



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 17 Meitheamh 2015

Wednesday, 17 June 2015

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Business of Seanad

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

The need for the Minister for Jobs, Enterprise and Innovation to outline the steps he intends to take to ensure the workers at Clerys department store receive adequate and fair remuneration for the unexpected loss of their jobs and to provide details of the measures he intends to take to compel liquidators and employers to consult unions and workers in the event of sudden closures.

I have also received notice from Senator Paul Bradford of the following matter:

The need for the Minister for the Environment, Community and Local Government to state if he is aware that planning restrictions on the building of new houses adjoining national secondary roads are having a detrimental impact on farm families where family members who wish to work on the home farm cannot obtain planning permission to build a home near the farm.

I have also received notice from Senator Cáit Keane of the following matter:

The need for the Minister for Health to state if he would consider introducing an information campaign on the contribution calcification testing could make in reducing the number of heart attacks in Ireland, whether research has been carried out by the HSE into its potential benefits for cardiac health and if there are plans to introduce free calcification screening.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to clarify the current position on the setting up of a drugs review committee for orphan drugs, as such a proposal was outlined in the rare diseases plan.

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I regard the matters raised by the Senators as suitable for discussion and they will be taken now. Senators Cáit Keane and Colm Burke have withdrawn the Commencement matters which I had selected for discussion.

Commencement Matters

Employment Rights

Senator David Cullinane: I welcome the Minister of State. I am sure he will join me in condemning how the Clerys workers were treated and the despicable way in which they were left high and dry without wages by the company. I will give some context because this raises serious questions about company law. We raised this issue when discussing the company legislation, which we supported, that was introduced by the Government. We also published legislation dealing with the corporate veil.

Clerys was placed in receivership on 17 September 2012. Later that year, the company was sold out of receivership to Boston-based Gordon Brothers for a figure believed to be €2 million. It is reported Bank of Ireland wrote off debts of €10 million for the company and loaned the same amount to the new owners. Until its sudden closure last week it employed 130 full-time staff, who are SIPTU members, and 330 people in concession outlets, who include members of other unions. I believe eight members of Mandate are among those who have lost their jobs. The store was affected by flooding in July 2013 and was closed for four months. It is believed Gordon Brothers received €40 million in insurance money. The new owners oversaw the separation of the retail company into two elements. OCS Operations Limited dealt with the property asset side of the company before it sold the latter for a figure believed to be €29 million to Natrium on 12 June 2015. Gordon Brothers also sold properties attached to the site for up to €5 million to other purchasers. After repaying the loan to Bank of Ireland, Gordon Brothers walked off with an estimated profit of more than €19 million in less than three years. They essentially asset-stripped the company and broke it up into two sections, and the section which employs the staff, OCS Operations, was sold off for €1 and then liquidated by Natrium, which went on to buy the company. Therefore, Gordon Brothers is away on its toes with €19 million and the workers are left penniless.

Natrium Limited, which bought the company, is a joint venture between D2 Private, which is 100% owned by Deirdre Foley and Cheyne Capital Management, a London-based property investment and hedge fund business. It is reported that Deirdre Foley is a former KPMG employee and that Cheyne holds 80% of Natrium, whose directors include Deirdre Foley. Many of the €1 billion-plus of properties owned by D2 Private before the crash were put into NAMA and sold off. It is believed that Natrium was incorporated on 27 May last as a vehicle for the purchase of Clerys property assets. The Cheyne shareholding in Natrium is held by two offshore companies, Cheyne Real Estate Credit Holdings in the Cayman Islands and the Real Estate Credit Investments PCC Limited of Guernsey. Former NAMA executive Graham Emmett, who left the agency in 2012, is a senior executive with Cheyne in its London offices.

The difficulty is that no provision for redundancy, wages, holiday pay or other staff-related costs was made in the successful bid for Clerys. Concession holders are owed an estimated €3 million. Workers have been informed by the court-appointed liquidators that they will only

receive statutory redundancy entitlements of two weeks per year of service, which will be paid from the public purse through the insolvency fund. The defined contribution pension fund is not fully paid up and details of its current state of health are difficult to obtain. It is also reported - the Minister of State might be able to shed some light on this - that liquidators KPMG have also worked as auditors for D2 Private, and concern has been raised by some within the trade union movement that there is a potential conflict of interest with the appointment of this liquidator. I understand this issue was raised yesterday at a meeting between the liquidator and the trade unions.

There are a number of issues at play. The first and obvious one is what steps the Government can take and what steps it has taken to support the Clerys workers and to make sure they get fair treatment and the maximum that is owed to them. However, it also raises very serious questions about the rights of legal entities and corporates over and above the rights of employees. This is something that comes up over and over again. It is not the first time workers have been left high and dry. We saw it with Waterford Crystal, TalkTalk, Game, La Senza and Vita Cortex. Over and over again we have seen situations where this has happened. Does the Minister of State agree there is a need to bring in legislation to better protect workers? I appreciate the Minister of State is in the process of introducing legislation in regard to collective bargaining and the REA is being restored as part of that. However, this is very specifically in regard to the relationship between company law and the rights of workers. The Minister of State might inform us as to what action he is going to take to better protect workers.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash): First, my thoughts at this difficult time are with the 134 Clerys workers and their families and with the 330 staff employed by the concession stores. They have been treated in a cold and callous fashion and simply cast aside by the new owners, with neither the respect nor dignity they deserve after, in many cases, many decades of service. Since the events of last Friday, I have been engaging very closely on this matter, staying in very frequent contact with trade union representatives over the weekend, and yesterday meeting with the liquidators in the early morning and the workers and their union representatives late yesterday evening.

As I understand it, the background is as follows. In September 2012 Clerys was bought from receivership by Gordon Brothers, a US fund which operates as a purchaser of distressed assets. Gordon Brothers set up a new company structure under OCS Investment Holdings Limited, and the Clerys employees were transferred to a 100% subsidiary, OCS Operations, under a transfer of undertakings with terms and conditions intact. I further understand the new company structure had a second 100% subsidiary of OCS Investment Holdings limited, OCS Properties Limited, which became the owner of the property.

Last Friday, it was announced that Gordon Brothers had sold their shareholding in OCS Holdings to a new company, Natrium Limited, a joint venture between a Dublin property company, D2 Private, and a London business, Cheyne Capital Management. That afternoon, OCS Operating Limited petitioned the High Court to appoint a provisional liquidator, with the court being told the company was unlikely to have sufficient moneys to make upcoming payments and was unable to pay its debts. Kieran Wallace and Eamonn Richardson of KPMG, whom I met yesterday morning, were appointed by the court. In dealing with the devastating impact of the news on the workers concerned, the liquidator put a team of ten people in place to immediately engage with the workers in those early hours after their appointment on Friday and, to be fair to them, they have been engaging directly and actively since.

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My first priority on hearing the news was to work with my colleague, the Tánaiste and Minister for Social Protection, to ensure the workers receive their statutory entitlements. Officials from the National Employment Rights Authority, NERA, which comes within the remit of my Department, are working closely with the Department of Social Protection to provide advice and assistance to affected workers. Ireland's employment rights legislation provides protections for employees in difficult situations, such as those directly employed by OCS Operations Limited.

The Minimum Notice and Terms of Employment Act 1973 requires employers to give notice of termination or to pay employees in lieu of notice, and outstanding wages, holiday pay, commission and bonuses are protected by the Payment of Wages Act 1991. In the event that an employer is insolvent, the employees are entitled to seek payment from the State through the insolvency payments scheme, which is administered by the Department of Social Protection. The employees may also be entitled to payment from this fund in respect of holiday pay, outstanding pay and minimum notice, among other things.

The Department of Social Protection has assembled a team of people to meet and advise the workers in regard to entitlements to jobseeker payments, secondary payments such as rent supplement, and future options in regard to alternative employment, training and education. Arrangements have been made for Department of Social Protection staff and staff of NERA to meet workers later today in Liberty Hall. In addition, the Department of Social Protection is informing its network of local offices in the greater Dublin area of these developments to ensure that claims from affected workers are processed in a speedy and sensitive manner.

Claims are made through the person legally appointed to wind up the company. Moneys owed up to the appointment of a liquidator are secured by the Social Insurance Fund, subject to statutory limitations. Entitlements are limited to a maximum weekly rate of €600 and there is a limit of eight weeks pay for arrears of pay, sick pay or holiday pay. A representative of the liquidator has verbally advised the Department of Social Protection that all staff have been made redundant and that P45s will issue this week. The liquidator will seek, on behalf of workers, payment from the redundancy payments scheme in respect of statutory redundancy and from the insolvency payments scheme in respect of unpaid wages, accrued but untaken leave and payment in lieu of statutory notice. It is intended that individual meetings will be held between the liquidator and workers affected to determine, on an individual basis, the extent of liabilities. The Department of Social Protection will deal promptly with individual applications submitted in respect of the insolvency payments scheme by the liquidator.

The situation regarding the staff employed by the concessions is somewhat different. I will be meeting later today representatives of the 50 concessions. Many of these concessions have other outlets, and it may be the case, for example, that staff can be redeployed to other locations. The concession holders have very immediate concerns in regard to directly-owned stock and money which they say is owed to them from their own direct sales proceeds. The liquidator has indicated to me that he will be dealing with these issues as a matter of priority and I understand stock is to be returned to concession holders later today, which I welcome.

I consider it vital that workers are treated with dignity and respect at all times, and that they and their representatives are consulted on all matters affecting them. There are clearly entities involved in this transaction that did not respect that concept and left it to court-appointed liquidators to do the communicating for them. The liquidators have met the unions. It is welcome that they will be sitting down with the OCS Operations employees individually to assist them

in filling in the necessary forms for their statutory entitlements.

What has happened at Clerys is very shocking and those who are directly employed by it and those who own and work in concession stores have been treated appallingly. Clerys is part of the wider Dublin city centre community and the Clerys building represents an iconic landmark which has played an important part in the life of the city and the country for well over 100 years. I intend to engage with the new owners behind Natrium Limited who should indicate their plans for the property at an early date and how its employment potential can be maximised. I would go further and say I believe it is incumbent on Natrium Limited to sit down with the staff and their trade unions.

Senator David Cullinane: I welcome the Minister of State's call for the company to meet unions and staff, which should happen as a matter of courtesy. It should have happened before now and while that is outside the control of the Minister of State, we can only make that call. It again raises the question as to whether the former owner, Gordon Brothers, engaged in sharp practice when it broke up Clerys into two separate companies. OCS Investment Holdings, the company that held the property and assets of Clerys, walked away from the sale of the site with a handsome profit, while OCS Operations, which employs the staff, was sold off for €1 and liquidated before the company could be required to give workers in Clerys the 30 days' protective notice required by law. While none of this was illegal, it was in train for two years and was potentially an example of sharp practice. The company knew exactly what it was doing. It engaged in the asset-stripping of Clerys and maximised its profits before walking away from the company, leaving its workers high and dry.

We all share the Minister of State's welcome expression of shock. However, we must ensure these events are not repeated. Company law must be reviewed to ensure the rights of a legal or corporate entity are not allowed to trump the rights, needs and responsibilities of workers. Sinn Féin will work with the Government and support any legislation it may introduce to address this issue. Failing this, we will consider introducing our own legislation.

I welcome the moves afoot to ensure the workers are paid under the redundancy payment scheme. It is good that progress is being made quickly and I hope workers will receive payment as soon as possible.

Deputy Gerald Nash: The matters raised by the Senator are of great concern to all right-thinking people. In recent days, a number of representatives of business organisations have contacted me to express disgust at the manner in which the workers at Clerys have been treated and the practice that led to their dismissal. The Senator raises some important matters which, strictly-speaking, fall within the ambit company law. I understand the Taoiseach, speaking in the Dáil yesterday, expressed concern about the adequacy of company law, the way in which it interacts with employment law and the position in which employees may be left in circumstances such as the Clerys case. I do not have any direct responsibility for the company law functions of the Department. However, the Taoiseach has asked me to do a report on this appalling episode. I will be supported in compiling this report by officials in the Department of Jobs, Enterprise and Innovation as, strictly speaking, company law matters fall within the brief of the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton. The Minister will work with us in reviewing this entire area. Ultimately, it may be necessary to have the matter examined by the Company Law Review Group, a standing body which has performed extremely well in recent years in addressing lacunae in company law.

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Many people find this particular episode galling. All right-thinking people, including Members, will condemn the treatment of the Clerys workers. Since late last Friday evening, when this issue first came to my attention, I have been doing my utmost to support the workers, both individually and collectively, and I will continue to support the staff and trade unions. I will work to address any gaps identified in Irish law that allow circumstances such as these to arise. Two separate areas of law arise in this regard, the first of which is a range of different elements of company law, while the second is employment law.

We must ensure the rights of employees are protected and cases such as this are avoided, if possible, in the future. If legislation or regulations need to be changed, the Government and all parties in the House will need to front up and say this. There is certainly a strong case for having the matter reviewed. The Taoiseach stated in the Dáil yesterday that he had asked me to provide him with a report and I will do so at the earliest possible date. Ultimately, the Company Law Review Group may need to examine all of the issues in this case and it is possible that a change in the law will be required. I look forward to receiving the review group's advice on this important matter.

Planning Issues

Senator Paul Bradford: I am pleased the Minister of State at the Department of Transport, Tourism and Sport, Deputy Ann Phelan, is present, given that she also has responsibility for rural affairs. The regeneration of rural areas and the ability to sustain farm families will depend on having in place planning rules, guidelines and laws that are appropriate, fair and balanced. I am concerned at what appears to be a blanket policy being pursued by the National Roads Authority on new developments, specifically regarding permission for new access points to national secondary routes. This policy is having a detrimental impact on farm families.

I speak on behalf of the sons and daughters of farmers who take over and operate a family farm and, understandably, wish to build a home. They find it increasingly difficult to obtain planning permission for a home where the farm adjoins a national secondary route. I am aware of cases where local authorities, in their wisdom and having taken into account all relevant factors, have decided, on balance, to grant planning permission and the National Roads Authority has successfully appealed the decision to An Bord Pleanála and had it overturned.

I am fully cognisant of the need to ensure road safety is at the core of any decision on planning. I would run a mile from any planning application if I believed it would compromise road safety in any way. However, the idea that all developments on national routes and all access to them will generate excessive traffic and create road hazards is not fully accurate. Those involved in policy in the National Roads Authority and local authorities who are demanding that sons and daughters of farm families build homes elsewhere should consider the road safety issues being caused by young farmers having to drive miles every day to reach their farms. What about the road safety issues that arise for a dairy farmer who must drive one or two miles to his or her place of occupation twice in a single night? Each case must be considered on its individual merits.

As a former member of a local authority, I worked on local development plans, which are, in the main, balanced and fair. It appears, however, that the National Roads Authority now rules the roost in terms of council decision-making on national secondary routes. I accept that the road works planned on some of these routes need to be taken into account. Given her responsi-

bility for preserving, developing and defending rural areas, the Minister of State must speak to representatives of the National Roads Authority and local authorities to ensure decisions are fair and balanced. We must not have a blanket policy emanating from Waterloo Road or the Department. Each local authority, through its highly qualified road engineers, planners and directors of services, must be in a position to use its discretion with wisdom and caution.

If the Minister of State wants to succeed in regenerating and rebuilding rural Ireland, she knows as well as I do that, at a minimum, we must ensure strong farm families and farming communities are maintained. If one is fortunate or unfortunate enough to live adjoining a national secondary route, one's options from a planning perspective are very limited. I seek the Minister of State's assistance in this matter by taking a hands-on approach with the National Roads Authority and local authorities to ensure they show a degree of common sense.

I stress again my unwavering view that road safety must never be compromised. Nevertheless, it is possible to have regard to road safety and ensure families are accommodated from a planning perspective.

11 o'clock

Minister of State at the Department of Transport, Tourism and Sport (Deputy Ann Phelan): I thank the Senator for raising this important matter. I assure him that I understand the pressures faced by those in rural Ireland regarding this issue. I thank him for acknowledging that road safety is paramount.

The decision as to whether to grant planning permission in any particular case is a matter for the relevant planning authority, to which the Senator has referred, in the first instance, and for An Bord Pleanála in the event of an appeal. In making decisions on planning applications, planning authorities and the board must consider the proper planning and sustainable development of the area, having regard to the provisions of their development plan, any submissions or observations received and relevant ministerial or Government policies, including current guidelines issued by my Department under section 28 of the Planning and Development Act 2000, as amended.

My Department's guidelines for planning authorities on spatial planning and national roads 2012 are aimed at ensuring that roads planning and policy and development planning and management processes are appropriately and effectively aligned and encouraging a collaborative approach and early engagement between planning authorities and the National Roads Authority in order that transport and land use planning considerations are taken into account at the early stages of development plan and development management processes. This is to ensure future development at locations on, or in the vicinity of, national roads is guided to the most suitable location and that work on Ireland's national roads network is planned for and managed in a complementary and integrated manner.

Section 2.6 of the guidelines outlines that, in exceptional circumstances with regard to the normal limitations on the provision of access for new developments to national routes, planning authorities may identify stretches of national roads where a less restrictive approach may be applied but only as part of the process of reviewing or varying the relevant development plan and having consulted and had regard to the advice of the NRA in line with the approach set out in the guidelines. The guidelines were issued under section 28 of the Planning and Development Act 2000, as amended, and planning authorities and An Bord Pleanála are required to

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have regard to them in the performance of their functions. It is, therefore, a matter for planning authorities to consider the implementation of section 2.6 of the guidelines in respect of sections of relevant national roads and in the context of its statutory development plan. I continue to keep the implementation of the guidelines under review.

Senator Paul Bradford: I am glad to learn from the Minister of State that the guidelines for planning authorities on spatial planning and national roads 2012 appear to be at the centre of this debate. She has said she is keeping the guidelines under review. Will she generate or open a new national debate on the guidelines or is it simply a matter of people contacting her directly to make suggestions? Will it be possible to amend the guidelines to try to deal with situations like those I have mentioned?

I note that the Minister of State has said planning authorities may identify stretches of national roads. However, the cases brought to me would not require a policy on a mile, a mile and a half or a two mile stretch of national road; rather, they are very individual issues and problems. Is there a capacity to bring individual cases to the attention of the Minister of State in terms of the guidelines? I know that it is not her job and we have moved a long way from a time when the Minister for the Environment, Community and Local Government was responsible for making the final decisions on planning. It is now a matter for An Bord Pleanála.

If we have views or concerns about individual cases, how the guidelines impact on them and how a particular case should impact on the guidelines from an amendment perspective, can the Minister of State be informed? Can she make recommendations on such cases?

Deputy Ann Phelan: I remind the Senator that I have to be mindful of individual planning applications and the legal process around them. To try to be helpful to him, perhaps if he was able to document the individual cases to which he referred and tabled a Commencement matter for the Minister for Transport, Tourism and Sport with the same questions he asked me, we could pool the information to determine whether we could develop some kind of review or something we could put to individual local authorities. Such an approach could bring to our attention how many such cases exist and whether the issue arises in other parts of the country or is an issue across the board. I would be very willing to work with the Senator on this matter if he felt it might be helpful.

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

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, National Minimum Wage (Low Pay Commission) Bill 2015 – Report and Final Stages, to be taken at 12.45 p.m. and adjourned not later than 3 p.m., if not previously concluded; No. 2, statements on tackling obesity in Ireland, to be taken at 3 p.m. and conclude not later than 5 p.m., with the contributions of group spokespersons not to exceed eight minutes and those of all other Senators not to exceed five minutes and the Minister to be called on to reply to the debate at 4.50 p.m.; No. 68, Private Members' business, non-Government motion No. 17 re junior cycle reform, to be taken at 5 p.m. and conclude not later than 7 p.m.; and No. 3, Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 – Committee and Remaining Stages, to be taken at 7.30 p.m. and adjourned not later than 9.30 p.m., if not previously concluded.

Senator Darragh O'Brien: The issue of the sustainability of post offices has been raised by a number of Senators in the past few weeks. We have raised it on a few occasions, and Senator Marie-Louise O'Donnell raised it yesterday. I am sure we have all received correspondence and copies of the forms the Department of Social Protection is issuing. Anyone who looks at this fairly will see clearly that the Department of Social Protection is showing a clear preference for any social welfare payments to be made to what it calls financial institutions, or banks. At the very end of the form, it states that should the recipient not have a bank account, he or she should give their post office details.

We all want a sustainable post office network. This is a major part of post offices' function across urban and rural Ireland and they provide a very good service. They are the front line for many social welfare payments and they also provide an anti-fraud function because the staff know the customers who come in to collect payments. It is quite disturbing, after all the discussions we have had with the Irish Postmasters Union and all the discussions the Minister has had, that the Department of Social Protection would issue these forms directing people to give bank account details.

We need a sustainable post office system. If more and more people move away from it, we will be talking about more closures in a few years' time. I ask the Leader to use his office to raise this matter with the Minister for Social Protection, Deputy Joan Burton, should he agree with me, and I am sure he does. We want a sustainable post office network and the Department should not be showing a preference for banking institutions above post offices. Senator John Kelly has also raised this matter. I ask the Leader and all Members to raise this issue, particularly with the Government parties and the Minister with responsibility for this issue, Deputy Joan Burton. Perhaps we might have a discussion on the matter in the next week or so.

We have all read interviews recently about Michael Lyster and the event he experienced just a few weeks ago. He took ill and had a heart attack and his wife saved his life using CPR. He is a very prominent person. His wife's interview was excellent, as was his, and I wish him a full recovery. It brings me back to a matter that has been raised here on a number of occasions by Senator Feargal Quinn and others, including me, about the provision of defibrillators around towns and cities. The provision is sparse and is being carried out on a voluntary basis. There is no plan from a Department of Health perspective even on their provision in our schools. I have asked before and I ask again that the Minister for Health or a Minister of State at the Department attend the House to address this specific issue. Let us help to provide a plan for the provision of defibrillators. More than that, I am firmly of the view that CPR should be taught in schools. If it is age-appropriate, it could be left to secondary school, with transition year being, perhaps, the ideal time to do it. It could be provided as part of the physical education curriculum. It is a skill all of us should have. I hate to say that I do not have it myself, but I will make it my business to take a CPR course over the summer. I am involved in the regional drugs task force in north Dublin, all of the staff of which are trained. If we could get our school children and students trained, it would be useful. I ask that we have a discussion on CPR and defibrillators. I will write to the Minister to suggest that it be taught in schools by experts as part of the curriculum. Students in transition year are 14 or 15 years of age and are well able for it. Let us see if that is possible.

Colleagues of mine will be proposing amendments to the Order of Business today. Senator Mark Daly will be proposing one on collusion, while Senator Terry Leyden will be proposing the other.

Senator Ivana Bacik: We all spoke yesterday about the tragedy in Berkeley in California. Now that more details have come out about the students and the horrific and appalling deaths and injuries they suffered, I express again my condolences to their families and communities in south Dublin, to the student community at University College Dublin and Dún Laoghaire Institute of Art, Design and Technology, and to St. Mary's in Rathmines, which some of them attended. It is appropriate that flags on all State buildings are flying at half mast today and that we stood in silence yesterday for one minute in the House.

