status. The requirement for a shutdown of workplaces during a status red severe weather warning would allow no room for discretion or pragmatism, or for adapting to local conditions. Local judgment is often required based on forecast conditions in respect of the circumstances in which it is appropriate for businesses and organisations to remain open or for essential personnel to attend work. Status red alerts can cover a variety of weather events, from rain and wind to snow, and only in very extreme circumstances would a red alert give rise to any form of business closure.

The provisions included in the Bill would not be workable, legally or practically. The Bill assumes there would always be notification of status red weather warnings, but that is not always the case. As I said, this could have unintended consequences. I mentioned the consequences for schools. Also to be borne in mind are hotels, hospitals and airports. According to the Bill, all of these places of work would have to cease work in the event that there was a status red weather warning. What would happen to the guests in hotels, schoolchildren, those in airports and customers? There is a real risk of creating a significant liability for the State under the Bill. It could leave the State open to legal action by employers forced to close their businesses but where a weather event did not materialise to the extent anticipated. That can happen from time to time as weather conditions vary from region to region.

The preliminary view of the Office of the Attorney General is that the Bill lacks the legal precision required for the amendment of the criminal law. Do we ignore the advice of the Attorney General? Good Governments will not do so. There is safety, health and welfare at work legislation which offers robust protection for workers, as does employment rights legislation. This Bill would confer on employers disproportionate duties and obligations that would go beyond what could be regarded as reasonable duties and obligations arising from work activities and the management of the workplace. The Bill, as drafted, is potentially far-reaching and could have an impact on existing legislative rights, duties and protections. It would impose new liabilities on employers. Both IBEC and ISME have expressed strong reservations about the

Bill and are opposed to it.

With regard to the public order aspects, as I said, the Bill clearly is well intentioned. As others said, it seeks to deal with a type of reckless behaviour of certain members of the public during Storm Ophelia, in particular. It was the most severe weather event in the country for a very long time. In addressing this issue the Bill aims to protect the safety of emergency service personnel and the general public from dangerous and reckless activities in times of high weather alerts. It does, however, raise significant concerns that require further examination by its sponsors. A key consideration is to ensure the criminal offences would be sufficiently precise to withstand legal challenges. As underlined, there are deficiencies in the Bill, as drafted, but the Minister is open to engagement with a view to the sponsors giving further consideration to the criminal justice elements of the Bill and bringing forward revised proposals in that regard. The practical issues that would arise if the Bill were to be enacted are numerous and capable of creating many difficulties.

I accept the good intentions of the Bill. However, it is fundamentally flawed. Fianna Fáil and Independent Members are in agreement with the Government that it is flawed both in content and impact.

Deputy Imelda Munster: When I heard yesterday evening that the Government parties would not support the Bill, my first thought was that they had not read it. The Bill states clearly that any work of an essential nature would be exempt and it would be up to the Government to make the call. The Government would be obliged to define what is deemed to be essential, whether that is overnight or 24-hour care, continuity care and so on and it could add or subtract to the list as it wished. The Minister of State has scraped the bottom of the barrel when it comes to excuses to not support the Bill. I was scratching my head as to why he could not last night but his opening contribution was a giveaway.

The context of the legislation is a status red alert announced by Met Éireann, which means there is a risk to life and a danger is posed to people by a weather event and they are urged not to travel. Unfortunately, we witnessed tragedies and the fear and confusion among people, particularly workers, regarding whether they should go to work and, if so, how they would get home during the two recent storms. The Minister of State said, “Employers already have a duty to ensure the safety and health of persons at work ... to ensure, so far as is reasonable, the safety and health of their employees while they are at work.” He knows fine well - as does the Government - that the issue for people is getting to and from work, which is what the Bill addresses in order that workers are not penalised because they cannot attend their place of work due to a status red alert.

I have only been a Member of the House for two years. While it is not surprising, it is disappointing to encounter other Members who do not have the courage of their convictions. The Minister of State said, “Indeed, industry will argue that the Bill will adversely affect a company’s productivity if unnecessary closure of businesses occurs”. However, the legislation relates to a status red alert during which Met Éireann tells people not to leave their homes because they will be putting their lives at risk. I wish the Minister of State and Fianna Fáil had the courage of their convictions in this regard. He uttered one classic comment in his opening contribution which is right up there in the context of grasping at straws. He said:

The Bill does not address an employer’s right to keep his or her business open, especially where food production and supplies are concerned. Indeed, in the case of food distribution

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preventing workers from delivering food in circumstances where it has been determined that it is safe to do so may exacerbate food shortages giving rise to loss of perishable food-stuffs and, in extreme circumstances, could give rise to social unrest.