There have been calls for a debate on the matters arising from the Clerys shop closure on Friday. It was raised this morning as a Commencement matter and many of us raised it yesterday on the Order of Business also. While I welcome the very active engagement of the Minister of State, Deputy Gerald Nash, on the issue and the active engagement of the Department of Social Protection with the staff of Clerys, we should have a debate on the repercussions and on what can be done to prevent something like this from happening again. We should discuss how we can strengthen our legislation on redundancy and insolvency. I ask for that debate again. It is welcome that it appears the concession holders will have access to their stock, although it is limited. At least that one thing is being done.

I commend the Dublin Rape Crisis Centre for the great work it has been doing in providing front-line services for victims and survivors of rape and sexual abuse. I attended the launch of its annual report for 2014 this morning. The figures published for 2014 show an increase of 30% in first-time callers to its national 24-hour helpline. There was an increase of 14% in calls relating to adult rape compared to the 2013 figures. The Minister for Justice and Equality, Deputy Frances Fitzgerald, spoke at the launch and outlined a series of Bills she proposes to introduce before the end of the year. While we will have the Second Stage debate in September or October on the sex offences Bill which the Minister hopes to publish before the end of July, I ask the Leader for a debate on victims' rights prior to the introduction of the victims' rights Bill that the Minister proposes to introduce and also prior to the signing of the Istanbul convention, which she is hopeful we can finally sign as a State this year.

I ask the Leader to make time for a debate on child marriage. Senator Jillian van Turnhout and I have been working on this issue and we had a Private Members' debate on the matter. An interdepartmental working group is looking at the ending of the facility to contract a child marriage in Ireland. It is a timely topic to raise today, given that yesterday was the day of the African child. The focus internationally among NGOs and development agencies is on seeking to ensure that child marriage is ended in Africa, where tens of millions of girls are subjected to early and forced marriage while they are still children. It is obviously a hugely pressing issue in many countries and we need to take a lead in Ireland on ending the practice of child marriage.

Senator Terry Leyden: It is very difficult to continue as usual in ordinary business when we are dealing with a tragedy such as that which happened in Berkeley in California. All I can say is we hope those who are injured will make a recovery and that we extend our deepest sympathy to the families and friends of the six young people who have died. I thank the emergency services in America, which have been very effective. The tragedy highlights the trust we place in our architects and designers to ensure that when they build, they do so securely. While an inquiry is under way, it seems to be very difficult to extend buildings and verandas with timber. I am rather surprised at the lack of quality building in that area. Those young people would have had complete faith in the security of a building of that nature and would not have thought twice about being out there. It is a tragedy and a shame that standards are not as high in America as one would expect.

I propose to amend the Order of Business to include No. 68, non-Government motion No. 16, on the Order Paper, a motion that Seanad Éireann oppose the closure of the Rosalie unit in County Roscommon, which cares for psychiatric patients, including those with Alzheimer's disease and dementia. The matter was raised at a public meeting last Thursday night. It is a very serious issue which affects 23 patients, who are mostly psychiatric patients but include those with Alzheimer's disease and dementia, and who were previously patients of the closed St. Patrick's hospital in Castlerea. There is tremendous support for the patients and residents of what is their home and a great deal of attention is being given to them. Very significant information was provided at the meeting by Mr. Liam Walsh, whose mother, Breda, is a resident. He explained clearly how upset everyone is that they will lose their home. It is frankly an eviction by the HSE without any care or consideration. The only hope is in the ministerial responsibility which attaches to the Minister of State, Deputy Kathleen Lynch. I appeal to her, through Senator John Kelly, who I understand is agreeable to the motion being moved today, to attend the House today or tomorrow to outline the situation and to halt the eviction of these 23 people. It is a form of euthanasia to do what the HSE is doing. It is a most uncaring example of what the HSE is responsible for. At the end of the day, the Minister of State has ministerial responsibility in this regard. I ask the Leader of the House to accede to the proposal to amend the Order of Business.

Senator Hildegard Naughton: I raise a matter which was raised in the House last week regarding the carrying out by Irish Water of refurbishment works in the Oranmore area. There was a great deal of concern in the business community in Oranmore at the fact that the works were taking place during the peak summer season. Last Friday, Oireachtas Members representing the Galway area met Irish Water and representatives of the Oranmore Community Development Association to come up with ways to restructure the essential works. I am glad to say Irish Water has since announced a rescheduling of the works to accommodate businesses and the schools returning in September. It is an example of what can be done when agencies engage in an effective manner with local communities. These works, which will cost €5.7 million, are critical infrastructure works which need to take place in the area. It is important because similar projects will be taking place at 840 locations around the country. This is an example of how Irish Water should engage with those communities to listen to their concerns so that this important work can be carried out. I commend to all parties the resolution of the issue surrounding the works in the Oranmore area.

Senator Kathryn Reilly: I would like to follow on from what Senator Ivana Bacik said about the Dublin Rape Crisis Centre's annual report which was launched today. While I support the call for a debate on victims' rights, I would like to go further by asking for a debate on the services that are available to victims of sexual assault. Such a debate is necessary in the light not only of the report that has been published today but also last week's revelation by Rape Crisis Network Ireland that following a cut in its core funding, it is concerned that it will not be able to maintain or continue its services. We do not want to see survivors of abuse abandoned, particularly in the light of some of the figures presented by the Dublin Rape Crisis Centre today. Senator Ivana Bacik mentioned the 14% increase in calls reporting adult rape. I would also like to mention that there was a 30% increase in first-time callers to the national rape helpline last year, that 55% of genuine calls were first-time contacts and that more than 4,000 repeat contacts were received. Some 104 of the 293 cases in which the reporting status was known were reported to the Garda. We will all agree that these figures highlight the important need for these services, which are invaluable for the victims of sexual assault and rape, to be in place. The need for these services is obvious. At a time when the statistics are so stark and paint such

a shocking and harrowing picture of the reality of sexual assault in Ireland, it is clear that we need to invest more funding and resources in rape crisis services than we do at present. We need to move to allay the fears of these services that they are going to be cut further, or that they may have to discontinue. As has been mentioned, we also need to ensure legislation to protect victims is strengthened. We cannot allow core funding for these services to be removed as that would be a major backward step in services for people who have experienced sexual violence. I am calling for a debate on that issue.

I would also like to support Senator Darragh O'Brien's call for defibrillators to be provided. When I raised this issue previously, I asked about the status of Senator Feargal Quinn's Bill. One of my colleagues on Cavan County Council recently got a motion passed that called for the provision of defibrillators in public areas.

Senator Aileen Hayden: I echo Senator Ivana Bacik's words. As yesterday went on, we saw the true extent of the horror of what had actually happened in Berkeley, California. A number of students remain in hospital and their lives are still at risk. Our prayers go with them. Ireland is a very small country. A number of the students who died had gone to school in Loreto College in Foxrock, which is in my constituency, and were students in University College Dublin. One of the deceased sat at a table with my daughter just last year and debated with her in a college society. That is the extent of the hurt in the Dún Laoghaire area today.

One point came to my attention in the media coverage. There is compulsory medical insurance with the J1 visa, but it might not be enough to cover the hospital costs of some of the students who remain in hospital with severe illnesses who may take months to recover. They may never fully recover. I made this point previously when other tragedies have occurred. I would like the issue of whether we have a fund to cover situations like this to be raised with the Department of Foreign Affairs and Trade. The last thing a family needs in this type of situation is to be worried about whether it has the resources to cover hospital bills. I ask the Leader to raise this issue as a formal question with the Department of Foreign Affairs and Trade. Do we or do we not have this type of resource within the Department?

I would like to bring to the attention of the House the comments made by the Minister, Deputy Alan Kelly, at yesterday's Generation Rent conference organised by Threshold. The Minister said he would focus his efforts on bringing rent certainty to the rental market. In the past 12 months, we have all seen stories about the extreme increases in rents. I was delighted to learn that the Minister had spoken about measures to link rent increases with an independent index such as the consumer price index. I was also pleased to discover he is willing to look at rental accommodation standards. Perhaps we might have a debate on the rental sector and on rent increases at a future date.

Senator Mark Daly: I would like to ask the Leader to organise a debate on collusion between the British security forces and the Ulster Volunteer Force and other loyalist paramilitary groups in the North. An excellent recent documentary on RTE showed that gangs of murderers were sponsored by the British state. They were death squads. This state-sponsored terror was orchestrated with the full knowledge of Downing Street, Westminster and the British Government. The time for soft diplomacy is over. Frederick Douglass said "power concedes nothing without a demand." In Downing Street tomorrow, the Taoiseach will meet the British Prime Minister, Mr. David Cameron, who could release all the files on the collusion allegations with a stroke of a pen. There are many horrific cases, but the most horrific is the case of the Dublin and Monaghan bombings, which was the biggest mass murder in the history of this State. Even

though the Barron report showed that the bombings could not have been carried out without the assistance of people in the British military, David Cameron is refusing to hand over files that would show the British state had nothing to do with it. If I were accused of the biggest mass murder in the history of this country, I would want to clear my name. If I were Mr. Cameron, that is what I would do. If I were the Prime Minister of England, I would do this. Even though European courts and UN bodies have said the British state needs to carry out investigations, they have refused to do so. As a former Secretary General of the Department of Foreign Affairs and Trade put it, first they deny, then they cover up and years afterwards they eventually apologise. Soft diplomacy is not good enough. The Taoiseach needs to demand that those files be handed over so we can prosecute those who perpetrated the biggest mass murder in the history of this island. I ask the Leader to organise a debate on this matter. I propose that motion No. 18 on the Order Paper be moved and taken before No. 1. I hope there will be all-party support in the House on the issue, as there was in the Dáil. I ask that the motion be taken today.

An Cathaoirleach: The Senator is referring to No. 68, non-Government motion No. 18. Is he proposing an amendment to the Order of Business?

Senator Mark Daly: I am. I thank the Cathaoirleach.

Senator Colm Burke: I think we should have a debate on the report on the cost of medical indemnity insurance, in relation to the medical profession, which was launched by the Joint Committee on Health and Children this morning. The major problems being faced by people who are working in the private health care sector in this country mean that some positions cannot be filled. The annual professional indemnity insurance premium for a medical consultant is now €104,000. People might say this does not concern us, but it really does. I remind the House that 40% of all elective surgery in this country is done in the private health care sector. If positions in the private sector cannot be filled, that work will come back into the public sector, where there is already a shortage of medical expertise in some areas. We need to have a debate on this area, in which major reform is needed. The report sets out a number of key issues, one of which is the introduction of periodic payments in relation to claims to make sure people who have suffered as a result of an error or a mistake that was made get compensation at an early stage. I am thinking particularly of maternity cases, where the moneys are used to help and assist the family in dealing with the difficulties it has to deal with. The report also deals with the need for pre-action protocols to be introduced within the legal profession in dealing with cases. A number of other major issues are raised in the report. I think it would be helpful if the report were to be debated, rather than merely going on the shelf with many other reports. It is important for the proposals set out in the report to be implemented. If we take on board what is set out in this report, it will have benefits for all of us. I ask the Leader to consider making time available for a debate on this report.

Senator Gerard P. Craughwell: I join Senator Aideen Hayden in speaking about the horrendous tragedy in Berkeley which led to the loss of the lives of a number of students. We must seek guarantees on the care and welfare of those who will be left with life-changing injuries.

I would like to advise the Leader that today, I will lay before the House a motion calling for the Minister for the Environment, Community and Local Government or the Minister for Public Expenditure and Reform, or both, to be brought to this House to discuss the representational payment provided for councillors for undertaking their work in local authorities.

12 o'clock

In recent months I have raised this issue and that of the class K PRSI tax, which is definitely not any form of insurance. The dogs in the street are barking that a general election is coming and, as such, I believe the time has come-----

Senator Darragh O'Brien: The Seanad election has begun as well for the Senator.

Senator Gerard P. Craughwell: I believe the time has come to address this issue head on and in the open before the end of the Government. Since I last raised the issue, things have changed. I have taken legal advice and I am now clear as to where the target is in dealing with the representational payment once and for all. During the debate on the National Minimum Wage (Low Pay Commission) Bill on 12 June, my colleague, Senator Denis Landy, addressed the fact that 25% or more of our councillors-----

An Cathaoirleach: Is the Senator proposing an amendment to the Order of Business?

Senator Gerard P. Craughwell: I am placing the Leader on notice because there will be an amendment to the Order of Business tomorrow. I know that the Cathaoirleach is deeply committed to councillors and will do everything he can to try to facilitate this request.

An Cathaoirleach: I am trying to help the Senator.

Senator Gerard P. Craughwell: I know that the Leader will do likewise and I expect all-party support for the issue. I am bringing it up now because I want to circulate the motion today and I would welcome amendments from anybody in the House. Tomorrow I will propose an amendment to the Order of Business. This issue is urgent because, although the Lansdowne Road agreement has just been finalised and unions are about to vote on it, we have left one of the lowest paid sectors in the country out of it, namely, county councillors. They are our constituents and, yes, we will be calling on them for votes. The least we might do is represent their interests in this House. To do this, we will need to bring in both the Minister for the Environment, Community and Local Government and the Minister for Public Expenditure and Reform who holds the purse strings. Both the Leader and the Whip on the Fine Gael side have spoken of their dismay at the way in which councillors are being treated in respect of payments. I ask that when this motion comes to the House, all Senators see to it that we have cross-party support and a debate with the Minister. I thank the Cathaoirleach for his indulgence.

Senator John Kelly: It is not often that I find myself in total agreement with my colleagues from Fianna Fáil. On this occasion I certainly do.

Senator Darragh O'Brien: The Senator is coming around.

Senator John Kelly: The new social welfare forms designed by the Department are showing a clear bias towards banks over post offices and should be scrapped. Our views have been made quite clear to the Minister for Social Protection.

Senator Darragh O'Brien's recommendation that transition year students get CPR training is a brilliant idea. I ask the Leader that we make representations to the Minister for Education and Skills on this issue. It is very logical and has not even been thrown into the mix.

I agree with Senator Terry Leyden on his proposed amendment to the Order of Business. It is ludicrous that the HSE can now allow patients who have been in what they call a family home for 20 years to be discommoded. It is wrong. When these facilities were set up back in the 1980s, the document by which the HSE was guided was called Planning for the Future. When

patients were not suitable for day care centres and hostels, they were put into these facilities. It is amazing that, 20-odd years on, there is a new document called A Vision for Change which states that what happened under Planning for the Future was wrong. I have asked the Minister of State, Deputy Kathleen Lynch, if patients who are to be taken out of those facilities and put into private nursing homes can now sue the HSE for wrongful placement. That is the way to go. The HSE needs to be questioned on some of its decisions. If this goes ahead, it will be nothing short of eviction of the patients.

Senator Trevor Ó Clochartaigh: Ba mhaith liom tagairt a dhéanamh d'athrú atá ar an sceideal le haghaidh amárach.

I am giving advance notice, no more than Senator Gerard P. Craughwell. I am quite concerned about the fact that the Petroleum (Exploration and Extraction) Safety (Amendment) Bill will be before us tomorrow. I am raising the issue today as I believe an amendment to the schedule is required. We are being told it has to be rushed through because of the transposition of an EU directive. In many other debates, we have been told of transpositions of EU directives which have been waiting for quite a long time and for which there is no major rush. I do not know what the rush about this Bill is. It is totally unacceptable that we are expected to debate the Bill tomorrow when we will not receive it until tomorrow morning. I understand we are getting a briefing note from the Department. Nonetheless, it is unacceptable that we are not being given an opportunity to examine the implications of the legislation. Many of us in the House have little faith in that industry and its way of proceeding. However, we do know that it certainly does a lot of long-term planning; therefore, I cannot understand the rush with the legislation. I ask that it be deferred until next week.

I echo colleagues' sentiments about the tragedy in Berkeley. I convey my deepest condolences to all involved.

At a meeting of the joint policing committee in Galway on Monday, I raised the issue of the new rostering regime in An Garda Síochána. The chief superintendent in Galway agreed that there are major issues around this system. It was brought in on a pilot basis for a year and is particularly unsuitable for rural areas. My understanding is that they have gone from four shifts to five, such that the same number of gardaí are being spread across different shifts. This is leaving rural Garda stations with gardaí in them until 4 a.m. or 5 a.m., when they cannot do any follow-up on cases or call people and, when they are needed for essential services during the day, gardaí are not available. As the Commissioner will be reviewing that roster system, we should have an input into the debate by making our thoughts known to the Minister in order that a submission can be put forward to the Commissioner.

An Cathaoirleach: The Senator is way over time.

Senator Trevor Ó Clochartaigh: Some of us feel the roster system is not working for rural areas at all.

Senator Michael Mullins: I ask the Leader to organise a debate on the interim report by Bobby Kerr on the future of the post offices. I heard Mr. Kerr give a very positive interview on RTE radio yesterday about how the post offices could grow and develop new services. A disproportionate amount of business is being done by relatively few of the country's 1,100 post offices. Two thirds of all transactions are being done by 300 post offices, while another 48% account for just 12% of total business. The business development group has established areas

for further exploration, including the possibility of increased capability in financial services, given that the banks are withdrawing their branches in many rural areas. Other areas such as HSE payments, motor tax payments, CAO and examination fees and local authority payments are all opportunities for the post office network. We all want to see the post offices retained, but this can only happen if new business opportunities are developed. The post office structure in its current form will not survive. The retention of the Department of Social Protection payments system is vital. I agree with colleagues who have suggested the Department appears to be encouraging people to receive their payments through banks rather than post offices. All Government agencies should be trying to safeguard the post office network and the interim report published by Mr. Kerr is a first step. We should debate the issues here, as further good suggestions may come from the House as to how we should ensure the post office network is retained as far as is practicable.

Senator Diarmuid Wilson: I second the amendment to the Order of Business proposed by my colleague Senator Mark Daly.

I join other colleagues in paying tribute to those who lost their lives in Berkeley, California, yesterday, and to those who have been seriously injured. Our thoughts are with their families at this time. It is a horrific tragedy and one can only imagine what the families are going through. I join my colleagues in remembering them this morning.

I endorse the comments by the leader of my party in the House, Senator Darragh O'Brien, on defibrillators this morning. It is an issue I have raised with others in the House on a number of occasions. I was present when a late colleague of ours passed away suddenly and have no doubt that if a defibrillator had been on the premises at the time, his chances of survival would have been greatly enhanced. I also agree with Senator Darragh O'Brien's proposal that CPR be taught in all of our secondary schools and PLCs. I understand it is part of the curriculum in our Youthreach training centres nationally, which is very much to be welcomed.

On Senator Gerard P. Craughwell's proposal on the representation allowance and other pay and conditions of councillors, I note that, with many other Members, I have raised this issue previously. On behalf of the Fianna Fáil Party, I have prepared legislation in this regard. However, I agreed not to pursue the legislation because a decision was taken in the House that the issue would be approached on an all-party basis.

Senator Paul Coughlan: We have already passed the motion to that effect.

Senator Diarmuid Wilson: A motion proposed by colleagues on my side of the House was unanimously supported and graciously accepted by the Leader. I have said on a number of occasions what we must do if we are to achieve anything for councillors, about whom we are all very concerned, given that most of us have been councillors ourselves and appreciate their workload. That workload has been enhanced by the changes on foot of Putting People First, which was passed by both Houses. I appeal again for unity in this regard to ensure that take an all-parties-and-none approach to the issue. It is only that way that we will achieve what we all want to achieve. Solo runs achieve nothing in my experience. Let us work together on this issue to I hope achieve something for the councillors.

Senator Lorraine Higgins: I raise a number of issues relating to the nursing homes sector which need to be addressed immediately in the interests of the work and services they provide not only to occupants and service users but also to the State. In particular, we require a debate

as a matter of urgency, and for time to be set aside for the Minister for Health to attend the House to discuss issues relating to the national treatment purchase fund, NTPF, the acute lack of nurses in the private sector and the inordinate period of time patients are waiting to have their fair deal scheme applications processed. On the NTPF, we need a debate on how allocations for patients are determined. An east Galway constituent who runs a nursing home in a rural town raised the matter with me recently. She is being awarded €800 per patient by the NTPF whereas a comparable nursing home in Dublin receives almost double what she does, even though both nursing homes are subject to the same standards of care. As such, this issue in particular warrants further discussion. On the acute lack of nurses for the private sector, nursing homes are having huge problems trying to source suitably qualified nurses, who are fundamental to the proper running of their premises. Emigration has seen many young nurses leave Ireland while, unfortunately, the sourcing of foreign nurses has become cumbersome and protracted given how applications are processed. We are facing a crisis if this issue is not resolved, as it will result in the reduction of beds in homes. It will also have a detrimental effect on those in care, increase pressure on already in-demand community services and have a negative impact on local economies, of which these centres of care are key drivers. With regard to the inordinate period of time patients are waiting to have their fair deal schemes applications processed, which can be up to one year in some cases, the Minister for Health must intervene forthwith to expedite the process. It is unfair on everybody, including nursing home owners, patients and their families. On that basis, we must set aside time for the Minister for Health to come to the House to discuss these matters at length.

An Cathaoirleach: I welcome Councillors Thomas Welby and Nicholas Crossan to the Visitors Gallery.

Senator Mary M. White: On behalf of all those in Dublin and Dublin South, as well as across Ireland, we extend our sympathy to the families of the six young Irish people who had a brutal death in Berkeley practically 48 hours ago. When I came back from a meeting last night, I saw on Sky News how the timber of the balcony had completely broken. It was a brutal and instant fall and a totally wrong construction. There will be an investigation, but no words are adequate to say how everyone in Ireland is traumatised and has sympathy for the young people who remain in hospital, some with brain damage. These were young people on the crest of a wave in their lives, on the cusp of entering into life and off to enjoy themselves. I believe Senator Jim D'Arcy's son is in Berkeley also, while my own niece is in San Francisco. Thousands of young Irish people have the pleasure of going out and participating and seeing the world in California and when something like this happens, there are no words. I am glad that the national flag is flying at half mast and that the Taoiseach has spoken out to express the feelings of the Government.

In *The Irish Times* today, Carl O'Brien has an article on the cuts to the lone parent allowance by the Minister for Social Protection, Deputy Joan Burton. I have spoken about this before, but I understand the Minister is meeting Karen Kiernan of One Family today to discuss these savage cuts. I point out again that this is the most gendered cut in the history of the IState. Of all lone parents, 98% are women. That this cut is being made by a cold-hearted woman is hard to believe. Apparently, her bureaucrats are advising her that this will encourage lone parents to participate in the economy. However, in a very striking letter last week, Professor Kathleen Lynch of UCD's School of Social Justice said that cuts in respect of this group of young people have not worked out positively. It is literally taking away their bread, given that the latest figures from the CSO indicate that two thirds of lone parents live in deprivation and suffer the

highest poverty rates. What kind of country is it at all? The Minister is the one who is really cold-hearted. I call for a positive response from the meeting reported today in *The Irish Times* with Karen Kiernan of One Family, and I compliment Louise Bayliss of SPARK, which supports single parents. We had an excellent protest outside.

I second Senator Terry Leyden's proposal to amend the Order of Business today.

Senator Paul Coghlan: As regards the serious matter raised today by Senator Mark Daly, we discussed it yesterday in his absence. It was raised by several of us and Senators Labhrás Ó Murchú and Terry Leyden on the other side of the House spoke about it. The collusion is beyond all doubt. That has been established. We all praised the wonderful programme we saw the other night. What happened in the past was atrocious. The Taoiseach is meeting the British Prime Minister, Mr. Cameron, tomorrow and undoubtedly this matter was already set to be discussed. I am a member of committee A of the British-Irish Parliamentary Assembly and we have discussed the matter also and made recommendations. The point is that we are all agreed.

Senator Mary M. White: In the meeting with Mr. David Cameron, let them put the squeeze on.

Senator Trevor Ó Clochartaigh: Let us have a debate on the issue.

Senator Mark Daly: When the Senator meets the ambassador next time, can he ask him for the files?

An Cathaoirleach: I call for order, please.

Senator Paul Coghlan: I understand Senator Mark Daly's craven desire to have himself placed centre stage. He is a verbaliser.

Senator Mark Daly: The victims are centre stage.

An Cathaoirleach: Can we hear Senator Paul Coghlan without interruption, please?

Senator Paul Coghlan: It is time for him to shut up on this subject, because we are all agreed, and he will not get away with trying to meddle with the issue. It is far too serious.

Senator Mark Daly: Will the Senator demand the files?

Senator Terry Leyden: Kerry is at war.

Senator Paul Coghlan: We are all agreed in this House.

Senator Mark Daly: We are not.

Senator Paul Coghlan: I do not want to say any more about it, because we are all agreed-----

Senator Mark Daly: The time for asking is over. He has to demand the files.

Senator Paul Coghlan: We will hear the Leader respond in one minute.

On another matter, I understand Senator Gerard P. Craughwell's request and must give him the benefit of the doubt. Unlike some of us, he was never a councillor, but he means well.

Senator Gerard P. Craughwell: I thank the Senator so much.

Senator Paul Coghlan: I wholeheartedly agree with the points made by Senator Diarmuid Wilson.

Senator Gerard P. Craughwell: Let us work together then.

Senator Paul Coghlan: This House has unanimously passed a resolution. Of course, we are helpful and we want to be helpful.

Senator Gerard P. Craughwell: Then bring in the Minister.

Senator Paul Coghlan: We should not in any way try to upstage what the councillors, through their own executives and their trade associations, are engaged in. I am going to shut up on that point, but I totally agree with what Senator Diarmuid Wilson said. The Senator knows what we are doing and what we have done.

Senator Fidelma Healy Eames: Do I detect a slightly condescending tone from Senator Paul Coghlan in respect of matters in this House around collusion and councillors? Things have not improved on either front. Let us call a spade a spade. Action is needed on the collusion issue and on councillors. On the issue of councillors, political representation is vital to our citizens at all levels. I was a councillor, as were many others in this House. We have failed our councillors in one essential way. They have no pension rights.

Senator Paul Coghlan: We know all that. We have dealt with it.

Senator Fidelma Healy Eames: Gabh mo leithscéal. I have the floor. They have this class K PRSI contribution that gives them no rights-----

An Cathaoirleach: There will be a motion on the matter tomorrow.

Senator Fidelma Healy Eames: I want to finish. Their service should always be recognised. They deserve equality. Let us do something besides just agreeing with each other on this issue and let us move this on, as Senator Diarmuid Wilson said.

With respect to the Leader, the Seanad schedule should reflect matters of urgency in this country and one-parent families are going to get the hatchet on 2 July. Up to now, they have been getting allowances for children up to 14 years of age. It is now being reduced to seven years of age. How can a single parent go out to work or keep up their education and leave seven year olds untended? I voted on that side of the House because the Minister for Social Protection, Deputy Joan Burton, promised us a Scandinavian child care model. I was in Finland looking at that model three weeks ago. It will never happen in this country. We are miles away from it. Let us stop hanging women and children out to dry. Some 500,000 children are in single-parent families. Is there any more important job than rearing children, the future adults and citizens of the country? Let us call a spade a spade. I expect to see a debate in this House with the Minister next week on the single parent cuts coming down the line and I want to see them reversed.

Senator Cáit Keane: We all value our children, particularly the children who died in Berkeley. I want especially to remember Eoghan Culligan from Rathfarnham, my own area. Ballyboden-St. Enda's, our local GAA club, put out a great tribute to him, saying he was one of its star GAA players. I also sympathise with his parents, Gerry and Marie; his brothers, Stephen and Andrew, and his girlfriend. I want to remember them all and the families of all the children involved. The last speaker spoke about valuing our children and it is very important to value

children, both living and dead.

I was a councillor for 20 years. Everyone on this side of the House has been speaking for councillors. I have asked for a debate on this issue as the Leader will verify when he replies. Another former councillor, Senator Denis Landy, also asked for a debate on the matter, prior to Senator Paul Coghlan asking for one.

Senator Paul Coghlan: I do not think so.

Senator Cáit Keane: He did. The Senator should ask the Leader. No better men than the Leader, Senator Maurice Cummins, and Senator Paul Coghlan for supporting the rights of councillors. Having spent 20 years on a council and having sat on the Local Authorities Members Association, I can tell Senators that those of us on this side of the House will not stop. The Senator is dead right - councillors must have rights. Rights were taken from them, which was wrong-----

A Senator: While Fine Gael was in government.

Senator Cáit Keane: We are in government and will have a debate. I agree with Senator Diarmuid Wilson.

An Cathaoirleach: Is the Senator supporting the call for a debate?

Senator Cáit Keane: I have asked for the debate previously, as has Senator Denis Landy who is supporting our call.

Senator Darragh O'Brien: She can add her name to Senator Gerard P. Craughwell's motion.

Senator Cáit Keane: The Dublin Rape Crisis Centre's report was launched today. Last week when funding was withdrawn from Rape Crisis Network Ireland, I asked about the matter.

Senator Mary M. White: What does Senator Ivana Bacik say about all these cuts?

Senator Cáit Keane: I want to include in the debate the fact that 293 cases were reported to Rape Crisis Network Ireland, of which 104 went to the Garda. Charges are pending in five cases, seven cases were dropped, only four went to trial and there were only three convictions. What we want to include-----

An Cathaoirleach: The Senator can make those points during the debate.

Senator Cáit Keane: I can, but I want to ensure the right people are here to answer these questions.

Senator Darragh O'Brien: The Senator does not have ten minutes.

Senator Cáit Keane: There were 293 cases but only three convictions.

An Cathaoirleach: The Senator is way over time.

Senator Cáit Keane: I thank the Cathaoirleach. I hope the debates sought will be arranged sooner rather than later.

Senator Jim D'Arcy: I offer my sympathy to the families of those young people who lost

their lives in Berkeley. Senator Mary White has said my son is in Berkeley. He is and the hour spent trying to contact him was very long, but when that was done, my heart went out to the families who have suffered the unbearable loss of their beautiful young children. I know the Minister for Foreign Affairs and Trade will do this, but I ask the Leader to ask him to continue to provide every possible assistance for those families at this horrendous time.

I refer to what the former Irish Farmers Association president Mr. Pádraig Walshe said yesterday, having been a victim of rural crime on his farm in Durrow, County Laois. He said farmers were in great danger from criminals coming onto their farms. He finds it very disheartening for farmers to see their hard-earned farm equipment being stolen by these groups. We have had a great deal of cattle and sheep rustling in County Louth in the past year in places like Knockbridge, Ravensdale and Cooley. I am pleased that the number of gardaí in training has increased and that more gardaí are being deployed. I ask the Leader to ask the Minister to come to the House to discuss this issue and how the Garda will be deployed in these situations.

Senator Maurice Cummins: Several Members who were not present yesterday and did not speak of their sadness at the tragic events in Berkeley which had led to the deaths of six of our young, bright people, with several more injured, spoke today. Our hearts go out to all of the bereaved families, to those who were injured and their many young friends there who must be very traumatised. I note, in particular, Senator Jim D'Arcy's comments, given that he had a son there. I can assure him that staff of the Department of Foreign Affairs and Trade who have been on the ground since yesterday will be doing everything they possibly can to assist the families and the boys and girls who are there.

Senator Darragh O'Brien raised the question of the sustainability of post offices. I agree with him that the forms in question have caused major concern within the post office network. To put the matter in context, there have been 24 net post office closures since the Government took office compared to 197 between 2006 and 2010. As Senator Michael Mullins mentioned, the Minister for Communications, Energy and Natural Resources, Deputy Alex White, on behalf of the Government, launched a post office network business development group to explore commercial and public service opportunities to secure the future of the network. Yesterday the group published for consultation an interim report which found that a disproportionate amount of business was conducted in relatively few of the country's 1,440 post offices. Two thirds of all transactions are conducted in only 300 post offices, while a further 48% account for 12% of total business. Changing consumer preferences mean that many consumers no longer go to the post office, which means that post offices must continue to diversify and modernise to provide the services that will attract customers. Maintaining relevance is certainly a challenge to the post office network. The work of the business development group represents the best possible opportunity to place the post office network on a sustainable footing into the future. It has made many proposals which should be examined because we believe it is in the best interests of rural Ireland that all post office are maintained. However, they need to be supported by local communities. I certainly take on board the point made about the forms in question. We have already made representations to the Minister on that issue which was the subject of a Commencement matter last week.

On the provision of defibrillators, Senator Feargal Quinn brought forward a Bill on the issue in the House over two years ago. There was a subsequent report, either from HIQA or the HSE, which dealt mainly with the issue of cost. However, what cost can we put on a life? The point made on CPR is a good one. As Senator Diarmuid Wilson mentioned, such training is provided by Youthreach and some schools. It should form part of the curriculum, especially in transition

year. I will certainly bring the matter to the attention of the Minister for Education and Skills because it would be sensible for young people to know how to perform CPR. The Senator mentioned how important such training was in the specific case of Michael Lyster who certainly would not be with us now if his wife did not possess such skills, which are very important.

Senator Ivana Bacik called for a debate on the repercussions of the closure of Clerys. We discussed this issue on the Order of Business yesterday and it was the subject of a Commencement matter this morning. I am happy that the concession holders will be given back their stock, but they are not receiving their money which was held in trust for them. That is a very important issue which will have to be dealt with.

Senator Ivana Bacik also mentioned that the sex offenders Bill would be brought forward during July. She called for debates on the issues of victims' rights and child marriage. We will try to arrange debates on them.

Senator Terry Leyden referred to the Rosalie unit in Castlerea, in respect of which he proposed an amendment to the Order of Business. The matter was raised by Senator John Kelly at a meeting of his parliamentary party and by Deputy Frank Feighan at a meeting of my parliamentary party. The Government fully supports the motion which we will accept and which can be taken without debate. We have no problem in accepting it.

Senator Hildegarde Naughton spoke about Irish Water and the problems in Oranmore which were mentioned in the House last week. As she rightly said, negotiations took place between everybody involved. That is the way everything should be done. The works were rescheduled and this €5.7 million critical infrastructural project will now go ahead.

Senator Kathryn Reilly called for a debate on the victims of sexual assaults. She mentioned the cuts in funding for Rape Crisis Network Ireland which were mentioned yesterday on the Order of Business. However, it is only fair to point out that the centre in Dublin did not see any cut this year.

Senator Aideen Hayden referred to the rental sector. We have had a few debates on housing and the rental sector, but, in view of the Minister's new proposals, we will try to arrange a further debate on the issue.

In the absence of Senator Mark Daly yesterday, a number of Senators raised the question of collusion which was the subject of an RTE documentary which was praised. I also mentioned yesterday that I was involved in considering that module of the Barron report. Everything that was included in the RTE documentary formed part of the Barron report which the Government and all parties supported. The Government supports fully what is contained in the motion which I am accepting and which may be taken without debate today. It is in keeping with Government policy. As I said yesterday, the Government, as it has done to date, will be pressing for the documents to be made available. We will continue to press to have them published. In addition, despite the apology made by the British Prime Minister, Mr. Cameron, the Government still insists that there be a public inquiry into the death of Mr. Pat Finucane. Let us not play politics on this issue, although I am not suggesting anyone is doing so. There is unity of purpose in this regard and let us continue to proceed in that way. We fully support the motion which, as I said, may be taken without debate today.

Senator Colm Burke referred to the report of the Joint Committee on Health on the cost of professional indemnity insurance. We will try to arrange a debate on that issue.

Because of the number of debates I will be trying to arrange between now and the end of July, we will certainly have a busy time, given the amount of legislation with which we will also have to deal.

Senator Darragh O'Brien: We usually have a recall in August.

Senator Maurice Cummins: Senator Gerard P. Craughwell, among other Senators, became very exercised about an amendment to the Order of Business to be proposed tomorrow. I like to deal with things as they arise-----

Senator Gerard P. Craughwell: I was giving advance notice.

Senator Maurice Cummins: The representation allowance for councillors is very inadequate, about which there is no question. The Whips of Fianna Fáil, Fine Gael and the Labour Party recently met the representative association of councillors.

Senator Gerard P. Craughwell: Sadly, I was not present.

Senator Maurice Cummins: Representations have been made to the Minister of State, Deputy Paudie Coffey, with whom a meeting has taken place. It is also intended to have a meeting with the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, on the matter. I believe a meeting would also have to be held with the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, as he controls the purse strings. It is important that there be unity of purpose in this regard. There is no doubt councillors the length and breadth of the country have a significantly increased workload because of the larger areas created prior to the most recent local elections. They certainly need to be recompensed in a proper manner. The PRSI issue also affects others such as retained firemen who make class K contributions. It is a matter which will have to be addressed not only for councillors but also for many others.

Senator Gerard P. Craughwell: The Leader should call it what it is - a tax.

Senator Maurice Cummins: Whatever it is called, it is a deduction from the allowances-----

Senator Gerard P. Craughwell: Nobody would buy an insurance policy under which he or she could not claim.

An Cathaoirleach: The Leader to continue, without interruption.

Senator Maurice Cummins: We will have a debate on the issue when we can arrange it.

Senator Darragh O'Brien: We might recall the House in August.

Senator Maurice Cummins: Senator Trevor Ó Clochartaigh asked about the transposition of an EU directive and the petroleum extraction legislation. It is intended to take that legislation tomorrow. At its meeting yesterday the Government agreed to the publication of the Petroleum (Exploration and Extraction) Safety (Amendment) Bill.

Senator Trevor Ó Clochartaigh: We have not been given a copy of the Bill.

Senator Maurice Cummins: It will be published tomorrow. Owing to the short timeframe for its transposition-----

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Senator Trevor Ó Clochartaigh: It is totally unacceptable.

Senator Maurice Cummins: -----the Bills Office will publish the Bill in the morning and there will be a verbal briefing on it available to everybody.

Senator Trevor Ó Clochartaigh: The Leader is pulling a fast one.

Senator Maurice Cummins: The briefing will be of benefit to everybody, particularly spokespersons.

Senator Trevor Ó Clochartaigh: It is not the first time it has happened.

Senator Maurice Cummins: If Members believe a fast one is being pulled on anything, they can vote down the Bill tomorrow.

Senator Trevor Ó Clochartaigh: We will oppose the Order of Business.

An Cathaoirleach: The Leader to continue, without interruption.

Senator Maurice Cummins: That is an option for the House. I am only outlining the options available to Members.

The rostering system in An Garda Síochána is an operational matter for the Garda Commissioner. I am sure the Senator's points will be relayed by the superintendent involved and any other superintendent throughout the country who has problems with the system.

Senator Trevor Ó Clochartaigh: It is a policy issue for the Minister surely.

Senator Maurice Cummins: It is an operational matter, not a matter for the Minister.

Senator Michael Mullins spoke about post offices. I have referred to this matter. Senator Diarmuid Wilson spoke about the representation allowance, an issue which I have also addressed.

Senator Lorraine Higgins called for a debate on the problems in the nursing homes sector. We will try to have the Minister for Health come to the House to address the matter.

Senators Mary White and Kathryn Reilly, among others, spoke about the cuts affecting lone parent families. A meeting will take place today with the Minister, as a result of which I hope we will see some progress on the matter.

Senator Mary M. White: Good.

Senator Maurice Cummins: To reply to Senator Paul Coughlan, I thought the Civil War was breaking out again in County Kerry, but we have resolved the matter.

Senator Mark Daly: It is not finished.

Senator Maurice Cummins: On the issues raised by Senator Fidelma Healy Eames, I do not propose to answer Members who have left the Chamber. I have addressed the matters raised by Senators Cáit Keane and Jim D'Arcy.

An Cathaoirleach: Senator Terry Leyden has proposed an amendment to the Order of Business.

Senator Terry Leyden: I thank the Leader of the House for accepting the motion which makes it unanimous.

An Cathaoirleach: The amendment is: “That No. 68, non-Government motion No. 16, be taken without debate before No. 1.” Is the amendment agreed to? Agreed. Senator Mark Daly has proposed an amendment to the Order of Business: “That No. 68, non-Government motion No. 18, be taken without debate before No. 1.” Is the amendment agreed to? Agreed.

Order of Business, as amended, agreed to.

Mental Health Services: Motion

Senator Terry Leyden: I move:

That Seanad Éireann opposes the closure of the Rosalie Unit in Castlerea, County Roscommon which cares for psychiatric patients, including those with Alzheimer’s disease and dementia.

Senator Mary M. White: I second the motion.

Question put and agreed to.

Dublin and Monaghan Bombings: Motion

Senator Mark Daly: I move:

That Seanad Éireann, recalling the motions by Dáil Éireann adopted unanimously on 10 July 2008 and 18 May 2011 which:

- noted “the interim and final reports of the sub-Committee of the Joint Committee on Justice, Equality, Defence and Women’s Rights on the report of the Independent Commission of Inquiry into the Dublin-Monaghan Bombings and the three related Barron reports, including the Inquiry into the Bombing of Kay’s Tavern, Dundalk, and commends the sub-Committee on its work”;

- urged “the Government of the United Kingdom of Great Britain and Northern Ireland to allow access by an independent, international judicial figure to all original documents held by the British Government relating to the atrocities that occurred in this jurisdiction and which were inquired into by Judge Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes”; and

- directed “the Clerk of the Dáil to communicate the text of this Resolution, together with copies of the aforementioned reports, to the House of Commons of the United Kingdom of Great Britain and Northern Ireland, with a request that the matter be considered by the House of Commons”;

- notes that the question of obtaining access to information held by the British Government on the bombings has been pursued for many years;

- requests the Government to continue to raise the matter with the British Govern-

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ment and to press it to comply with the request and affirms the support of Members of this House; and

- acknowledges that the co-operation being sought is taking place in the context of transformed relationships on this island and between Ireland and Britain based on mutual respect, on partnership and on friendship.

I thank the Leader for agreeing to take the motion. We look forward to hearing the news from Downing Street tomorrow when the Taoiseach is due to meet the British Prime Minister, Mr. Cameron-----

An Cathaoirleach: There is to be no debate on the motion.

Senator Mark Daly: -----and the response he will give on the release of files on the Dublin and Monaghan bombings.

Senator Paschal Mooney: I second the motion.

Question put and agreed to.

National Minimum Wage (Low Pay Commission) Bill 2015: Report and Final Stages

Acting Chairman (Senator Paschal Mooney): I remind the House that a Senator may speak only once on Report Stage, except the proposer of an amendment who may reply to the discussion on that amendment. On Report Stage each amendment must be seconded.

Amendments Nos. 1, 2 and 19 form a composite proposal and may be discussed together.

Senator David Cullinane: I move amendment No. 1:

In page 3, line 8, to delete “related matters” and substitute “matters related to low pay”.

I welcome the Minister of State. I missed his response to my contribution on Second Stage when I understand, to put it mildly, he robustly defended his position and the Bill.

I hope, in the spirit of the amendments that are tabled, that the Minister of State will accept we can have political differences. We believe the proposed Low Pay Commission narrowly focuses on the minimum wage. The Minister of State disagrees with this and our amendments seek to amend it. There is no doubt that the big focus of the Bill is the minimum wage. It does not deal with the low pay in the way it should. The amendments in this group - Nos. 1, 2 and 19 - seek to remedy this.

It might be helpful for the purposes of the debate on this Bill if I were to refer to some of the recommendations that were made after the British Low Pay Commission was reviewed. It is important for the Minister of State to be familiar and acquainted with the mistakes the British authorities believe they made. We want to see a Low Pay Commission that actually deals with the totality of low pay, including the relationships between low pay and welfare, public services, taxation and all the other issues. In reality, we need a living wage commission that actually moves us to a situation where people are not on poverty wages but are getting decent work for

decent pay and a living wage. Rather than focusing on people's differing views on whether the minimum wage should be increased or decreased, surely we should be moving towards a space in which people in the public and private sectors are paid proper wages and a living wage.

As I said on Second Stage, a comprehensive review of the national minimum wage and the Low Pay Commission in the United Kingdom was undertaken in 2014 by the Resolution Foundation under the chairmanship of Sir George Bain, who was the founding chair of the UK commission. This review offers some vital insights on the national minimum wage, the living wage and the proposed Low Pay Commission in Ireland. The question of whether the minimum wage and its supporting architecture could do more to tackle Britain's pervasive problem of low pay was investigated. The review found:

Research we have commissioned to inform our decisions – now totalling around 140 projects – has generally shown that the NMW has led to higher than average wage increases for the lowest paid, with little evidence of adverse effects on employment or the economy. Firms appeared to have responded by: adjusting pay structures; reducing non-wage costs; making small reductions in hours;... increasing some prices; and some squeezing of profits (although insufficient to lead to an increase in business failure).

Dale Belman and Paul Wolfson have published a meta-analysis of minimum wage studies that have been conducted since 2000. It concludes:

Moderate increases in the minimum wage have the effect that was intended by the original supporters of such action: raising the minimum wage substantially increases the earnings of those at the bottom of the income distribution and reduces wage inequality. Negative effects on employment resulting from increases in the minimum wage were too small to be statistically detectable in the meta-analysis. Such effects would be too modest to have meaningful consequences in a dynamically changing labour market.

I suppose they looked at the reality of the impact that the increase in the minimum wage had in Britain. The Minister of State will have heard from some of the employers' organisations in the past 24 hours about their concerns regarding an increase in the minimum wage and a move towards a living wage. The experience in Britain and the studies across Europe show that such measures do not have any real or significant impact on employment. Contrary to what is being suggested, these approaches do not drive up wage demands across the economy. They do what they say on the tin that they should do, which is to bring about greater income equality. This is something to which we would all aspire.

I would like to mention another weakness that was found in the UK Low Pay Commission. The report from which I have quoted refers to a "narrow settlement" and "the lack of attention it gives to the persistence of low pay". It highlights:

The NMW was intended to act as the wage-floor from which employees should move up with experience and skills. There was even hope that the NMW might encourage employers to invest in their staff to allow for progression. Findings from the Resolution Foundation suggest that all too often, the NMW is failing to act as a springboard to higher earnings. In 2012, just under a fifth (17 per cent) of minimum wage workers, around 320,000 people, had only held minimum wage jobs in the last five years. The problem is not limited to the NMW. Almost three-quarters of low paid workers in 2002 had not fully escaped low pay ten years later in 2012.

It continues:

More fundamentally, the minimum wage as a whole lacks direction. In its effort to keep politics out of the NMW, the government has fallen into a strange neutrality about the minimum wage: there is no official preference over whether it rises or falls. This leaves the policy rudderless.