Who wrote that? Is the Minister of State referring to the rush to buy bread during Storm Emma as social unrest? You could not make this up. I will hand over to Deputy Cullinane because I have little tolerance for sheer incompetence and people not having the courage of their convictions to say why they are opposing the Bill. During the recent storms, the Minister of State and the Government called for every measure covered under the provisions contained in the Bill. Perhaps Deputy Cullinane will have more patience than me to deal with this.

Deputy David Cullinane: The Minister of State said a number of times that Fianna Fáil, the main party of Opposition, also supports his concerns about the Bill. Fianna Fáil is keeping his party in government. The Minister of State's contribution was a carbon copy of those of Fianna Fáil Members so there must have been tick-tacking between the two parties in government.

Deputy Eugene Murphy: That is not true or acceptable. I wrote most of my own speech and I used my researchers. The Deputy has researchers as well.

Acting Chairman (Deputy Bernard J. Durkan): I ask Deputy Cullinane not to encourage interruptions.

Deputy David Cullinane: I am sorry if that upsets Fianna Fáil Members but that is the reality.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy should not provoke other Members. It is too late in the evening for that.

Deputy Imelda Munster: It is a touchy subject.

Deputy Eugene Murphy: Deputy Cullinane's comment is not correct.

Deputy David Cullinane: The Minister of State said that employers should assess the risks but, as Teachta Adams said, he ignored the reality that Met Éireann assesses the risks and all the information it works with determines the weather event we are facing and the ability of emergency services to respond. Once staff analyse all the information they have, which is difficult work, they then adjudicate on the colour of the weather warning. When they say "red", they mean "red" and they give clear direction. The fundamental problem is the Government wants to outsource responsibility to some employers who might be unscrupulous but who are not the experts to assess the risks and to make the decision.

Teachtaí Adams and Munster referred to the key paragraph in his contribution in which the Minister of State gives the game away. It is about not upsetting businesses and competitiveness, which is a code for profit. That is paramount and workers' rights and the protection of workers is always secondary. The difficulty in that regard is the Bill seeks to put workers front and centre and protect their interests. In his closing remarks, the Minister of State mentioned IBEC and ISME. They are well able to represent themselves and they will articulate their concerns. It is not the job of Government to be lobbyists for those organisations or to put their rights above the rights of workers. It is the responsibility of the Minister of State to represent everybody. The problem is - and it is always the same when it comes to the party - Fine Gael represents the interests of business and they come first, above and beyond the interests of workers. IBEC and

ISME are also opposed to the Government's Bill, as weak as it is, on if-and-when contracts. Should it not proceed with the Bill because they have concerns? That argument does not make sense.

It is farcical that the arguments for opposing the Bill are not fundamental to it. The Minister of State said the Bill is well-intentioned and he takes exception to some issues, the vast majority of which could be dealt with by amendment. For example, he referred to the lack of definitions of "essential work" and "work, that by its nature, requires continuity for it to be maintained". That could be addressed easily. The Minister of State could insert definitions through amendment. We would work with him, as we would on any Bill, to perfect the legislation if he has difficulties.

The Minister of State also said, "The proposed amendment is framed as an absolute obligation on an employer to close all places of work in the affected area". The legislation does not call for all places of work to close; it refers to non-essential services. He was disingenuous in how he presented his arguments. As Deputy Munster said, he scraped the bottom of the barrel. He came up with arguments that do not stack up. When we dealt with the criminal sanctions element of legislation for people who engage in reckless behaviour, the Government asked for submissions and we said we would work constructively to deal with the issue. Equally, we ask the Government to work with us.

Earlier, I pointed out that we brought forward a Bill having listened to people who have concerns as well as to IBEC, ISME and trades unions and family members of people who lost their lives in weather events. They asked us to do something about this and we brought forward this legislation. The Minister of State's response was poor. He did not listen to what we had to say and dismissed the legislation. He will not work with us when he could have taken the opportunity to not be patronising and tell us our Bill is well-intentioned and to work with us to improve the Bill, if that needed to be done. However, he did not do so because the crux is that when it comes to this Government the profits of businesses will always come first and the safety of workers will always come a poor second.

Question put.

Acting Chairman (Deputy Bernard J. Durkan): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on, Thursday, 26 April 2018.

The Dáil adjourned at 6 p.m. until 2 p.m. on Tuesday, 24 April 2018.