These recommendations and findings came from a review of the operation of the British Low Pay Commission.

I suppose the point we are making to the Minister of State is that it is obvious that the minimum wage needs to be examined and that there needs to be a mechanism which allows policy makers and politicians to look at all of the data when making decisions. Ultimately it has to be a political decision. All of the information from EUROSTAT, the OECD, the CSO and TASC shows that 5% of the workforce is on the national minimum wage, but up to 20% of the workforce is in low-paid employment and 16% of those workers are deemed to be suffering from multiple deprivation. I know that the Minister of State will join me in saying that is wrong and needs to be tackled. We need to have strategies in place to enable us to lift people out of in-work poverty and ensure people have decent and proper wages and decent work. In establishing this commission, we should not put in place a structure that could look at varying - increasing or possibly decreasing - the national minimum wage without moving us closer to lifting people out of poverty or being in a position to make policy recommendations to a range of Ministers on how we can have a living wage and decent wages for people.

As I said, if the Minister of State wants to have decent wages and a living wage for people, he should move beyond looking solely at the hourly rate of pay and saying “that is what we need to do”. This point needs to be transmitted to employers also. I know the technical group on low pay came up with a figure of €11.45. We would support this because it was done on the basis of an analysis. There needs to be a strategy of investing in public services. If low-paid workers had access to universal health care, universal child care and decent housing, if there was proper investment in public services, if the tax system was reformed to favour low-paid workers and if there were proper employment rights and protections for workers, the totality of that package would reduce the hourly rate. In my view, that would be a much more holistic way of calculating and making sure people get a living wage. Perhaps this is something to which the Minister of State might respond. I have explained the concerns we have. We do not have a difficulty with the minimum wage element of it. We want the commission to have far more powers in looking at the relationship between low pay and all the other factors I have just mentioned and in making clear recommendations to the Government on those matters. We are concerned that the commission will not have the power or authority to do this. While there are some vague references in the Bill to related matters, if we are honest with each other we will admit the reality that the primary focus of the commission will be on looking at the minimum wage. I will leave it at that because we discussed this issue on Second and Committee Stages.

Senator Katherine Zappone: I second the amendment.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash) (Deputy Gerald Nash): It is worth reminding the House that the National Minimum Wage Act 2000 provides for the national minimum wage only. It is quite restricted in terms of how it views the minimum wage. That Act sets out provisions for reviewing the minimum wage and the mechanisms available for those purposes. When this Bill is enacted, it

will give the commission a duty to assist as many low-paid workers as is reasonably practicable and to set a rate that is fair, sustainable and progressively increased over time. The remit of the proposed Low Pay Commission is much wider than Sinn Féin Senators and others in this House would readily admit. It is unfortunate that this has been glossed over repeatedly. The view being taken is that if something is repeated enough times, people will start to believe it. The legislation says something entirely different. The practice of the Low Pay Commission will be entirely different as well. I have every confidence that the Low Pay Commission, in addition to examining the rate of the national minimum wage each year, will do a large degree of additional work which will focus on the interaction between low pay and the tax and social welfare systems. It would be pointless to do otherwise.

Some of those who spoke on Second and Committee Stages deliberately failed to recognise a number of distinctions between the Irish and British systems.

I o'clock

We looked very closely at the British model, its establishment of a low pay commission, what it has achieved, the function it has in British society as a key institution and some of the experiences it has had in recent years. However, Ireland is very different from the United Kingdom on a range of fronts. For example, we have reintroduced a joint labour committee system to assist people in vulnerable sectors of our economy but this is a distant memory in the United Kingdom. Work is being carried out involving employers, trade unions and the Labour Court on two separate joint labour committees, one for the contract cleaning industry, which is a very vulnerable industry, and one for the security industry. We hope to make significant progress on them in the next couple of months.

We are also reintroducing the registered employment agreement system and sectoral employment order system, which they do not have in the United Kingdom. They are two distinct differences of which we need to be mindful when we discuss the low pay commission, issues to do with low pay and how we treat people working in sectors where they can often be exposed. The taxation system in this country is designed to favour those on low and middle incomes and the Government's policy is very clear. Compared to this time in 2011, 440,000 fewer are paying the universal social charge and, after the next budget, we will have a significant number in addition who will not be paying the charge. People on low and middle incomes, in particular, are hit by this charge.

The purpose of the Bill is to provide for necessary amendments to the National Minimum Wage Act 2000 to provide for the establishment of the low pay commission. The principal function will be to examine, on an annual basis, the rate of the national minimum wage and to make recommendations to Government. Where the national minimum wage is to be adjusted, it will be adjusted incrementally over time having regard to changes in earnings, productivity, overall competitiveness and the likely impact any adjustment would have on employment and unemployment levels.

This Bill replaces the previous means by which the national minimum wage could be set and replaces it with an annual analysis and recommendations by the low pay commission. Those means were set out in sections 11 to 13, inclusive, of the National Minimum Wage Act 2000 which are now replaced by section 9 of this Bill. Clearly, the role of the low pay commission is firmly set within the national minimum wage legislation of the State. This does not mean, however, that the remit of the low pay commission is a narrow one. As I have previously

stated, the commission is certainly about much more than setting the rate of the national minimum wage or making recommendations on the minimum wage.

Section 5 also provides that the commission may be requested by the Minister to examine and report on matters relating generally to the functions of the commission under the Act. That request will be made not later than two months after the start of each year, apart from this year, and will be part of that year's work programme of the commission. We have introduced a measure in the legislation which will enable me, in this first year of the establishment of the low pay commission, to request that it carry out work in the next few months on issues of concern to Government and which have been raised in both Houses in recent times. This allows me and future Ministers to ask the low pay commission each year to do other work to address areas about which we are all concerned and to advise the Government in an expert and evidence-based way about the best approaches to take to combat low pay. For these reasons, I cannot accept the Senators' amendments.

Senator David Cullinane: I thank the Minister of State for his reply and remind him that I am supporting the Bill and recognise that it is a step forward. Although I have concerns about the powers, functions and remit of the commission, I accept it is a useful first step. We can learn lessons from the report on the British low pay commission. I do not know if the Minister of State or his officials have read the report but it raises some interesting points. The trade union movement, which supports a minimum wage, expresses the concern that the minimum wage could become a ceiling rather than a floor and that was found to be one of the main problems with the British national minimum wage. The primary tool of the low pay commission in the United Kingdom was to make recommendations on varying the minimum wage and it recommended that the Government make it an explicit long-term ambition of economic policy to reduce the incidence of low pay, setting out a plan to reduce the share of employees who were below two thirds of the median wage. It asked for the Government to set this target in order that it could then make recommendations based on that target. It also recommended that the Government change its relationship with the low pay commission by routinely setting out its views on how the national minimum wage could contribute to its wider goal of reducing the incidence of low pay. To make this ambition meaningful the commission called on the Government to set out a practical plan to deliver on its ambition to reduce the incidence and persistence of low pay.

The author of the report is by no means somebody who would be seen as a friend of people on low pay or even as being on the left of politics and the Minister of State should read it. The report advocates that the British Government ensures that a low pay commission has as many powers and tools it needs to make recommendations, not just on the minimum wage but on how to reduce the high incidence of low pay within an economy. The Minister of State says there is this power in the Low Pay Commission but we are not so sure it is robust enough. We have gone over this a few times. My criticism is not to take away from the work the Minister of State has done but is a genuine attempt to highlight to him mistakes that are now accepted as having been made in Britain when they set up their low pay commission and to ensure we do not make the same mistakes here.

The amendments were designed to take out the national minimum wage element and just call it the low pay commission. It should actually be a living wage commission, which would really change the dynamic of the commission's role. It could have included a provision to make recommendations on the minimum wage but it should have been a living wage commission to look at how we create a living wage, both in the public and private sectors.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 2:

In page 3, lines 15 and 16, to delete “*National Minimum Wage (Low Pay Commission) Act 2015*” and substitute “*Low Pay Commission Act 2015*”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 3:

In page 4, between lines 10 and 11, to insert the following:

“(a) has due regard to Ireland’s human rights obligations to guarantee the right to just and favourable remuneration,”.

This amendment relates to labour market security for low-paid workers. On Committee Stage we discussed how permanent employment contracts, decent rates of pay, guaranteed working hours and decent working conditions are being increasingly eroded by demands for greater flexibility to hire and fire, growing use of temporary and part-time contracts and flexible hours, which we see with low-hour contracts. These are also issues a low pay commission should deal with. One of the flaws in setting a minimum or living wage arises from the lower paid workers, because of their hourly rate of pay and the nature of their contracts. We see this in the case of some workers in Dunnes Stores who are given these unfair lower contracts and, even though they have been working for 30 or 40 hours a week for several years, are stuck on these lower contracts and this has an impact on their terms and conditions of employment. This amendment attempts to ensure that the State has due regard to Ireland’s human rights obligations to guarantee the right to just and favourable remuneration.

While I accept the Minister of State supports this objective in theory, I am interested in hearing his response to the amendment.

Senator Katherine Zappone: I second the amendment.

Deputy Gerald Nash: Senators will be conscious that the establishment of a low pay commission is just one element in a suite of measures I am in the process of introducing as part of the employment rights and dignity at work agenda and Government efforts to ensure decent, sustainable employment. Section 4 sets out the clear objectives of the national minimum wage, which is designed to assist as many low paid workers as is reasonably practicable. The minimum wage is set at a rate that is fair and sustainable and where adjustment is appropriate, it is adjusted incrementally. It has progressively increased over time without creating significant adverse consequences for employment and competitiveness. I have no hesitation in stating again that I want the national minimum wage to be progressively increased where economic circumstances, the demands of job creation and social conditions and requirements converge. I also want better working conditions and improved pay, especially for low paid workers, because society would benefit from any such development. The Low Pay Commission will assist in providing the institutional framework to ensure this occurs. The objective of ensuring that workers are entitled to just and favourable remuneration is clearly built into the criteria that will guide the commission in making a recommendation to me on the appropriate level of the minimum wage. For this reason, I cannot accept the amendment.

Amendment put and declared lost.

Acting Chairman (Senator Paschal Mooney): Amendments 4 to 11, inclusive, are related and may be discussed together.

Senator David Cullinane: I move amendment No. 4:

In page 4, between lines 32 and 33, to insert the following:

“(a) median earnings during the relevant period,”.

We are getting through a fair clatter of amendments now. The purpose of the amendment is to ensure any measure below the median, if included, would not accurately reflect the prevalence of low pay in the economy. The intention is to extend the remit of the Low Pay Commission.

Amendment No. 5 reads:

In page 4, after line 36, to insert the following:

“(i) each sector’s business model and performance,

(ii) innovation in each sector has increased, decreased or remained stagnant within the current period,”.

The purpose of the amendment is to address the issue of low pay. Some of the relevant issues will have to be addressed on a sectoral basis. This was the rationale for the establishment of joint labour committees, registered employment agreements and employment regulation orders. The Minister is addressing those issues in another Bill that is being processed in the Oireachtas.

While low pay pervades all sectors of the economy, it is particularly widespread in hospitality, retail and the services sector and is also present in education, health and administration. As such, conditions in certain sectors will vary and a differentiated approach may be required in some sectors. It is imperative, therefore, that a sectoral approach is taken to deal with the specific issues of low pay in each of the various sectors. Different strategies may be necessary to achieve this and amendment No. 5 provides for it.

Amendment No. 6 reads:

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

“(da) economic inequality and purchasing power parities,

(db) the percentage of workers in the economy earning two-thirds or less of median income,

(dc) the Living Wage as set for the relevant period,”.

I will not rehearse the arguments on this issue again. The purpose of the amendment is to achieve the same outcome I sought in the first few amendments. A living wage must be a key focus. In arguing against increasing the national minimum wage employers organisations cite comparisons with other countries. This morning, for example, IBEC released a report in support of its argument against increasing the minimum wage. The Small Firms Association and

all other business organisations have argued against an increase in the minimum wage, which is hardly surprising. Their views differ, however, with some employers opposed to the minimum wage *per se*, while others are willing to tolerate it but oppose increasing it at this time. Employers also claim the current level is very generous. The dynamic in terms of what a minimum wage delivers for workers in different countries changes when one takes into account purchasing power, the cost of living and so forth. This amendment seeks to ensure we use the correct formula when determining the minimum wage.

Amendment No. 7 reads:

In page 5, line 7, after “Ireland” to insert the following:

“, taking into account the standard of living, general wage levels and access to welfare supports to include social protection supports, universal healthcare provisions, state provided childcare and social housing”.

This returns us to the concept of a living or social wage. If one parks for a moment the issue of the minimum wage, the Minister of State’s party leader, the Tánaiste, has spoken about supporting a living wage and moving in that direction. If we are to achieve this objective, we must have a proper discussion of a living wage. The Low Pay Commission could be a mechanism for facilitating such a discussion. Without repeating the points I made earlier, if we are to have a genuine living wage, we must be cognisant of the concept behind it, namely, that a person who works should be able to meet the basic needs of his or her family and pay his or her bills. Unfortunately, many workers in this State are unable to do this. As I stated, 20% of employees are on low pay and 16% are suffering from multiple deprivation. The solution lies partly in increasing wages and the minimum wage. The State also has a responsibility to invest in public services and so forth.

Employers organisations will have a difficulty with wage increases and will argue that they give rise to competition issues. Many small employers are still struggling. We must take a holistic view of this issue and ensure it does not mean simply making wage demands on employers. The totality of the package must be considered to ensure the State plays a role. The employers organisations agreed on this point, although they did not support the views expressed on how the money to pay for all of these things would be raised. In any event, that is an entirely separate issue.

I do not propose to delay proceedings as the remaining amendments in the group are similar in content. The sentiments I expressed on previous amendments apply to them also. I have set out my substantive argument on this group and look forward to the Minister’s response.

Senator Katherine Zappone: I second the amendment.

Senator Mary M. White: I wish the Minister of State good luck in addressing the scandalous position in which the staff of Clerys find themselves. I am optimistic that he will look after the workers in question extremely well. Senator David Cullinane must realise that this is not only an issue of wages but also relates to the disposable income of persons who are in a job. Income can be enhanced by the Government in many other areas, including through better taxation policies, for example, changes to the universal social charge. Employers are not the only factor here. Disposable income and the role of the Government are also issues.

The closure of Clerys has brought the whole thing into disrepute. I am sure the Minister of

State is considering changes to the law governing this area. It is a pity the Companies Act has been put to bed because something must be done in the Clerys case, which is probably unique.

Speaking on Joe Duffy's radio show, one lady indicated that a representative of KPMG met Clerys staff on the evening the announcement of the company's closure was made. He spoke very disrespectfully to one of the workers, to the effect that the worker need not think he or she would be allowed in to protest. It is cold-hearted and ruthless.

Deputy Gerald Nash: Senator Mary White can be reassured that I addressed the Clerys issue in response to a Commencement matter tabled by Senator David Cullinane this morning.

Section 5 of the Bill sets out a very comprehensive and demanding set of factors that the commission must take into account in any year in coming to a recommendation on the appropriate rate of the national minimum wage. These reflect those contained in the principal Act from 2000, with significant additions such as changes in income distribution during the relevant period and changes in productivity.

Amendments Nos. 4 to 11, inclusive, provide for the addition of a wide range of factors that the commission would be required to take into account when making a recommendation. I thank Senators, particularly Senators David Cullinane and Katherine Zappone, for the thought they have given these additional factors which they wish to be considered. However, to add further to the wide-ranging list of factors to be taken into account, as set out in amendments 4 to 11, would, in my view, lead to a position whereby the commission could not possibly undertake the level of analysis required and would find it difficult to produce an agreed recommendation or, perhaps, any recommendation at all, by a set date on an annual basis. I gave significant consideration to these criteria with Government colleagues when we were drafting the Bill; many of the criteria have stood the test of time in that they were previously incorporated in national minimum wage legislation dating back to 2000. Some of the additional factors proposed, for example issues surrounding decent work, are part of my wider decent work agenda, including the issue of zero-hour and low-hour contracts, reform of collective bargaining legislation, the reintroduction of a system of registered employment agreements and a new mechanism providing for sectoral employment orders.

Previous references to changes in earnings have served us well and I do not consider it necessary to refer specifically to median earnings changes or proportions above or below particular proportions of median earnings. There is significant expertise available to the commission on properly interpreting changes in earnings data.

I have spoken in the past of my support for the development of the concept of a living wage, but I must differentiate between the application of a mandatory national minimum wage and a societal movement that would see employers volunteer and be proud to pay what might be considered a living wage. I said last week in the House that I will be hosting a forum on the living wage with employers, trade unions and civil society actors in the autumn to further explore how this concept might be applied in an Irish context.

Regarding comparisons with Northern Ireland or any other jurisdiction which has a national minimum wage, it is fair to say that these are compared not only by looking at the absolute values but also by having regard to purchasing power parity. Again, I believe the commission has sufficient expertise available to it to make these distinctions. It would not be appropriate to specifically require the commission, on an annual basis, to analyse different welfare supports,

health care provisions, child care and social housing across different jurisdictions. I have every confidence that the commission will be mindful of these factors.

On the issue of high quality job creation, on Committee Stage of this Bill, Senator Katherine Zappone expressed concern that the reference in the Bill to the need for job creation could be interpreted to imply a potential trade-off between job creation and fair wages. That is not how I see it. I fully agree with her that fair wages should never be sacrificed for the creation of jobs that are exploitative or unsustainable. That is why the Bill provides, at section 4, very clear objectives for the national minimum wage. The commission will be obliged to ensure that any recommendations it makes should ensure the minimum wage will be set at a rate that is both fair and sustainable.

On the promotion of gender equality, it is important to note that the national minimum wage applies to all workers, irrespective of gender. We had a comprehensive discussion on this on Committee Stage and the matter was also referred to on Second Stage. A national minimum wage is the epitome of a measure that eliminates gender inequality in its application. However, as minimum wage workers tend to be predominantly female, by its very nature a national minimum wage is more beneficial to female workers.

It is important to recall that the comprehensive list of factors required to be taken into account is essentially the same as that in the current National Minimum Wage Act. These factors have already stood the test of time since 2000, when the national minimum wage was introduced. Accordingly, I cannot accept amendments Nos. 4 to 11, inclusive.

Senator Katherine Zappone: I appreciate the Minister of State's response. He addressed amendment No. 8 a few minutes ago, which provides for a reference to the need for quality job creation. I am supporting the Bill and think it is a very important step forward. The Minister of State is clearly deeply cognisant of what is in the Bill and what will not be in it. I acknowledge his leadership in that deep reflection and the way in which his response has been carefully put together.

In a number of speeches, as well as in the call for applications to the Low Pay Commission, he said that should always pay, but that he is conscious of the need to balance a statutory minimum pay rate that is fair with one that is sustainable and allows employers to continue to create high-quality jobs. One of the prime reasons I have heard for not accepting this amendment on Committee and Report Stages is that section 4 indicates that the commission will make recommendations to the Minister of State in order that the minimum hourly rate is set in a way that is both fair and sustainable. The Minister of State seems to be saying that a concern around quality is already provided for in the Bill in that regard. I am still arguing that this amendment ought to be accepted, as the existing provisions are not sufficient. The fact that the issue is included in section 4 provides a further argument that it ought to be explicitly referred to when the Low Pay Commission is making its recommendations.

The question of what "quality" means was raised on Committee Stage, especially by Senator Feargal Quinn. I had a sense that there was an implication there that "quality" is too hard to define, as it varies from sector to sector. Perhaps, then, we should just leave the difficult task of defining the term out of our laws, or at least, out of this law. Should a very expert commission, resourced to review research, not consider the issue of high-quality jobs? If we include an explicit reference by way of this amendment, it would mean that the commission would have to explicitly review indicators that contribute to quality prior to making its recommendations.

The difference between the creation of jobs and the creation of high-quality jobs is significant. The former merely refers to more jobs. It is important that quantity not be the assumption of the Bill. The quality of work should be the emphasis. I accept that quantity is measurable and much easier to report on, yet it leaves too much room for the creation of jobs that are of low quality and add to the already prevalent in-work poverty rate, which stands at 16%, as Senator David Cullinane said.

If measurement of quality is the issue, a 2009 report by the Directorate General for Internal Policy sets out indicators for job quality. These include the number of hours in work; a wage as close as possible to a living wage, about which the Minister of State speaks very eloquently - it is wonderful to know there is going to be a forum; job security; and the presence of a contract. These are just some of the indicators. By refusing to accept the amendment, maybe the Minister of State is saying these issues do not and should not matter to the Low Pay Commission prior to its making recommendations to him on the national minimum wage. I think he is aware that the working poor now account for one in six people in poverty. The economist Micheál Collins of the Nevin Economic Research Institute has said the core of this problem is the large and increasing number of jobs that the State is subsidising through payments such as the family income supplement. As the Minister of State is aware, the Department of Social Protection is spending more and more every year on subsidising people's incomes from jobs. The question is one of a policy trade off, that is, do we want more jobs that the State needs to subsidise or to create jobs that are self-sustainable? The Minister of State might say the issue of sustainability is referred to in section 4 but if it is, it supports the arguments that it ought to be explicitly identified in terms of what the commission should examine before it makes recommendations. By accepting this amendment, the Minister of State would demonstrate that he and the Government were committed to jobs that were self-sustainable rather than creating jobs that the taxpayer must subsidise.

I refer to amendment No. 10 and the promotion of gender equality, on which the Minister of State commented in his earlier remarks. The points were similar to those he made on Committee Stage and I want to address some of them. He is aware that women continue to be rooted in a narrow range of occupations, they make up the majority of those on low pay and those living in poverty and they are crowded into the lowest part of the jobs hierarchy. Would it not be wonderful to think that the recommendations from this commission might change some of that?

The Minister of State's response to this amendment on Committee Stage and today acknowledges that a very significant number of people who are merely existing on the minimum wage are women. Does he accept the gendered nature of in work poverty? I hope he will consider responding to that in any final response. Furthermore, he said last week and reiterated today, "As the minimum wage workers tend to be predominantly female, by its very nature a national minimum wage is more beneficial to female workers." He referred to the factors the Low Pay Commission will take into account in the setting of the national minimum wage. He also said they have stood the test of time since 2000 and, therefore, we do not need to change. I ask the Minister of State to comment on the pay gap and the view that there is no need for the Low Pay Commission to take into account the extensive research on it, inclusive of recommendations on how to narrow it, prior to its recommendations on national minimum wage levels. That is what his views sound like to me.

Is the Minister of State arguing that if the national minimum wage rises, it will reduce the gender pay gap and, therefore, one does not need to be explicitly stated that the Low Pay Commission take account of the promotion of gender equality in its consideration of setting the

national minimum wage? As he is aware, over 60% of workers on low pay are women. He and the Government say they are committed to gender equality, something I have seen in practice. Including this amendment would be a prime action or signal that their commitment in this regard, in an area where there are many women, translates into action.

The setting of a national minimum wage that will ensure the reduction of in work poverty has to take account of the circumstances of the lives of the workers. If the Low Pay Commission does not explicitly address the policy target of gender equality, then it will be less effective in recommending a national minimum wage that will be sufficient for women to get out of poverty. What would be the good of that?

Deputy Gerald Nash: I will do my best to address the concerns expressed by Senator Katherine Zappone. The Low Pay Commission, almost by definition because of the sheer number and proportion of women existing on the national minimum wage, will have a particular focus in its work on how the minimum wage and low pay in general affect women. It is also worth noting that there is nothing in the Bill excluding the Low Pay Commission from focusing a particular piece of work at some stage, in terms of its remit, on the issue of pay and gender. That may very well be a piece of work that could, and should, be considered by the Low Pay Commission early in its lifetime.

I am not saying that quality jobs do not matter for the Low Pay Commission, because they do. I do not think anybody should take the view that will not be the case. In this country there is an over-reliance among those on low pay accessing family income supplement, which is a form of corporate welfare. Many people who depend on it work for extremely profitable international corporations. We need to make sure that we have an in work benefit system to assist people in difficult situations, but that should not become the norm and a system on which people are permanently reliant because work should always pay. A range of principles feed into this.

When we refer to quality work, we cannot deal with the Low Pay Commission in isolation. We need to consider the suite of measures we are seeking to introduce to make sure we can level the playing pitch between employers and employees and continue to create sustainable and decent jobs that pay well. The evidence suggests, when we first started to emerge from the economic crisis and jobs were added to the economy in 2012, a lot of employers started to hire people on casual and part-time contracts. There is now evidence to suggest many of these positions have migrated into permanent, full-time jobs and that people have decent and sustainable jobs. We have all travelled a significant journey over the past few years and are now at a point where 90% of all the jobs created last year were full-time. I accept that it has to be about quality and sustainable jobs, secure contracts and so on.

My point on some of the amendments proposed by Senators David Cullinane and Katherine Zappone is the appropriateness of putting such considerations into primary legislation. I am convinced that the principles they explored in their contributions are something of which the Low Pay Commission will be very mindful and will feed into its work when it considers not just the rate of the national minimum wage, but the other items other Government colleagues and I will ask it to explore in the next period of time.

Senator Katherine Zappone: I thank the Minister of State. I believe him and if he continues in his role, all of those things can happen. I feel very strongly about both of the amendments. In terms of the promotion of gender equality, I note that, as he said regarding the functions of the commission under section 5(10C)(4)(a), if so requested, it could examine different

issues. I ask that he considers requesting the Low Pay Commission to examine promoting gender equality in the context of its work and to conduct some new research. If that was to happen, it would contribute to the issue of quality.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 5:

On page 4, after line 36, to insert the following:

- “(i) each sector’s business model and performance,
- (ii) innovation in each sector has increased, decreased or remained stagnant within the current period,”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 6:

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

- “(da) economic inequality and purchasing power parities,
- (db) the percentage of workers in the economy earning two-thirds or less of median income,
- (dc) the Living Wage as set for the relevant period,”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 7:

In page 5, line 7, after “Ireland” to insert the following:

“, taking into account the standard of living, general wage levels and access to welfare supports to include social protection supports, universal healthcare provisions, state provided childcare and social housing”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator Katherine Zappone: I move amendment No. 8:

In page 5, to delete line 8 and substitute the following:

- “(f) the need for quality job creation,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 9:

In page 5, line 8, after “creation” to insert “and decent work”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator Katherine Zappone: I move amendment No. 10:

In page 5, between lines 8 and 9, to insert the following:

“(fa) the promotion of gender equality,”.

Senator David Cullinane: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 11:

In page 5, between lines 12 and 13, to insert the following:

“(iv) addressing levels of income inequality to include income inequality between men and women in the current period,

(v) aggregate demand in the economy,

(vi) tax receipts.”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Acting Chairman (Senator Paschal Mooney): Amendments Nos. 12 to 16, inclusive, are related. Amendment No. 14 is a logical alternative to amendment No. 13. Amendments Nos. 15 and 16 are consequential on amendment No. 13. Therefore, amendments Nos. 12 to 16, inclusive, may be discussed together, by agreement. Is that agreed? Agreed.

Senator David Cullinane: I move amendment No. 12:

In page 5, between lines 25 and 26, to insert the following:

“(4A) The Commission shall monitor the incidence of low pay by examining the prevalence of pay two-thirds or below of median earnings in the current period in each sector of the economy, and report its recommendations to reduce the percentage of employees in each sector who earn below two-thirds of the hourly median wage over the following 3 year period.

(4B) The Commission shall examine and report on key patterns in paid and unpaid open market internships providing a regulatory framework for internships and to support professional associations to promote ethical internship programmes.

(4C) The Commission shall examine and report on the effectiveness of existing policies to enforce the National Minimum Wage and make recommendations for improvement of compliance and enforcement.”.

I will speak first on amendment No. 12 and then deal with amendments Nos. 13 and 14. On amendment No. 12, if we were to follow the logic of what the Minister of State has been saying up to now, namely, that the Low Pay Commission does not simply have to look at the national minimum wage, it could and should look at other issues in regard to low pay. What we have tried to do here is to be very clear in terms of the role, purpose and intent of the Low Pay Commission.

I will go through each of the provisions. The amendment states: “The Commission shall monitor the incidence of low pay by examining the prevalence of pay two-thirds or below of median earnings in the current period in each sector of the economy.” We must remember this is the basis on which EUROSTAT, the OECD, TASC and others have calculated high levels of low pay. The amendment also states that the commission will “report its recommendations to reduce the percentage of employees in each sector who earn below two thirds of the hourly median wage over the following 3 year period”. Again, this means it will publish a report on its recommendations on how we deal with low pay, not just the minimum wage. That is what the first element of the amendment seeks to achieve. Perhaps the Minister of State might explain to me how the commission is going to do that and what provisions in the existing Bill would compel the commission to do what we are clearly seeking it to be able to do in that part of the amendment.

The next subsection states: “The Commission shall examine and report on key patterns in paid and unpaid open market internships providing a regulatory framework for internships and to support professional associations to promote ethical internship programmes”. This is obviously in the context of labour activation schemes; therefore, the Low Pay Commission could also look at this area and make recommendations.

The final subsection states: “The Commission shall examine and report on the effectiveness of existing policies to enforce the National Minimum Wage and make recommendations for improvement of compliance and enforcement”. In any aspect of employment law, we can put something in place but enforcement and compliance is very important. Again, the importance of this subsection is to ensure the commission can look at what enforcement or compliance elements are in place and whether they need to be strengthened and then report on this.

I thank the Minister of State for bringing forward Government amendment No. 13. On that basis, I will withdraw amendment No. 14 because, essentially, it does the same thing, except it puts a three month timeframe on it, which is reasonable. It is important that not just any report is put before the House but that we have ongoing discussions which give us an opportunity to learn what the Low Pay Commission is doing. Maybe the Minister of State is right and I am wrong in this regard, but this would give us an opportunity to evaluate that. It would be a useful exercise for us to have an ongoing debate in both Houses of the Oireachtas about the work of the Low Pay Commission, which will be a very important tool and structure for all of us in regard to low pay.

Therefore, I will be withdrawing amendment No. 14 in support of the Government amendment No. 13. I believe the other amendments are technical Government amendments.

Senator Gerard P. Craughwell: I second the amendment. I am delighted the Minister of State has brought in a number of amendments, which shows a willingness on his part to change and adapt as this legislation is going through the House. For this, I commend him.

On the issue adverted to by Senator David Cullinane in regard to a regulatory framework for internships, it is a matter of great concern to me that the term “intern” has been used and abused since the economic downturn in this country and that highly qualified young people have been, if one likes, exploited through internship programmes. I stress that this is not the case everywhere and that some of those programmes have been excellent and have led to long-term futures and the development of experience for people who are looking for jobs. However, we have to move towards a regulatory framework whereby we can ensure that internships are being used for the purpose for which they were designed. Internships are something that should not be synonymous with an economic downturn. Internships are good right across the board, going back to the good old days in the University of Limerick, where students had an entire year out working in the workforce. These things are good and they build the experience of individuals as they go into the workforce. However, I am concerned that there are those who will take these positions and abuse them. From that point of view, I support fully what Senator David Cullinane said.

Deputy Gerald Nash: Amendment No. 12 introduces a number of specific tasks that the commission will be required to undertake as part of its functions, namely, monitor the incidences of low pay by examining the prevalence of pay at two-thirds or below of median earnings, monitor key patterns in paid and unpaid open market internships and monitor the effectiveness of existing policies to enforce the national minimum wage. Section 5 introduces a new section 10C(4) which provides that the commission may be requested by the Minister to examine the report and report on such matters related generally to the functions of the commission under the Act. The published Bill provides that a request shall be made not later than the first two months of each year and will be part of the commission’s work programme. I believe the legislative provision covering the work programme to be given to the commission each year should not be prescriptive and inflexible. Amendment No. 12 would tie the hands of the commission in regard to its annual work programme. As specific issues arise related to the work of the commission, a request can be made to the commission to examine and report on the matter. The specific topics raised in the amendment may well be worthy of examination at some point but I do not believe it is appropriate to set them down in primary legislation. Accordingly, I cannot accept the amendment.

On amendment No. 13, I undertook on Committee Stage to consider the amendment from Senators David Cullinane, Kathryn Reilly and Trevor Ó Clochartaigh regarding the laying of reports submitted by the commission before the Oireachtas. It was something I was considering doing anyway and I found the contribution of the Senators very helpful. This amendment now provides that the Minister shall cause a copy of any report or recommendation furnished to him or her by the commission to be laid before each House of the Oireachtas not later than three months from receipt. Amendments Nos. 15 and 16 are consequential technical renumbering amendments arising from amendment No. 13. In the circumstances, I cannot accept amendment No. 14, although I understand Senator David Cullinane will be withdrawing that amendment.

Senator David Cullinane: I would like to respond on amendment No. 12, although I first confirm I will be withdrawing amendment No. 14 and thank the Minister of State for his amendment No. 13. To return to amendment No. 12, this could be looked at in a number of different ways. It could be argued that this is tying the hands of the commission but one could make that argument about the Bill. In essence, whatever structure the Minister of State puts in place, he is essentially tying the hands of the commission. The commission is being set up to

do a particular job and it is then up to us in the Oireachtas to determine what it is we want the commission to look at.

There is a difference of opinion between the Minister of State and not just me but also others outside this House, who see the commission almost solely, or at least primarily, as dealing with the national minimum wage. What people want is for the commission to look at those who earn below two-thirds of the median wage, in other words, the 20% of workers who are in low pay, and then make recommendations, not just on varying the national minimum wage but on strategies on how to deal with low pay and all those other issues. It depends on how we look at it. What these three subsections of the amendment do is to give a clear focus to the Low Pay Commission. The amendment would not tie the hands of the commission in a negative way, as the Minister of State presented, if it were passed. It would tell the commission it needs to monitor the incidence of low pay by examining the prevalence of pay two thirds or below the median earnings, in other words to look at the prevalence of low pay and ask why it is happening in certain sectors, why we are creating so many low-paid jobs and what needs to happen to change it. It would involve looking at these dynamics and then making recommendations. I do not see what is wrong with this. I do not understand the Government's political rationale because it would make huge sense. The Government would have support from all parties and none if it was prepared to go the extra mile and make the Low Pay Commission something more substantial.

The amendment is not being overly prescriptive in a negative way. It sets out the real issues affecting low-paid workers, which is not just the national minimum wage. There are all the other issues we have discussed. It is about low pay in its entirety, and the 20% and not just the 5% on the national minimum wage. There is a lack of a regulatory framework and we know abuses happened in certain internships and labour activation measures. I agree with the previous speakers that some internships and labour activation schemes were very good and some people have done very well out of them, but some have not worked out so well. It would be a good function of the Low Pay Commission to examine this area. Apprenticeships are being examined by various Departments doing various things, but the commission could look at the issue of internships holistically, and put them front and centre in terms of good quality well thought out internships that serve a real purpose and have a real value and do what they are intended to do and not allow some unscrupulous employers to exploit workers. This would be a good role for the commission to play.

Another part of the amendment would mean the commission examines and reports on the effectiveness of existing policies to enforce the national minimum wage, which is also about enforcement and compliance. It depends on what way one looks at it. One could argue we are trying to tie the hands of the commission, but I would argue we are trying to strengthen the commission and ensure it has a strong remit which goes beyond the primary focus of the national minimum wage. If the Minister of State does not accept the amendment he will make the argument I have been making all along. I will press the amendment. I will not move amendment No. 14 and I thank the Minister of State for bringing forward amendment No. 13.

Amendment put and declared lost.

Government amendment No. 13:

In page 5, between lines 32 and 33, to insert the following:

“(7) The Minister shall cause a copy of any report or recommendation furnished to him or her in accordance with this section to be laid before each House of the Oireachtas not later than 3 months after the receipt of that report or recommendation.”.

Amendment agreed to.

Amendment No. 14 not moved.

Government amendment No. 15:

In page 5, line 33, to delete “(7) The Commission” and substitute “(8) The Commission”.

Amendment agreed to.

Government amendment No. 16:

In page 5, line 35, to delete “(8) In this section” and substitute “(9) In this section”.

Amendment agreed to.

Senator David Cullinane: I move amendment No. 17:

In page 6, to delete lines 23 to 25 and substitute the following:

“(3) The national minimum hourly rate of pay declared by order under this section may include—

(a) an allowance in respect of board and lodgings, board only or lodgings only at such rates as are specified in the order,

(b) a prohibition or restriction on charges or deductions,

(c) fair hours of employment rules.”.

We had a good discussion on this issue on Committee Stage and I mentioned it on Second Stage. The amendment is intended to protect vulnerable workers from unscrupulous employers and to try to ensure there is no exploitation of these workers. One could argue we are being overly prescriptive, but sometimes when one is trying to protect workers from exploitation one must be prescriptive. The amendment is self-explanatory in what it says. I will listen to the Minister of State’s reply.

Senator Katherine Zappone: I second the amendment.

Senator Gerard P. Craughwell: I am particularly interested in the fair hours of employment rules. This is an issue for people in well paid jobs earning above the minimum wage when one equates the number of hours they deliver. I am speaking specifically about the professions. Teachers employed one or two days a week must be available five days a week. Young trainee accountants and solicitors on a salary work until 10 p.m., 11 p.m. or midnight. When we look at the national minimum wage, somewhere in the grouping must be an examination of what are fair hours of employment. This must move outside those on the lowest levels of salary or pay and cover the entire workforce. There is a massive amount of what I would call exploitation going on in the professions. I have met young people, particularly trainee accountants and solicitors, and I ask myself why they do not stand up and say they will not work after 6 p.m. because they are not paid to do so, but they do not. The only way something can be done about

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this is through the opportunity included in the amendment tabled by Senator David Cullinane to speak about fair hours of work. For this reason, I support the amendment.

Deputy Gerald Nash: The amendment provides that in addition to an allowance for board and lodging the national minimum wage will provide a prohibition or restriction on charges or deductions and fair hours of employment rules. I have considered the proposed amendment and I do not consider it necessary. The Payment of Wages Act 1991 already provides a redress mechanism for unlawful deductions from wages while the Organisation of Working Time Act 1997 regulates working hours. Section 5(1) of the Payment of Wages Act 1991 allows an employer to make deductions required or authorised by law, for example PAYE or PRSI, deductions required or authorised by a term of the employee's contract, for example occupational pension schemes, or any deduction agreed to in writing in advance by the employee, for example trade union subscriptions or health insurance premia. Section 5 also places significant restrictions on employers regarding deductions or the receipt of payments from the wages of employees. Senators will be aware the University of Limerick is undertaking a study of zero and low-hour contracts and I expect it to be completed in quarter three of 2015. I look forward to considering its findings. Where the evidence points to adjustments being required to the protections already in place under Irish employment law these will be brought forward for consideration by me to the Government. Accordingly, I cannot accept the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 18:

In page 6, between lines 29 and 30, to insert the following:

“Complaints and protection against victimisation

7. An employer shall not penalise or threaten against a worker, or cause to permit any other person to penalise or threaten penalisation against a worker for having made a statement to the Low Pay Commission or for giving evidence on their own experience through their representative organisation.”.

I understand the subject matter of the amendment will be partly addressed in the industrial relations Bill. It is important that we strengthen the anti-victimisation element of our employment rights law. The amendment is fairly self-explanatory. I know the Minister of State is examining it in the context of another Bill, but I wanted to table the amendment because I feel strongly about victimisation in the workplace and the need to strengthen provisions in law as much as we can in as many pieces of legislation as we can.

Senator Gerard P. Craughwell: I second the amendment. I will not name the employer, but we all know of one major retailer in the country which has shown just how vicious it can be when its employees make representations or make public their concerns.

2 o'clock

Ultimately, when people end up on the street and we see a march similar to the one we saw last Saturday week, with about 3,000 people walking down the street towards the headquarters of a particular retailer, they are not doing that lightly. We saw members of that trade union moved from their roles within the organisation to roles that held less esteem. We also saw members having their hours cut, and we saw how this employer, and others like it, worked its

way around the legislation. For example, the incremental scale that exists within a particular employment is applied, but the hours are reduced to ensure that the salary never changes. As Senator David Cullinane said, it will be dealt with in the industrial relations Act, but it is also important to put it in here. Most employers in this country are decent people who set out to make a profit for themselves, employ people, and contribute to their communities. I compliment the Minister of State on his quick action in the Clerys case. That is something for which he is to be commended. However, some employers are fat cats, enjoying the rewards of their workers while treating them in a most despicable way. The amendment proposed by Senator David Cullinane and his colleagues is worth serious consideration.

Deputy Gerald Nash: Dunnes Stores might thank Senator Gerard P. Craughwell for not mentioning it. Amendment No. 18 proposes to introduce in a new section 7 anti-victimisation protections for workers who have made a statement or given evidence to the Low Pay Commission via their representative organisation. There are already a number of protections in place for workers who consider that they have been subject to victimisation in the workplace. Any worker who might find himself or herself the subject of victimisation measures for making a statement to the Low Pay Commission or giving evidence via their trade union already has the possibility of taking a case under the industrial relations Acts. In addition, the 2004 code of practice on victimisation provides that where there is a dispute in an employment where collective bargaining fails to take place and where negotiating arrangements are not in place, no person should be victimised or suffer disadvantage as a consequence of their legitimate actions, or affiliation, arising from that dispute. A procedure for addressing complaints of victimisation is set out in the Industrial Relations (Miscellaneous Provisions) Act 2004. These protections will be enhanced in the context of provisions in the Industrial Relations (Amendment) Bill 2015, dealing with the Government's commitment to collective bargaining, which this House will have an opportunity to consider in the next couple of weeks. Accordingly, I cannot accept the amendment.

Senator David Cullinane: I acknowledge that there will be enhancements in the Industrial Relations (Amendment) Bill that the Minister of State is to introduce.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 19:

In page 7, line 21, to delete "National Minimum Wage (Low Pay Commission) Act" and substitute "Low Pay Commission Act".

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Acting Chairman (Senator Paul Coughlan): Amendments Nos. 20 and 21 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Senator David Cullinane: I move amendment No. 20:

In page 8, line 26, to delete "economics" where it firstly occurs and substitute "social policy".

Senator David Cullinane: I will not go over all that ground again, but essentially, amendment No. 20 would bring in all the issues I talked about earlier regarding the relationship

between low pay and social welfare, child care, public services, health, housing and so on. It is to look at social policy as well as economic policy. We have made these arguments fairly substantially already.

The intention of amendment No. 21 is not at all to call into question the people who sit on the Low Pay Commission. There are very good people on it and I commend the Minister of State for ensuring there were trade union representatives also. There were a number of omissions, though, which are not all covered in this. We had some discussion on a document I am working on for the committee on low pay and a living wage; therefore, there will be an Oireachtas document on a living wage which will look at those broader issues that the Minister of State talked about. There was some disquiet from the Small Firms Association that it was not represented on the Low Pay Commission, but I raised with the chairman designate when he came before the committee the issue of why there was nobody who was actually on low pay on the commission. I know that there are union representatives and others who represent people on low pay, but because it is looking at the issue of low pay, it would be useful to have workers who are, or have been, in low-paid jobs to offer an opinion, because they have lived it. They understand it. They know what it is like. They know what the issues are and what the challenges are. The amendment refers to “3 low paid workers who, in the opinion of the Minister” - it is entirely at the Minister’s discretion to choose who they are - “have a first-hand understanding of the impact of low pay for vulnerable workers, particularly in relation to their ability to access social goods and life chances, and of its impact on a family’s overall standard of living and socio-economic wellbeing”.

Senator Katherine Zappone: I second the amendment, as I am persuaded by Senator David Cullinane’s arguments.

Deputy Gerald Nash: We have discussed this question at length. I know that many Senators had their own views on the composition of the Low Pay Commission. I am satisfied that it is sufficiently well balanced to represent the interests of all those we seek to capture. Senator David Cullinane pointed out that there are trade union representatives who have a lifetime of voluntary and professional representational experience of people in work. We also have people on the Low Pay Commission who have high levels of experience working not just in large corporations but also in smaller companies and representing the interests of smaller companies. I was anxious to capture as much of that as we possibly could.

It is always important to point out that the Low Pay Commission, as it is going about its work, has hit the road and has engaged with business people who are operating in sectors of the economy that would be synonymous with low pay. It has also engaged directly with people who are working in low-paid jobs to talk about their experience of what it is like to live on the national minimum wage and all the attendant difficulties that they and their families face. There is little point in setting up a statutory commission that does desk-based analyses of datasets, statistics and complex academic papers on low pay. It is important that members get the opportunity to talk to people who are living that experience directly themselves.

I am very satisfied with the quality of people who have come through the Public Appointments System process, which is an open, transparent process. We had about 151 applicants, to the best of my recollection, and it is often difficult to narrow it down, but I am satisfied that through the open, transparent Public Appointments System we have managed to identify people who are making a very valuable contribution to the Low Pay Commission. They will be on three-year terms. I am looking forward to continuing to work with them and I think they will

all do an excellent job on the Low Pay Commission. They will not only be representing not only the interests of their own groups, as they would see it. It is important that people leave their jerseys outside and work on the basis of what is in the best interests of those who are on low pay and of job creation.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 21:

In page 8, between lines 28 and 29, to insert the following:

“(d) 3 low paid workers who, in the opinion of the Minister, have a first-hand understanding of the impact of low pay for vulnerable workers, particularly in relation to their ability to access social goods and life chances, and of its impact on a family’s overall standard of living and socio-economic wellbeing.”.

Senator Katherine Zappone: I second the amendment.

Amendment put and declared lost.

Senator David Cullinane: I move amendment No. 22:

In page 9, between lines 18 and 19, to insert the following:

“(a) is found guilty of an offence under the Principal Act,”.

Amendment put and declared lost.

Bill reported with amendments and received for final consideration.

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

Senator David Cullinane: I thank the Minister of State for bringing the Bill forward in the first place and welcome cautiously the establishment of the Low Pay Commission which I hope does more than simply look at the national minimum wage. It is going to be something that will be enhanced in time in any event. If one looks at the example I gave earlier of the British model, it is learning lessons. The Minister of State will be open to this in time also. It will also be open to a future Government and who knows who might be in office then. I assume the Low Pay Commission will change over time.

I wish the members of the commission well in their work. We must be mindful that this is about doing what we can as an Oireachtas to ensure we have decent work and pay. We must have decent and not poverty wages for workers in the State and move away from the high incidence of low pay which, unfortunately, is to be found in different sectors of the economy. The Minister of State will shortly have sight of the report on low pay, decent work and a living wage to which I have been referring as it going before the Oireachtas committee. The report also makes recommendations in relation to the Low Pay Commission, some of which I have articulated. I would appreciate and welcome the Minister of State’s input in respect of the document as it works its way through the joint committee.

Despite some reservations I have, I wish the commission well. We must all work together to ensure we do what we can to support low-paid workers across the State and the island.

17 June 2015

Senator Katherine Zappone: I add my congratulations to the Minister of State for developing the Bill and completing its passage. I have acknowledged earlier his deep reflection and creativity in relation to the Bill. I join Senator David Cullinane in wishing the members of the commission well. I also acknowledge the creative tactics or strategy the Minister of State has employed in terms of the establishment of the commission designate in order that we will have a report soon and that it will be under the Minister of State's leadership. Many of the Minister of State's comments on the Bill have insisted on the need to maintain a balance between a proper or living wage and sustainable jobs in the context of his attention to employment and business. If anyone can deliver that balance, it is the Minister of State. In that regard, I am happy and look forward to the commission's first report.

Senator Hildegard Naughton: I welcome the legislation and the establishment of the Low Pay Commission. This is critical legislation. It is important that we have reasoned analysis on an annual basis of the costs of employment in the State. I thank the Minister of State for his excellent work in this area.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Gerald Nash) (Deputy Gerald Nash): I thank Senators of all parties and none for their support for this initiative. Around this time last year, discussions first took place among the Tánaiste and a number of others in the Labour Party and I on how we could make an institutional change that would make a real difference to those on low pay. We have travelled something of a journey over the past few months in developing this initiative through the Bill. I record my thanks to officials in my Department for their support and advice on this important initiative which is about establishing a new institution in the State which has the capacity to outlive all of us, even though we all hope to live to a ripe old age. I hope it becomes a permanent feature of the policy-making landscape in the State.

The Low Pay Commission will be all about making evidence-based recommendations to government using the best policy advice and information available to come to good decisions as to how to improve the lot of those on low pay. We do not want to see people on low pay; we want to see their conditions improve. I entered public life 16 or 17 years ago as a borough and county councillor to try to make a difference for working people, ensure we create decent, sustainable jobs and establish a good economic model that is fair and progressive. I am confident that the Low Pay Commission can contribute to enabling us to realise that ambition and vision for our society.

I thank Senators for their support for the Bill today. In particular, I thank Senator Katherine Zappone for her interest in the legislation. She was one of the first representatives in the Houses to contact me and she has shown a very keen interest in the development of the legislation. That interest was reflected in her amendments and comments on the ambitions of the Bill as well as her comments on the ambitions of the Low Pay Commission since the initiative was first announced approximately 11 months ago.

Question put and agreed to.

Sitting suspended at 2.15 p.m. and resumed at 3.05 p.m.

Tackling Obesity in Ireland: Statements

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister for Health, Deputy Leo Varadkar.

Minister for Health (Deputy Leo Varadkar): I thank the House for inviting me to speak to it about obesity and the measures being adopted by my Department to prevent its spread and reduce the size of this problem.

Before I start, I will to put the issue of obesity in context. As the House will be aware, the Minister of State, Deputy Kathleen Lynch, and I set out 25 actions for this year which are organised under five themes: Healthy Ireland; patient outcomes and safety; universal health care; reform; and the modernisation of the infrastructural facilities. We placed Healthy Ireland as first of the five themes for a particular reason. We believe there is no prospect we will ever come to terms with, or be able to manage, rising health costs and budgets if we do not improve the public health. Similarly, we do not believe we will ever really be able to get on top of the various problems we face in health unless we become healthier, both as individuals and as a society.

This includes a number of actions. The first action is the Healthy Ireland survey, which is now under way. That is the first survey of the nation's health since SLÁN in 2007. The intention is to repeat the Healthy Ireland survey every year so that we can assess whether our public health policies are making a difference.

Members will be aware of the actions taken on tobacco in recent years. The prevalence of smoking in Ireland has reduced from 40% to under 20%. Our aim is to bring it to 5% by 2025. They also will be aware that ten years ago, we were the first country to introduce a workplace smoking ban and one of the first to prevent tobacco from being on display in stores and we will be the second to bring in plain packaging of tobacco next year. We also have action on alcohol. The public health Bill on alcohol will be published before the summer recess and with the Seanad's co-operation, I hope to get it through the Dáil and Seanad before the end of the year. We have also brought in regulation of sunbeds, which is working well, and quite a number of other public health measures, all of which are enveloped in the Healthy Ireland strategy.

I have come from an announcement this morning with Medtronic, a large firm which has committed €1 million over the next three years to Healthy Ireland-oriented products, and only last week I launched, with the HSE and Philip Lee Solicitors, an expansion of Parkrun across the country. It is good to see the corporate sector getting involved and putting up its own money to support Healthy Ireland because the corporate sector knows it makes sense, both economically and societally, to support public health.

Overweight and obesity are a major serious personal issue in Ireland. Health information from Growing Up in Ireland in 2012, childhood obesity surveillance initiative, COSI, in 2012, the Healthy Ireland survey and many other sources confirm that two out of every three adults and one in every four Irish children are either overweight or obese. It is of great concern to me that Growing Up in Ireland states that one in four three year olds is also overweight or obese. Obesity affects all sections of society in Ireland and there is no other disease or medical condition that affects so many. Furthermore, overweight and obesity are rising. It is estimated that overweight-obesity levels have doubled in the past 20 years and according to the most recent projections from the World Health Organization, WHO, the situation is likely to get worse.

Overweight and obesity are not only about the shape and size of one's waistline. This is not only a cosmetic issue but a real medical and clinical issue too. The World Health Organization

recognises this in its International Classification of Diseases, ICD-10.

Overweight and obesity cause, or are associated with, numerous health issues and problems. They cause and worsen the outcomes of chronic diseases, including heart disease, cancer, type 2 diabetes and dementia. Overweight and obesity contribute to 30% of heart diseases and cancers. Being overweight and obesity are also associated with 80% of type 2 diabetes and it makes pregnancy much more complex and a higher risk. According to the evidence, they also affects all of the systems in one's body and most of one's body organs, whether it is endocrine, the circulatory system or organs such as liver, brain or pancreas.

In addition, overweight and obesity are a major economic burden on society. In 2013, *safe-food* estimated the cost of obesity to the Irish health services to be in the region of €1.13 billion. As well as this financial cost, there is also the significant personal and societal cost. People's self-esteem is generally lower, children may be bullied and their mental health is affected. People with chronic diseases are likely to retire early, have poorer health or die early. There is also a significant loss of productivity to the economy and industry.

In 2005, my Department published the obesity task force report. It made 93 recommendations and actions. Although many of these recommendations were implemented, many were not addressed. The most important thing about the report and its recommendations is the fact that it created a strong base on which to build and strengthen future governance arrangements, structures and programmes. I recognise all of those who were involved.

When the Government came to office, my Department established a special action group on obesity, SAGO. The aim was to advise the Minister, Deputy James Reilly, and now me, on the best available evidence, how best to halt the increase in rates of obesity and how to reduce the burden on individuals, communities and the State. Its work programme includes the development of a new obesity policy and action plan for 2015-2025, publication of revised healthy eating guidelines and a revised food pyramid, the production of a report on top-shelf food which deals with how to reduce consumption of food that is of little or no nutritional value to the consumer, the commissioning of a health impact assessment in relation to fiscal measures, such as a tax on sugar-sweetened drinks, the initiation of a national physical activity plan for Ireland, which will soon be launched, a multimedia campaign to tackle childhood obesity, and the development of an EU joint action on childhood obesity which was initiated during the Irish Presidency of the Council of the European Union.

Additional funding has been made available in 2015 to cater for an increased number of bariatric surgeries at Loughlinstown hospital, in addition to those carried out in Galway. My Department has agreed a new contract with the IMO which will require GPs to weigh children at ages two and five years. This is an important measure, as obesity in childhood has a higher risk of tracking into adulthood.

In addition, industry is making some changes in reformulating certain products, adjusting the size or portion of others and introducing new healthier options. These range from reduced portion sizes to reduced sugar content in some soft drinks, such as Sprite and Coca-Cola Light.

My Department is developing the heads of a healthy Ireland Bill which will include provision for calorie posting on menus. It has also assisted in food labelling, the development of a number of treatment algorithms and clinical guidelines, providing for child monitoring in primary care, and developing with the Broadcasting Authority of Ireland a code of practice on

advertising of food to children. We are also working on a code of practice for the food industry on advertising, product placement and sponsorship. The Department of Health, the Department of Transport, Tourism and Sport and a number of other key stakeholders are currently developing a national physical activity plan to encourage greater levels of physical activity by everyone living in Ireland. This is the first time that concerted action will be taken by a range of different stakeholders to get more people in Ireland active. It is expected that the plan will be presented to Government and launched later this year.

Although my Department has put in place many measures to address the major public health issue that obesity presents, it is important to point out that we have not as yet managed to reverse the trend. In fact, the European Office of the World Health Organization states that if obesity is not addressed, all of its member states will see massive increases in obesity. According to these predictions, Ireland will be top of that league. It is important to understand the authors of the World Health Organization report have stated clearly that the method of collecting data is different in every country and, therefore, one has to be cautious in its interpretation and especially in comparing one country with another. The Irish data used in WHO predictions is based on actual measurements, whereas other countries base theirs on reported data. This is a very important distinction because most people, and a large number of clinical professionals, underestimate weight when they do not actually measure it. Secondly, the Irish data used is more than seven years old and does not take into account the successful efforts that have been made in Ireland during the period since then. Third, we have more recent data about childhood obesity which they did not use, which gives us some grounds for optimism.

We all know that excess weight and obesity develop over a long time. Everyone is at risk of developing obesity at any stage of his or her life. By reducing childhood obesity we expect that adulthood obesity will be reduced too. The childhood obesity surveillance initiative carried out by the National Nutrition Surveillance Centre in UCD in 2012 showed a reduction in the proportion of obese children at age seven, from 6.2% in 2008 to 3.8% in 2012, and stabilisation of the proportion at age nine, which remained at around 5%. The results of the Growing Up in Ireland survey carried out in 2012 found that one in four children as young as three years of age are overweight or obese. The same group followed up at the age of five showed that the figure has decreased to one in five. This means that we need to be cautious about the forecast estimates in the WHO report, which are easily misunderstood and even more easily sensationalised by the ill-informed or those who are uninterested in the facts.

Obesity is not as simple as many people think. The risk factors are multiple and complex and there are many inter-relations. At its simplest form, obesity is caused by an excess of energy intake over energy expenditure. The Foresight Group in the United Kingdom attempted to map out all the various causes, risk factors and interactions and came up with over 90 different issues to be addressed. They grouped these into different domains: medical, biological, technology development, infrastructure, food, activity, economic, social, and media and communication. In short, these domains represent a complex picture of interaction and when any of these is unbalanced it can lead to overweight, obesity or underweight and malnourishment.

McKinsey Global Institute looked at the issues and concluded that, first, it was high time to act, second, that we must all act together, and third, that there is no one solution or game-changing action. However, McKinsey looked at 74 interventions across 18 groups and agreed that the most effective interventions can be grouped into 17 actions. These include calorie or nutrition labelling, parental education, portion size control, weight management programmes, increased physical activity, health promotion campaigns, food reformulation, bariatric services,

workplace wellness, and fiscal policies that combine taxes and subsidies. In its analysis, it had taxes and subsidies listed towards the bottom, and issues such as weight management programmes, food reformulation, portion size control and bariatric surgery towards the top. It emphasised that, based on existing evidence, any single intervention is likely to have only a small overall impact on its own, and that high-profile public information campaigns on their own are not effective.

McKinsey also acknowledged that a systematic sustained portfolio of initiatives, delivered at scale, is needed to address the health burden of obesity. As I said, we are developing a national obesity policy and action plan. There will be a requirement for all sectors and communities to work together, as there will be little benefit if one sector succeeds while others do not. Government, local government, the food industry, sports and recreation, communities, media, voluntary organisations and so on all need to work together. It is imperative that we do. The obesity policy will be ambitious in its scope and will cover the whole spectrum from prevention and early intervention to treatment and care. It will set clear targets and a clear set of responsibilities for achieving these targets. The policy will take a lifespan-based view, including maternity and childhood phases. The action plan will be concise, with a limited number of actions and a focus on outcomes. I expect a suite of measures will be required in the areas of legislation, regulation, the health service, education, physical activity, sport, transport and planning.

My Department and I have initiated a consultation process on the new national obesity policy and action plan. In April 2015 a very productive consultation day was held in Farmleigh with 112 key stakeholders present. One of the presentations on the day was delivered by Sorchá McKenna of the McKinsey Institute. A report on the national consultation day is being prepared and will be published shortly. Last month the Royal College of Physicians in Ireland, RCPI, consulted health professionals and health providers and in September 2015 a final consultation day will be held to obtain the views of children and young people. The views and input from each of these important consultation exercises will ultimately result in a robust and comprehensive obesity policy and action plan with buy-in.

Ireland has a good history of successfully managing high-risk public health issues through collaboration, whether it is fighting infectious diseases such as cholera, polio or TB in the past or dealing with the risk posed by smoking and, more recently, road traffic collisions. We have shown in the past that these things can be done. In the future, we need to treat alcohol misuse and overweight and obesity with the same degree of importance.

Senator Thomas Byrne: I thank the Minister. This is a crucial issue for society. The Minister may think he is presenting some good news on it, but the facts show that this is a problem that is getting out of control. I am not sure how seriously he is taking it. I have lost about two and half stone since I came into the Seanad. It is a difficult process. There are certain simple things that could be adopted to help people along the way, because it is very difficult if one is eating too much and not exercising enough. That is the bottom line.

First and foremost, diet drinks need to be looked at. Somebody who slugs a diet drink all day is usually very fat or obese. More and more research about the sweetener aspartame indicates that it does not help people on diets but encourages them to eat sugary products as well as drink diet drinks, thereby causing obesity. One does not see slim people slugging diet drinks but overweight people slugging them. There is anecdotal evidence which is backed up by research, if the Minister wishes to look at it.

Diet drinks need to be regulated and Fianna Fáil has proposed a sugar tax on sugary drinks. The issue of sugar is crucial and we are lucky in this country that we do not have the high fructose corn sugar they use in America, which is directly related to the massive obesity epidemic there. When it first came onto the market in the 1970s in America, obesity shot up but we are very lucky we do not have it in this country because of EU quotas. If we had it, we would have a much bigger problem.

Another issue is whole foods. In my experience, one can eat as much wholegrain rice and wholewheat bread as one likes as one will get full very quickly. However, if one eats white rice or white bread, one does not get full. This is an educational issue which needs to be addressed. There is also an issue with consumer product labelling as it is absolutely impossible to know what type of bread one is buying in this country. One has to check the label because wholegrain bread is simply white bread with a few grains in it. If it is wholewheat, it is possibly good and has a higher fibre and higher protein content, which makes one fuller. We have to get this information to the consumer because when consumers buy brown bread, which they think is healthy, most of the time they are buying coloured white bread and such products are contributing to the obesity epidemic. We should encourage people to eat wholegrain rice because it is impossible to eat a lot of it. It is full of the nutrients which are taken out when it is processed. These suggestions might sound completely radical but they are based on my experience. It is not possible to eat too much of those foods whereas it is easy to eat too many sugary foods and processed carbohydrates. We should encourage people to eat whole products, such as rice, pasta and bread, which are labelled as to whether they are brown pasta or wholewheat pasta or brown coloured bread or wholewheat bread. They are the simple tips I would give to people. If they can stop drinking diet and sugary drinks, they should do so as they are not good for them. We should drink water or cups of tea.

The Minister mentioned some of relevant issues such as active travel, cycle lanes and safe walking options which need to be put in place. My kids cannot walk to school due to bad planning by Meath County Council over many years. As I said before, I am grateful that I do not have that on my conscience as many people do. The state of planning in many parts of this country is terrible but I have never been a member of that council. If my children could walk to school, they would do so, even though it is probably a mile and a half. They would cycle, and I will see if the six year old will cycle next week because he is just learning to cycle. In the absence of cycle lanes, however, it will be dangerous. It would be far preferable, as they get older, if they could cycle or walk to school.

Poverty is a huge issue also. People go for what they perceive to be the cheapest and most convenient foods but they are often dangerously full of sugar and processed carbohydrates. We talk about putting resources into addressing this problem but if we gave consumers information, it would help because the good products can be much cheaper. Water is a lot cheaper than diet drinks, no matter what charges the Government proposes putting on them. Poverty is a problem all over the world and we need to educate people as to how to cook food. Some people think they cannot cook but they certainly can if they are shown how to.

I am sure I was clinically obese a few years ago. I was not like the typical image of an American with the belly hanging out. People are in denial about this because they can get clothes in the shops that fit them, but we must not be in denial. I still have a bit to go and it will be hard. We must stop telling people they look great when they do not. It is very important for children to have free play and physical activities at school and at home. Children have no business watching television during the summer if there is good weather. It is a matter for parents

but my children have no business watching television during the day. It can be hard at times but I send them out the door, into the garden or to cycle around.

One of my children was diagnosed recently as being grossly underweight, requiring a procedure in a hospital. However, we were told there was a waiting list of five months. It was suggested to my wife that she ring her local Deputy as that might result in getting it done more quickly. The Minister has been campaigning against that issue, but I think that is a smokescreen for the fact the waiting lists are so long. He has been saying it is terrible what politicians do, but I will certainly make representations any time I can. We are still waiting and it is a disgrace.

In another example, where I am glad I made an intervention, a child with suspected cancer and a family history of melanoma was told no dermatologist was available in Temple Street Children's University Hospital. The family was told to check with the GP if they had further concerns as the hospital could not give them an appointment. I wrote to the chief executive saying, "Surely there was some mistake". An appointment was given three days later. Thank God, that parent came to me and I wrote that letter. It is fortunate the parent was not put off by the Minister's comments about politicians getting appointments because there had been a major error.

I have referred to two examples where the waiting lists have not been addressed but nowhere is it more evident than in respect of obesity clinics and bariatric surgery. A lady contacted me recently who was very upset at the waiting time she had to endure, although I can see on Facebook that she is making huge efforts herself. She needs assistance, but there have been huge cuts and the surgeon concerned has been on the radio on a number of occasions.

We have to look at all the up-to-date evidence in regard to obesity and take what the food and drinks industry say with a grain of salt, if Members will forgive the pun. We have to look at all the latest research on artificial sweeteners, sugars and processed foods and try to impress on people that they can cook good food more cheaply than buying processed foods. I urge the Minister to look at the labelling of bread as it is not possible to know what one is buying. One can eat more healthily by picking certain products over others.

Senator Colm Burke: We are facing major problems in this country and I agree with what the Minister had to say about the World Health Organization. We have a growing problem and, while we seem to have been able to get to grips with the health problems caused by smoking, obesity is now our most serious problem. It has moved ahead of smoking as an issue. Some 61% of Irish adults are overweight or obese and one in five primary school children and teenagers is overweight or obese. The current policy and an action plan are under consideration, to be finalised by the end of 2015. The policy contains three elements, namely, prevention, treatment and research, all of which are very important elements of the policy. I understand that *safefood* Ireland, which is in the process of doing further research in this whole area, has invited tenders to determine the direct health care costs *per capita* of an obese child. It may well have appointed someone to carry out that research at this stage. Part of the research involves determining the lifetime indirect costs, such as the cost of the loss of earnings attributable to premature mortality, disability or illness, and assessing the financial benefits of prevention and early intervention in childhood. This research is being done.

Many health and psychological problems in young people are attached to childhood obesity. The health problems include respiratory disorders, high blood pressure, sleep difficulties and musculoskeletal disorders. The risk of type 1 or type 2 diabetes is a growing problem as well.

In this context, I was interested to read an English report about changes that occurred there between 2000 and 2012. Those who compiled the report worked out that there had been an increase in the rate of hospital admissions among people with an obesity diagnosis between the ages of five and 19 years who had health issues. In 2000, there were 93 admissions per 1 million of population. By 2012, this had increased to 414 admissions per 1 million of population. If the same figure applies here in Ireland, we are talking about over 2,000 admissions per annum into hospitals as a direct result of overweight or obesity. I think that shows the seriousness of it in terms of cost and demonstrates why it is extremely important that we tackle this problem.

There are no easy solutions. Some people have suggested we tax sugar, but we already impose a tax rate of 21% on items like sweets, chocolates, confectionery, ice cream, crisps and soft drinks. Should we increase that tax? There is a discussion on that issue. One change will not bring about the necessary solution to this problem. It is interesting that the authorities in Denmark have introduced a tax on all foods with more than - I think - 2.3% saturated fat, including pizza, butter, cheese and oil. Given that this tax equates to €2.15 per kilogram of saturation, it works out at approximately 20 cent on a pound of butter. Hungary has also imposed taxes on certain food items that have high levels of salt and sugar. I am not sure that is the solution.

As the Minister has pointed out, there is no single simple solution to this problem. A range of things need to be done over a period of time. For example, we need to focus on the whole area of education, for example by outlining the difficulties that can arise when people are overweight or obese. I was interested to read in a 2011 study conducted by Professor Tim O'Brien in NUI Galway that 54% of parents of overweight children and 20% of parents of obese children reported that their children were approximately the correct weight for their height. If such a high percentage of the parents of children who are obese or overweight feel their children do not have a problem, it is clear that there is a lack of knowledge in this area. The study in question also identified that three quarters of children in Northern Ireland and four fifths of children in the Republic did not meet Government physical activity guidelines. That was back in 2011. I know we have moved on and made some progress since, but we have a lot of progress to make.

I would like to mention some simple things that could apply in schools. I recall arguing with one of my colleagues about the need for a school to get a hall built. It had been on the agenda for over 18 years. I had been told the project was not included in the building programme of the Department of Education and Skills. More than 400 children were attending the primary school in question, but it had no internal facility for physical activity. The children could not go out if it was wet or the weather conditions were not suitable. In fairness to the Department, it subsequently decided to allocate the funding. The project is now almost complete, which I welcome.

When we are planning housing, we need to make sure we provide adequate facilities for young people to exercise in. When I reflect on the way we have planned housing in recent years, I would not necessarily say we were right to impose heavy charges with the intention that local authorities would develop services, many of which subsequently were not necessarily developed on time. I was interested to speak recently to somebody working in Edinburgh who told me about a case in which a builder who purchased over 200 army houses for refurbishment had to assess the facilities required by the young families that were going to live in those houses. The builder was required to extend the local school and provide the playgrounds and other facilities needed by young people at the same time that he was working on the houses. That is the way we need to look at it. We need to consider a number of major issues, the most important of which is education. We also need to make sure we have facilities available for people. It goes right across a number of Departments. There has to be a co-ordinated approach.

I welcome the Minister's decision to have the review completed by the end of the year. It is important, given that we have set out plans before. If one examines what was actually implemented on foot of the 2005 report, I am not sure one will find that huge progress was made in implementation. It is great to produce documents and policies about what we should do, but we should also set target dates for constant review six months, 12 months or two years down the line. That is the only way to ensure the policy decisions that are taken are implemented. I welcome the submission the Minister has made to the House today and his commitment to this issue. It is important that we make progress with how we are dealing with it. We need to try to work towards bringing about solutions.

Senator Jillian van Turnhout: The Minister is always very welcome to the House. The time he has dedicated to today's debate shows that he has an understanding of the importance of this issue and the serious health concerns associated with it. There is no doubt that we are in the midst of a full-blown obesity epidemic. It is shocking that 61% of adults and 22% of children between the ages of five and 12 years are overweight or obese. Given that this issue is so costly and damaging to the health and well-being of the nation, it is difficult to understand why we are still discussing strategies rather than implementing the excellent strategies we already have. The national task force on obesity has been operating for almost ten years, but its recommendations have been implemented in a partial and haphazard manner. The then Minister for Health, Deputy James Reilly, established a special action group on obesity in 2011. This group highlighted priority areas and policy recommendations, such as an introduction of a sugar tax and the improvement of nutritional labelling. These are very cost-effective ideas, but four years on there has been no action towards implementing any of them. Children remain particularly vulnerable. The Government's failure to act is having a particular impact on them. They are increasingly vulnerable to chronic diseases, premature deaths and disability in adulthood.

Given the negative impact of obesity on people's health, it is understandable that we talk about it in a critical and negative way. However, we need to be mindful in our discourse that obesity and excessive weight are realities that people live with and struggle to overcome. This is especially important when we talk about childhood and adolescent obesity, which can have a significant impact on the self-image, self-esteem and confidence of the young person affected. For many years we have associated malnutrition with lack of food or starvation, but in fact that is under-nutrition. Obesity is the result of malnutrition, which is a poor diet with a lack of adequate nutrition for proper growth and development. Not everyone who is malnourished is overweight or obese but this does not mean that he or she is not seriously damaging his or her future health. It is imperative, therefore, that we shift the focus to a more holistic healthy lifestyle approach, with nutrition and exercise as its linchpins. We must tackle the unhealthy obsession that has developed about being fat, counting calories, "yo-yo" dieting and losing weight, all of which are serious issues among young adults, especially females.

As previous speakers pointed out, school is where children spend the majority of their time in the company of their peers. Physical education in schools is essential to a child's physical and mental development. The children's sport participation and physical activity study of Irish students in primary and post-primary education found that a mere 35% of primary pupils and 10% of post-primary pupils received the minimum 120 minutes of physical activity in school per week, as recommended by the national task force on obesity. One in four of the children surveyed was unfit, overweight, obese or had elevated blood pressure.

A 2013 report by the European Commission, Physical Education and Sports at School in Europe, found that the provision of physical education at primary level in Ireland is the third

worst in the European Union, while at post-primary level, it was found to be seventh worst in the European Union. This failure to ensure the weekly minimum of 120 minutes of physical activity for children is a serious blow to children's health. We must promote physical activity, participation in physical education and non-structured play during school hours. Children should be encouraged to engage in team sports, join activity clubs in the community and simply enjoy the outdoors. When they learn these habits at primary school level they continue to be active throughout their teenage years, thus reducing the risk of obesity.

I am concerned that parents do not have control over children's eating habits when they are outside the home. While healthy lunch policies are widely implemented in primary schools, they tend to be abandoned when children enter secondary school. Research carried out this year by the Irish Heart Foundation on food provision in post-primary schools found that 51% of students have daily exposure to foods that are high in sugar, fat and salt and that these are widely available not only outside the school gates but also in school tuck shops and vending machines. There is no statutory requirement on schools to provide meals and hot food to students throughout the school day, although many schools have canteen facilities. Given the obesity epidemic we face, it is alarming that no national guidelines or standards are in place on the types of food and drinks available for children to buy. With no time for exercise and sugary, fatty foods surrounding children everywhere, it is little wonder that childhood obesity rates are high. If we continue to ignore this issue, our children's health will only worsen.

Obesity is also becoming a problem of poverty. Convenient cheap foods that are high in calorific value and low in nutritional value are becoming the norm for lower income families. Why are convenient healthy foods the most expensive option? Anyone who visits a canteen or shop will see that convenient healthy foods are the most expensive option. The cost of healthy food is becoming a barrier to a healthy diet for families. For this reason, I support the introduction of a sugar tax. The money generated from such a tax should be used to fund projects such as family food initiatives. These are projects that help to improve the availability, affordability and accessibility of healthy food for low income groups at local level using a community development approach. The objective is to help families to achieve a healthier lifestyle.

The Minister raised the issue of free general practitioner care for children aged under six years and the two health checks available for this age cohort. While these are excellent initiatives, one of the issues people have raised with me is that they do not provide access to a dietitian or nutritionist in cases where a general practitioner encounters a problem. The schemes present an opportunity for general practitioners to engage with parents and provide them with nutritional information. As the Minister is aware, I fully support free GP care for children aged under six years.

An issue arises regarding choice architecture. The Department organised a seminar some weeks ago on what is known as the nudge policy and a number of simple steps that could be taken in this area. One need only visit a local shop, supermarket or canteen to observe how choice architecture is being used. It is easy for shoppers to grab the unhealthy option. While many of us agreed with Senator Thomas Byrne's interesting comments on food, these issues do not always click for us. If Members are not getting this information easily, how much more difficult must it be for someone managing a family and in a rush to do so?

I thank the Minister for his attendance. My message is that we have policy blueprints and it is now time for action.

17 June 2015

Acting Chairman (Senator Diarmuid Wilson): Before calling Senator Aileen Hayden, I welcome Deputy Jim Daly and his guests to the Visitors Gallery.

Senator Aileen Hayden: I welcome the Minister to debate this important issue. I will refer again to some of the statistics previous speakers cited. Almost one quarter of Irish adults are obese and a further 37% are overweight. According to the Irish longitudinal study on ageing led by Trinity College Dublin, to which the Minister referred, four out of five people aged over 50 years are overweight or obese. According to the Irish Heart Foundation, one in ten children aged between five and 12 years is overweight and a further one in ten of this age cohort is obese. In total, 22% of children aged between five and 12 years are overweight or obese. In just one year, Ireland's only dedicated childhood obesity treatment programme, which is located at Temple Street Children's Hospital in Dublin, experienced a 400% increase in referrals of children under five years.

The annual cost of obesity has been mentioned but is worth repeating. Of the estimated cost of €1.13 billion, 35% or almost €400 million is attributed to direct health care costs, with the remaining €728 million made up of indirect costs such as reduced productivity and absenteeism.

The Minister referred to a research project undertaken by the World Health Organization. A study carried out by *safe*food Ireland, which was carried out in 2012 and is, therefore, somewhat out of date, found that the main drivers of direct costs are drugs, hospital inpatient and day case care, cardiovascular disease, type 2 diabetes, colon cancer, stroke and gallbladder disease. People would very much like to avoid all of these diseases.

The overwhelming influences on obesity - in 99% of the obese population - are environmental and include marketing, advertising, increased portion sizes, accessibility and availability of foods and food facilities and increased automation and car use, among other factors. Long-term weight loss is extremely difficult to achieve. Having visited Weight Watchers on a couple of occasions, I found it slightly depressing to discover that adults who remain in conventional weight loss programmes can realistically expect a maximum weight loss of only 10%. According to the World Health Organization, nearly all Irish adults are likely to be overweight 15 years from now.

On the key causes of obesity, one article in a recent series in the medical journal, *The Lancet*, identified a clear primary culprit, namely, a powerful global food industry which is producing more processed, affordable and effectively marketed food than ever before.

I fully concur with Senator Jillian van Turnhout that one does not have to visit many supermarkets to recognise the difficulties experienced by people on low incomes given the ease with which one can fill a shopping trolley with cheap, pre-produced pizzas and other types of unhealthy foods that are loaded with sugar. Critics have concluded that the problem lies with the food industry, particularly the growth of processed foods, recipes that are high in sugar, salt and fat, and large portion sizes, poor nutritional labelling and aggressive marketing of unhealthy food, especially to children.

Scientific findings indicate that the "eat less, move more" approach is not necessarily a common sense solution to the obesity problem. Despite the rise in gym membership and an increasing focus on exercise, weight problems continue to climb. It appears that while exercise is important to maintaining one's health, it is not necessarily a weight loss solution. According to Margo Wootan, the director of nutrition policy at the Centre for Science in the Public Inter-

est, “We are not going to exercise our way out of this obesity problem.” Weight is not a matter of calories in and calories out. As Senator Byrne pointed out, foods with high levels of protein, fibre and other natural elements take longer to digest and result in lower, longer spikes in blood sugars. On the other hand, processed foods are easier to digest and result in high spikes in blood sugars. The liver is unable to process this sugar effectively and therefore produces insulin which turns it into fat. High levels of insulin can also block the brain from receiving the signal that one is full. I understand this is known as “insulin resistance”. Unfortunately, foods with reduced fat and calories tend to have higher levels of sugar and other sweeteners. This is not often understood. People fill their trolleys with low-fat foods, not understanding that, in actual fact, the additional sugars in those foods can be doing them more harm.

Sugar is highly addictive. In a study at the University of Texas, 43 cocaine-addicted rats were given the choice between cocaine and sugar water over a 15-day period, whereby 40 of them chose the sugar. Sugar is, in fact, eight times more addictive than cocaine. Artificial sweeteners increase the appetite as the body expects sugar that is not coming. They add to our sugar problems rather than decreasing them, which brings us back to the argument that we should not be drinking “diet” drinks.

Sugar is also added to foods other than sweets and desserts such as pasta sauces, salad dressings, cereals, yoghurts, ketchup and fruit juices. Kids today have grown up surrounded by these highly addictive foods. I never saw pizza when I was growing up, and now it is sold in newsagents, supermarkets, petrol stations, chemists and even clothes shops. We see ads on TV and signs as we walk down the street. We have celebrities endorsing soft drinks and cartoon characters on cereal boxes. Many unhealthy foods are targeted directly at children and sold in lunch-box sized portions.

We need to regulate how we market food to our children and should not be encouraging children to develop unhealthy habits and buying patterns that follow them into their adult years. To successfully address obesity, people must consume fewer calories, which means eating less food or, at least, different types of food. This implies less industry profit. The most processed foods with the highest profit margins are often made by the biggest industry players with the most skin in the game, so to speak. We need to try to improve the quality of people’s food choices by ensuring that they are informed and have more access to healthy foods. We must also ensure that companies are disincentivised from providing unhealthy foods, for example, by requiring them to pay for any negative eventualities they cause. Fizzy drinks companies should not be welcome in schools or sports clubs, no more than machines selling cigarettes, beer or vodka would be. They cause addiction and cancer, and they continually manipulate our children through their advertising and their attraction.

Like Senator Jillian van Turnhout, I have previously called for a ban on soft drinks machines in schools. I received comments that schools are actually receiving much-needed resources by having these drinks machines. That is something we have to deal with. I have also considered the issue of a sugar tax, which has come up before the finance committee in successive budgets. The one thing that has always put me off the idea is that the people who will end up paying it are those who can least afford to do so - the poorest in Irish society. I favour the imposition of a sugar tax only if it is ring-fenced to deliver healthy school meals in areas where children live in poverty. We have one in ten children going to school hungry.

I welcome the consultation process in which the Minister has engaged, although I hope he is not going to spend too long consulting. There is sufficient evidence internationally and in

Ireland to tell us what the problem is. We just need to get around to the solution.

Senator John Crown: I welcome the Minister and I am sorry I was not in the House for his opening address. I welcome the priority he and the Government will give to this problem. Many of his medical school classmates, younger women and men than me, will be spending long careers dealing with the consequences if we do not tackle this problem now. There has been an incredible explosion in knowledge about the true nature of the problems caused by obesity, reaching into areas we never would have thought were relevant at the time when I was in medical school. In my own area of expertise, we now recognise obesity as being one of the principal avoidable causes of cancer.

Before Senator Aideen Hayden leaves, I must compliment her on the *tour de force* she gave us on insulin metabolism. I think I am going to record it as I believe I may have qualified for some continuing professional development points in listening to her presentation. It was excellent.

It will be obvious to people who work in the health system that there is a very close correlation between several unhealthy behaviours and social and educational class. There is no doubt about this. The reasons are complex and need to be approached with an open mind. Smoking has become a more common problem in people who have lower educational achievement and economic access. This provides a double level of tragedy for those people - of course, none of us should be smoking in the first place - as the power of the addiction can rob resources where they are most scarce.

Counter-intuitively, there is a definite phenomenon of obesity becoming a problem of poorer people. This has become very obvious in the United States. Senator Aideen Hayden mentioned the role of relatively cheap access to processed food, which, although part of the problem, is clearly not its sole cause. I firmly believe a big part of the problem revolves around education. We will find that people who have a higher level of educational achievement are more likely to be susceptible to messages about important health modifications for themselves and their families. It is important that, when we look at the strategy, we focus on the disproportionate toll which the scourge of obesity will bring to those who can least afford the illnesses.

I would like to take advantage of the Minister's presence in the House to mention that we in the oncology community have all come back recently from the American Society of Clinical Oncology. By common consent, it was the most epoch-making meeting in the history of the society, certainly in the past 20 years. There is a torrent of new data for new treatments, many in the area of immunotherapy. There are very promising data in some types of breast cancer and bowel cancer. However, the drugs are going to be extraordinarily expensive. There will be a colossal battle over the next four to five years about the health-economic implications of some of these new treatments. I would like the Minister to commit to the idea of putting a ring-fenced additional tax of €5 on a packet of cigarettes, which can be used only for the purchase of treatments for smoking-related illnesses, including cancers, cardiovascular diseases and chronic lung disease. It would be groundbreaking for a Minister to ring-fence a specific tax for one purpose, so that the sticky fingers of the Exchequer could not use it for paying off financial burdens incurred by others, bank debts, pension funds or anything else. We would still charge the good old Revenue tax on cigarettes, which would help with our financial obligations and pension funds. This is relevant to today's discussion because several of the illnesses which are consequences of obesity are also consequences of smoking.

On the issue of specific financial disincentives, that is, forms of tax for dietary supplements, etc., I saw today that several jurisdictions in the US were moving towards a complete ban on trans fats. They intend phasing them out completely in the next three years, as other speakers may already have mentioned. That may well be something we should consider here.

I wish the Minister well in his various undertakings. We can still do a little bit of work on the smoking space. I am sorry to cross outside the remit of today's debate, but I have the Minister captive here. As we are not allowed to propose Bills on taxes in the Seanad, I cannot do it, but I want to put the thought into the Minister's head that he might. I also ask him to look critically at the social and educational factors which need to be addressed if we are to tackle the obesity scourge.

Senator Catherine Noone: I welcome the Minister and welcome the debate. I speak about this issue practically every week. I feel very passionate about it, not least because I suffered from obesity as a pre-teenager and teenager. For personal reasons, I come to the subject with a lot of knowledge.

4 o'clock

A recent report compiled by the World Health Organization predicted that Ireland was on course to be the fattest nation in Europe by 2030. While this seems quite far away, in terms of what we might implement in policy terms, it is not far away at all. I note from the Minister's speech that many things are happening and one line of his speech which resonated was: "Obesity is not as simple as many people think." I would see this from a treatment point of view but also from the point of view of how a person arrives at the point of being obese, which is very complicated. As Senator Thomas Byrne said, our perception of overweight and obesity has totally altered. We might think: "Ah, she's grand. Sure doesn't she fit into a size 14 or 16. She's not overweight. She's lovely. Hasn't she a pretty face?" It is about health. We have a skewed reality and people do not see others as being big when they are big, and that is the reality, although "big" might be the wrong word and "overweight" or "obese" might be preferable.

As a woman, I have chosen to pick one topic because I know there is such a cross-over in this area. I recently did some work in regard to the time before conception, breastfeeding and everything in and around women's health when it comes to babies. The fact remains that once obesity has developed, treatment can often be unsuccessful. As such, I believe early prevention efforts are urgently required. When I say "early", while people speak about zero to six, I believe that even the time before birth is highly important. Undoubtedly, the seeds of the current obesity crisis facing our adult population were planted in childhood or even earlier.

To date, the World Health Organization, Obesity Canada, the US Institute of Medicine and the UK Government have all acknowledged maternal obesity and pregnancy as primary targets for prevention of downstream childhood obesity. A recent study conducted by the Best Start Resource Centre in Canada has identified maternal obesity as a strong risk factor for impaired downstream physiological health in offspring. According to the report, the odds of offspring being overweight at age seven years have been shown to increase by 3% for every 1 kg over the recommended weight gain guidelines of the expectant mother. These children are at increased risk of metabolic disorders later in life, with increased offspring size being a key indicator in this relationship. The study went on to reveal that, for the expectant women themselves, there is compelling evidence that those who are obese during their childbearing years are at high risk of developing type 2 diabetes, hypertension, respiratory issues, cardiovascular disease and de-

pression, and indeed, difficulties in conceiving in the first place, which are all a huge cost to our health service. Moreover, the risk of any form of obstetrical complication is three times more likely in mothers who are obese as compared to mothers who are not obese. As BMI goes up, so does the risk of negative prenatal outcomes for the mother and-or the baby.

The most notable complications obesity can cause in early pregnancy include increased risk of spontaneous abortion and recurrent miscarriages. Here in Ireland, a research paper on trends in maternal obesity from 2009 to 2013 revealed that one in six women presenting for antenatal care is obese, one in 50 is morbidly obese and the number of severe obesity cases increased by 48.5% over that time, which is massive, if the House will pardon the pun. These statistics were taken from a study of over 40,000 women who attended the Coombe hospital from 2009 to 2013.

What can be done to tackle this worrying trend? Obesity is considered a modifiable risk factor. During pregnancy, women are far more motivated to adopt healthy behaviours, believing their child may benefit, as evidenced by reduced alcohol consumption and smoking in most cases, although, unfortunately, there are exceptions to that. Past efforts to advise women on healthy weights for pregnancy have focused less on maternal obesity and more on the concerns about low birth weight delivery outcomes. Certain measures, I believe, could be implemented to curb the growing trend of maternal obesity in Ireland. These would include educating women of child-bearing age through the media and health care providers about the impact of their health and weight on their own well-being and on the health and well-being of their children. No matter how difficult it seems to put that across in the media, or how difficult it is for men to hear about these women's issues, it is something that should be done. We should also adopt a standardised prenatal education curriculum and ensure courses are accessible and affordable for all women. The prenatal period is a crucial time of growth, development and physiological change in mother and child. It provides a window of opportunity for intervention via maternal nutrition and physical activity that can benefit the mother and baby.

I would also like to touch on the subject of breastfeeding and obesity reduction. The health benefits of breastfeeding are widely acknowledged, although I will not go into that as it is pretty much accepted. Breastfeeding has long been recommended for the health of the mother and the baby. While I do not know the full statistics, we perform very badly at an international level when it comes to this and something clearly has to be done about it. If a child is breast-fed, they will perform much better from a health point of view throughout their life, not just in terms of obesity. A systematic review in Canada indicated that women who are overweight or obese are less likely to initiate breastfeeding or tend to breastfeed for a shorter period of time. There are a number of potential factors, including biological, psychological, behavioural and cultural factors. Exclusive breastfeeding for six months has been shown to reduce maternal gastrointestinal infection, helping the mother lose weight.

A healthy, active pregnancy may well contribute to minimising the intergenerational cycle of obesity. As such, we must now ensure the measures we adopt to tackle obesity also include work in this area. The Minister referred to the weighing of children at two and five years of age. I think this a very good idea but, as Senator Jillian van Turnhout asked, what exactly will that entail? I believe we should be quite scientific about this. I know that this is controversial, but it is an opportunity for parents to interact with the idea of their child having a problem and to address it. The Minister also referred to the Foresight Group in the United Kingdom, which came up with over 90 issues to be addressed. The Minister read out a list of issues, but I believe psychological issues are huge in all of this. I agree with much of what other speakers have said.

I could go on all day, but I will conclude. I again thank the Minister.

Senator David Cullinane: I again welcome the Minister to the House. They say looks are deceiving, but I am not someone who is going to be characterised as being obese any time soon, that is for sure. I say this in order to pick up on a point made by Senator Jillian van Turnhout who said we should look at this differently. Obviously, obesity is a big problem and we are going in the wrong direction in that area. However, there are many people who may not present themselves as obese but they are not eating healthily. For example, I drink a lot of coffee, eat far too many sugar products and I like all of the drinks we spoke about earlier, such as Coke and Lucozade, and I eat a lot of crisps and sweets. I simply make the point that there are people who look healthier than they are. Therefore, Senator Jillian van Turnhout is right that this is about healthy eating and healthy living and not just people who we can see are obese, but also those who may not be eating properly. There is an issue within that which needs to be looked at.

The most recent World Health Organization reports predict that Ireland is heading for a massive increase in rates of obesity and excess weight. This is extremely concerning as, if it were to happen, it would have a severely negative effect on the health of our nation. There are a number of issues. Obviously, there is the impact that obesity has on citizens and the fact that we will have more unhealthy citizens but there is also the cost it will have on the State, given there is a huge cost associated with obesity and unhealthy living and eating. We know the cost of obesity could more than quadruple within the next 15 years, with a potential increase of €1,175 a year for every individual in the State. The annual obesity cost at present is €1.13 billion but this could reach as high as €5.4 billion by 2030 unless action is taken urgently.

Obesity affects disadvantaged sectors of society disproportionately, but it is a problem that society at large must face for the good of our own health and in order that we can avoid the costs to services that come with it. The Government obviously has a very important role to play in regard to education and raising awareness, and some of those issues were raised by other Senators. The State has to step up to the plate and ensure the type of predictions we are hearing from the World Health Organization and other organisations do not become a reality. None of this is inevitable; it is only inevitable if we do not take the necessary steps to prevent it from happening. The World Health Organization predicts a massive increase in obesity for Irish women, soaring to 57%, while the proportion of obese Irish men is expected to increase to 48%, according to these reports. Healthy Ireland is the 2013 national framework for action to improve the health and well-being of our citizens. While it is a strategy and recognises the challenges facing our health system and focuses on obesity, it does not offer enough solutions. We need to consider a more solution-based approach to this issue. We have seen the heads of a Bill on calorie posting on menus in food outlets and we have been informed by the Minister it will be introduced in 2016. This needs to be made a priority. Sinn Féin wishes to know when the Bill will be enacted and what other measures the Minister will take in light of the predictions we hear from the World Health Organization and others.

The Minister established a special action group on obesity which organised a three-year media campaign that began in 2013. The Minister may have touched on this in his opening speech, but unfortunately I missed part of it. Will the Minister give us an update on the effectiveness of this campaign? What has the State achieved from it?

Last year, we saw the 2012 statistics from the European childhood obesity surveillance initiative, which suggested obesity among Irish children is 20% but the rate is stabilising in some groups. This is not the case among disadvantaged groups. The latest report concludes

the prevalence of overweight and obese primary school children aged nine has stabilised, and among seven-year-old children prevalence appears to have fallen, but worryingly this was not observed for children attending disadvantaged schools. A study from Trinity College Dublin suggests change can also be achieved within this age group. I understand this work was presented to the special action group on obesity. How will it be progressed and what actions and steps will be taken by the Minister and the Department?

The Department of Health has worked with the Broadcasting Authority of Ireland on publishing a new children's code, which aims to restrict the marketing of unhealthy food and drinks until 7 p.m. At what stage of progression is the children's code? The HSE has begun work on the development of a hub and spoke model of treatment for children who are obese. How many teams are in place? Are there are waiting lists for these services?

I would have liked to say more but the bell is ringing and I must cease. I thank the Minister for taking the statements today. I ask him to reflect on the point I made earlier that we should frame this not solely on the basis of obesity, but on the basis of healthy living and eating which affects more than those who may present as obese.

Senator Mary Ann O'Brien: Food is pervasive, ubiquitous and cheap, with junky calories attractively cleverly packaged and delivered to us today in vast portions and quantities which would have been unimaginable 20 or 30 years ago. Today, we live in food swamps. I listened to Senator Thomas Byrne who referred to white bread, processed food, two litre bottles of fizzy drinks, giant super-sized bags of crisps, boxes, packets, and instant vending machines conveniently located. We have a national health crisis and I am very glad the Minister is here. Other Members have spoken very well and we must in our time do something about this. It is a very complex issue and five minutes is only a couple of seconds in my lifetime to settle on a few points.

I heard the Minister say the World Health Organization's thoughts on 2030 may not be correct and it may be a little bit of fantasy, but Irish females seem to be most at risk of making Ireland the most famous country in Europe as we will be the fattest girls in Europe. Will the Minister write to the Minister with responsibility for sport and ask that we please encourage girls' sports among schoolchildren? My daughter who is, thank God, very sporty is in a beautiful school in Kilkenny which is very academic but is very bad at sport. There is volleyball, swimming and dancing, but it is all about boys and rugby, football and soccer. There is very little about girls. Once girls leave primary school, we have a real problem.

I did a little research last night because I thought, before I came in to speak about processed cardboard with no nutrition that tastes good and is instantly easy to serve with no stress and is cheap and quick, that I would go out and try to do a little shopping. I went to a supermarket on the way home. I know the Minister is a fairly busy man. I do not think he has a family, so he is not in supermarkets looking for deals on food to make meals as I am. I have loads of hungry people still living with me at home. I will share with the Minister all about the two litre bottles of fizzy drinks which are on special, with three for €4. Big giant packets of crisps were also on special, down to €1 which is half price. For €2.33 one could buy 1,826 calories, which is €0.44 per 100 g or €0.12 per 100 ml. Then I dropped into a fast-food restaurant. I had kept the receipt from the supermarket and there was a deal on the back of the receipt to send me to the fast-food restaurant. It cost €3.90 for a big hamburger, medium chips and a medium Coke. "Oh my God," I said delightedly about my €3.90, "what could I get for that?" I got 1,140 calories. I do not have time to tell the Minister about the fat and sodium.

This is a quick touch of reality about the job ahead for the Minister. The United States had this problem, and we used to think about the poor Americans who were so obese. We would travel there and speak in secret voices about the terrible problems the Americans had. They had a cold but we have pneumonia. We have embraced all of their problems. The year 2030 is a long way away in a political career but the Minister must be strong. I heard what he said in his closing speech and I was very pleased. He said the Government, local government, food industries, sport and recreation, communities and the media must all come together. The Ministers with responsibility for health, children, education, agriculture, sport, media, communications, the environment and tourism and the Taoiseach all need to come together urgently.

All the Senators have spoken very beautifully today, including my colleague, Senator Jilian van Turnhout, our eminent medical colleague, Senator John Crown, and Senator Aileen Hayden who was nearly more medically able in her contribution. It was just brilliant.

How can we get our society to go back to healthy habits? To me, it is simple. Everyone here who knows anyone with an obesity problem should consider how their grandparents ate. Can they all just take a knife and fork and eat three times a day? Can they just go to the supermarket and buy either chicken, fish or eggs, which are a good source of protein and very low in cost? They should buy vegetables, fruit and potatoes and cook. It comes back to educating our children. Can we go back to school lunches and go back to the Minister for Education and Skills and make serious rules that there is nothing but healthy food allowed into schools? Can we educate mothers who are already obese themselves and do not know what to pack in those lunch boxes? Can we make cooking fun? Can little people in primary school be taught how to make simple things? Can we show them where food comes from by getting Bord Bia and the Department of Agriculture, Food and the Marine involved? Grow It Yourself Ireland's website worked in conjunction with Innocent, the lovely company that makes the little smoothies, and they have had 20,000 schoolchildren growing little seed boxes and bringing them home so they know from where healthy foods comes.

We often speak here about child benefit and we used to have those awful words "food stamps". What about health stamps? What about giving some of our less well-off citizens something very easy such as health stamps so they can go in and buy chicken, fish, porridge, vegetables, fruit and potatoes? What about colour-coded food labelling? We can talk about food labelling but people do not have time to figure them out. They are incredibly confused. I am in the food business and, believe me, we are clever cats. We are very good at marketing. It needs to be absolutely bog standard that green is good for you and red means only a little treat at the weekends. We must establish nutrition standards for food sold by food manufacturers, distributors and caterers who cater to hospitals and schools.

Senator Hildegard Naughton: I welcome the Minister. There are two points I wish to make in this debate. The first is that education is key to preventing childhood obesity and the second is that tackling obesity requires support for those who are affected. We have increasing rates of type two diabetes, especially in younger people. We also have increasing rates of cancer. According to Professor Donal O'Shea, the country's foremost expert in the area, 80% of the diabetes cases and 40% of the cancers are obesity-related. This is a very worrying statistic. It is also worrying that Ireland as a country is moving towards American obesity rates and body shapes and the associated illnesses. A total of 23% of Irish adults are reported to be obese, and 61% are either obese or overweight. The prevalence of overweight and obesity among Irish children is also considerable. The 2005 national children's survey, which measured the weight and height of children from age five to 12 years, found that the prevalence of excess weight

was at 11% in Irish boys and 12% in Irish girls. The prevalence of obesity was 9% in boys and 13% in girls.

As the Minister has stated, one in four primary school children and one in five teenagers are overweight or obese. This is truly shocking and we are storing up huge problems for the future. I imagine every teacher in the country would tell the same story - that the children they teach are getting heavier. The cause of obesity in most cases is straightforward, particularly so with children. They take in too many calories and do not expend those calories in exercise.

Childhood obesity has more than medical effects. It also has psychological and social ones. Children nowadays are suffering illnesses they never had in the past, with high blood pressure and cardiac problems. The sad thing is that it can be so easily avoided if they do not develop bad habits when they are young.

Anyone of my generation or older will remember, as Senator Aideen Hayden mentioned, a very active after-school lifestyle. There was no PlayStation and very little television or any other electronic distraction and children were sent outside to play with their friends. Nor was there a lot of junk food. I have no complaint about the advance of time or technology, but we need to take what worked well in the past and encourage children to engage far more in an active lifestyle before it is too late.

Every vending machine or tuck shop supplying junk food or sweets should be banned from schools. I acknowledge that the child obesity campaign is promoting healthy options in vending machines in post-primary schools. However, it is reported that 30% of schools still offer junk food. It could be stopped with a single stroke of the pen by the Minister for Education and Skills. The HSE is on record as saying it would welcome such a move. If there are cost implications, so be it. The economy is in full recovery mode and not doing so would be penny wise and pound foolish.

While education might not be the key for adult sufferers of obesity, it is for children. If we educate children about healthy eating and exercise it will benefit everyone. It will benefit future generations but also, perhaps, have an effect on parents. Given the right education, children could, in turn, educate their parents in better lifestyle choices. We are all familiar with being shamed into action by a younger generation.

While adults who suffer from obesity usually know full well the reason for their condition and its cure, it is often difficult to change a pattern of behaviour. The Atkins diet or similar diets are only a temporary solution; lifestyle change is key. Often, the underlying cause of overeating or inactivity is emotional. To alter that cycle, people need support and encouragement. I do not just mean helpful friends. Breaking the link between food and happiness often requires psychological intervention by trained professionals. It should be available where it is needed. These issues are complex and they require a societal response. They require State action in education and prevention but they also require personal responsibility and an acknowledgment that we are heading down a dangerous path, individually and collectively.

I am glad to note that work has commenced on a new obesity policy and action plan, which is due to be finalised later this year. I would urge a strong emphasis on the education of young people. We are sitting on a ticking time bomb and if we do not take serious action we are at risk of an obesity crisis that will affect our people and health services long into the future.

Senator Paschal Mooney: As many valuable contributions have been made, I will not

repeat any of the statistics which, quite frankly, are appalling, particularly in the context of Ireland. I know the Minister is aware of this, not only because of his obligations as a Minister in the Department of Health but also because of his background as a medical doctor, in which he would have seen at first hand the consequences of obesity. One or two things that have emerged from these discussions is that the food industry has a very important role to play. About 20 years ago a product appeared on Irish supermarket shelves called something like sunshine orange.

Senator Mary Ann O'Brien: Sunny Delight.

Senator Paschal Mooney: Did the Senator refer to it?

Senator Mary Ann O'Brien: No.

Senator Paschal Mooney: For those who are not aware of it, Sunny Delight emerged as a drink for children. It was placed in the refrigeration cabinets of Irish supermarkets, not on the drink shelves. It was put there quite deliberately and mischievously by the food industry. It was sugared water coloured orange. The sugar content was so high that it was obscene. I am not sure whether it is still a product on supermarket shelves, because my children have grown older, but I was very much aware of it when they were younger. It was an indication to me - it has been repeated in the food industry - of mischief-making by the food industry, which pays lip-service to the whole question of obesity but will then draw back and say it has nothing to do with it. It has everything to do with the food industry. I could not help but recall a statement made by Irish scientist, Sir Stephen O'Rahilly, professor of clinical biochemistry and medicine and director of the Metabolic Research Laboratories at Cambridge University, who said:

It seems unarguable that excessive caloric consumption is playing a major role in driving the increasing prevalence of obesity. [That is self-evident]. It is helpful to get a well-informed semi-quantitative estimate of the sorts of overall reduction in calorie ingestion we would need to return obesity levels to those found in the 1980s. It would be optimal if the food industry became helpful partners, not adversaries, in countering the obesity epidemic. It is less likely to do so if hectored about substantially slashing its profits.

That is a very real concern, despite the fact that it may appear as though I am hectoring the food industry.

Research has shown that reducing body mass index, BMI, to 1980s levels in the United Kingdom - I assume the same applies here as the statistics are very close - would require an 8% reduction in consumption across the country. That in itself seems to be a modest reduction, but it would cost the food industry approximately €8.7 billion per year. Is there any incentive for the food industry? It seems not. That suggests to me the legislative framework may have to force the food industry to act, and perhaps this could start the debate about labelling, which has been ongoing in Europe. Clearly, the food industry manages to obfuscate the interpretation the consumer is likely to put on food labelling in their efforts to discover whether a food is good for them or for their children. For example, writing "sodium" instead of "salt" is one way of disguising what is within a food. The food industry has fought tooth and nail against common positions in the European Union. It is like the smoking lobby. It is probably the most powerful lobby out there. As Professor O'Rahilly, has said attacking the food industry is a waste of time but certainly there is a need to draw it in. Perhaps the Minister might comment on that issue.

I acknowledge that a number of major food retailers are beginning to take the issue a bit

more responsibly. For example, in recent years, Marks & Spencer has reduced the salt content of many of its food products. Some of them had a very high salt content. Nestlé in America has been forced to reduce its salt content. Obviously the food industry is aware of consumer pressure. Therefore, the question arises as to where a balance can be achieved between harnessing that consumer pressure and Governments discharging their responsibilities to ensure their citizens do not continue to be unhealthy. The cost of obesity to the health sector is quite appalling. The *safefood* study on the cost of overweight and obesity found that direct health care costs linked to excessive weight in the Republic add up to €400 million, which is 3% of total health spending. However, this is dwarfed by the €729 million in indirect costs caused by absenteeism at work.

I do not have simple glib answers, but I agree with those who said schools should be targeted. It is totally unacceptable, as Senator Naughton said, that 30% of schools are still churning out junk food. I do not want to name a former Member of this House, but when I raised the issue of obesity ten or 15 years ago and said snacking and providing crisps and biscuits to school pupils was unacceptable, he said there were plenty of calories in them. He was a representative of the teaching profession. I was appalled and could not believe what he said. Perhaps attitudes have changed; I hope they have and that the teaching profession is very much aware of its importance and responsibilities to the children in their care during the school day. That is a place to start.

I always remember as a very young boy my father regaling me with stories of when he was a young boy. When he went to primary school in the 1920s and 1930s, physical education was part of the curriculum, but that is now gone. My party is proposing that schools try to encourage more physical activity and free play areas. I am interested in hearing the views of the Minister on this. Should PE, for example, be part of the curriculum? Should it be mandatory at primary level that half an hour a day be given over to physical activity? It may not prove popular with children, but it seems to have worked for previous generations. I wish the Minister well in dealing with what is a very complex problem that needs to be addressed.

Senator Michael Mullins: I welcome the Minister and thank him for spending so much time here this afternoon to discuss this very important issue. It has been described as a crisis and one of the major health issues of our time which consumes a lot of the resources available to the health services. The figures which have been referred to are startling. I recently spoke to a primary school teacher who teaches fourth class. As part of her efforts to improve English and creativity she got the children to design a menu for an evening meal. It produced some startling results. The children who came from the lower income categories had a totally different type of menu for an evening meal than those from higher income groups. It is an area we have to address.

The Irish Heart Foundation recently published some research into food provision in the country's second level school that shows there is a very high availability of unhealthy foods. Foods high in fat, sugar and salt were available in more than half of the 39 schools that took part in the survey and around 40% of the schools did not make water available free of charge. While 37% provided full hot meals, over 70% provided snacks that included sausage rolls, pizza slices and panini, foods which are high in fat and salt. Some 25% of schools still have tuck shops and 47% have vending machines. We need to have some discussions with the Minister for Education and Skills on how the provision of healthy food in schools can be addressed.

Many contributions have referred to information, labelling and how we tackle the food companies which are making some of this food very attractive and selling it at a very low price.

We need to get information on food and nutrition and how to prepare good nutritious meals on limited budgets across to parents. There is great respect for celebrities in this country. We have a lot of very fine chefs. We should spend some of our resources on producing programmes for television or online media on how to tackle obesity and prepare nutritious meals at a reasonable cost. Many people feel if they spend money on fast food that it is cheaper, but if parents had the wherewithal to cook food they would be surprised at the savings which could be made. We need to sell the message.

There is an increasing awareness in the country of the need for more physical activity. It is fantastic to see many people cycling and walking, but we need to significantly increase those numbers. I refer to the bike to work scheme, whereby some tax relief was given to people who bought a bike with a view to cycling to work. We should consider the possibility of reducing the level of tax on bicycles for children so as to encourage them to cycle and get more exercise. That could be done at a fairly reasonable cost to the Exchequer, but would have long-term and far-reaching benefit.

We distribute a large amount of grants on a very regular basis to all communities the length and breadth of the country. I would like to see those grants linked in some way to the level of usage by young people of sporting and recreational facilities. I would make it mandatory that programmes are geared towards ensuring young people get a minimum level of exercise per week. We would all love to see schools doing more in terms of recreation and exercise, but it is a major challenge for many schools, some of which do not have the facilities. The school day is crammed with other academic activities and it is difficult to make time for other things.

The onus should be on communities to play their part. We have a major problem on our hands, but the Minister is heading in the right direction. I would like to see action on the various reports that are now becoming available. We should soon put an end to the consultation process and start to put in place measures that will tackle this problem for once and for all and make a serious impact on the level of obesity and ill health that is emerging in our population which will have major implications for the health budget in the future.

Senator John Crown: I beg the indulgence of the Minister. I wish to make another point. I do not think it would undermine the principles of community rating if we put a policy of incentives in place regarding private health premiums to incentivise healthy behaviours and lifestyles. Somebody cannot choose not to be old; therefore, we as a community decide to rate them in the same way as we rate young people for health insurance, which is correct. Somebody cannot choose his or her family history, therefore it is fair that people can benefit from community rating and not be undermined in the event that they have an adverse genetic endowment which could potentially leave them with a higher risk of suffering from a potentially expensive illness.

People, however, can make certain decisions with respect to their lifestyle. During his term, would the Minister consider examining the possibility of certain incentives whereby non-smokers or people with a certain BMI could get a discount on their health insurance premiums? These are all things which are attainable for everybody. Everybody can stop smoking if he or she tries hard enough.

Minister for Health (Deputy Leo Varadkar): I thank Senators for the invitation. I have had the opportunity to listen to some of their statements and points of view and in many ways, this is part of the consultation on the obesity policy and action plan announced earlier. In that

regard the debate is very helpful. I agree with Senators' sentiments that the consultation should not go on forever - it will not - and it is my intention to publish the policy and, more important, the action plan before the end of the calendar year.

There are some issues that I should pick up that were mentioned by Senators. The healthy eating guidelines are being revised this year and will address some of the specifics, such as bread types, pasta and so on, as mentioned by Senator Thomas Byrne. There will also be a communication strategy to support the new healthy eating guidelines. The Department of Health is working with the Department of Education and Skills on a whole-school approach to healthy eating, including advice and training for children on helping to cook healthy food, as well as supporting the existing "Food Dudes" programme, with which some Members would be familiar. It deals with fruit and vegetables and is working very well. The issue of bariatric surgery was raised. In 2014, there were 22 surgeries done in Galway and 20 done in Dublin. This year, in addition to those in Galway there will be 50 in Dublin and 80 next year. We are making additional provision for more bariatric surgery this year and again next year. Unfortunately, as with many issues, demand is rising. That is not necessarily because supply is not increasing, as it is, but demand is increasing also.

With the new GP contract, children will be weighed at ages two and five. This does not need to come at a dedicated visit and it is something that doctors can do opportunistically when the kid is visiting for something else anyway. Many GPs do it anyway but it is important. I have heard some people say this approach is not evidence-based but we know from evidence that just guessing somebody's weight is appallingly inaccurate. It is important, if they are not doing it already, that GPs should weigh children and see if there is an issue around obesity. This can lead to an opportunity for early, brief intervention by the doctor in giving the parent advice on what can be done to reverse a child's obesity.

I am not exactly sure how access to a dietitian would work and I imagine it would depend on the availability of dietitians in the primary care centre or the local health centre. The fees, if there are any, would not be covered by the under-six contract. Taxation is ultimately a matter for the Minister for Finance, not for me. It is also ultimately a matter for the Oireachtas but the proposal must come from the Department of Finance for any new tax or increases in taxation. Generally speaking, the Department of Finance now and historically has not been well disposed towards hypothecation of taxation; it does not like ring-fenced taxes at all. That is for the obvious reason that people are always willing to ring-fence a tax for something popular or desirable but getting people to agree to ring-fence a tax for asylum seekers or Traveller accommodation etc. would be harder. The general view is that the best principle is for tax to go to the one pot and the money is prioritised for spending thereafter. Should the Department take a different view, I would very much welcome hypothecated taxes going towards public health.

I expect to have the draft heads of the Bill dealing with calories posting on menus by November for consideration by the joint committee, with a memo for the Government by the end of the year. That would cover both calorie posting and health and well-being in the workplace. I would like the workplace to get to somewhere like the current position with health and safety. Ten years ago, health and safety in the workplace was rubbish but people were very annoyed about having to do health and safety statements etc. Now, people very rarely die in the workplace when people died or were injured all the time at work. I would like to see a similar process begin with health and well-being, encouraging and, in due course, requiring employers to make their workplace a healthy place and take well-being seriously there.

The Broadcasting Authority of Ireland is revising its marketing code for 2016 and we are making a submission as a Department to that. In particular, we are seeking the advertisement to be extended. It is now 6 p.m. and we are asking the authority to extend it to 9 p.m., and I would welcome the support of Senators in that proposal. We want to strengthen the code of practice, particularly when it comes to marketing in the non-broadcast media, product placement and retail outlets. There is also the issue of food sponsorship.

I like and would welcome colour-coded food labelling. It is done voluntarily by some food manufacturers, and one sees it in particular in Marks & Spencer, for example, and it is being done by many food producers in the United Kingdom as part of the responsibility deal. I would like to see this happen more in Ireland, although it is not something we can impose by law as food is traded across the European Union and it would be a barrier to trade. It is something that would have to be done on a European level or we would have a difficulty with Irish-produced food not being allowed to be exported, which would be problematic.

I could be wrong but my understanding is that physical education is mandatory in schools. Students may not always get the hours they are supposed to, but it is mandatory. A positive aspect of the reform of the junior certificate curriculum being implemented by the Minister for Education and Skills, Deputy Jan O'Sullivan, is that the subject of well-being will be core to the new cycle. It will include elements like sport, physical activity, nutrition and health advice. It will be a good step forward. I would like to see physical education being examined for the leaving certificate. That is done in other countries and it would be a good move here.

The Department of Education and Skills is also working on a new school food policy that is currently being prepared and it will address issues such as vending machines and tuck shops. I know that the Minister, Deputy Jan O'Sullivan, has a particular interest in this. Some schools have healthy vending machines and I know that Luttrellstown community college near me has one; I took a photograph of it the other day. I had not seen one before and I found it quite interesting. It is not necessarily a case of not having vending machines.

Senator Aileen Hayden: What is in a healthy vending machine? It is hard to get good food quickly.

Deputy Leo Varadkar: There were crisps on the top rung but the rest of it was okay. It is not that we cannot have vending machines but a case of what is put into them. The school food programme is coming up a lot in discussing the obesity policy and we hope to address matters such as food poverty, the healthy provision of food in schools and the education of children. We will engage with the Department of Education and Skills on the policy and Senators have touched on how important it is to do that.

Senator Catherine Noone mentioned maternal obesity and it is acknowledged that this is a problem. Very often, obesity starts before conception and in the womb, in some ways. That is going to be a key element of the new clinical guidelines being developed by the Royal College of Physicians in Ireland in consultation with the HSE. A key action that could make a big difference is breast feeding, the rates of which in Ireland are very low and much lower than they should be. It is something that we would like to push in the next couple of years. This should not just be advice around breast feeding but dedicated midwifery positions to help women to breast feed if they are having difficulty.

Senator John Crown and I have engaged before in this Chamber on modifications to lifetime

community rating. There could be a discount for non-smokers or people with a body mass index, BMI, under 30. BMI is not everything and extremely healthy people with a decent amount of muscle mass can have high BMI, but that does not mean they are obese. Any discount, by definition, must result in a loading for somebody else and we would have to consider the implications of loading health insurance policies for people who are obese, smokers or so on. We could then be returning to the inverse care law, where health insurance is more expensive for those who perhaps need it most and less expensive for those who do not. This must be thought through.

I am particularly pleased that there was a good level of agreement across the Chamber in how to address the issues and experience tells us that there is a variety of ways in which all sectors can contribute to tackling obesity. Both obesity and people being overweight are major public and personal health concerns, particularly in children and those with chronic diseases. I have outlined some of the measures under way and we will continue to add to and strengthen these. Obesity is not a simple issue and its causes are complex and its solutions whole-of-Government and whole-of-society approaches. My Department and I are determined to develop a robust and comprehensive obesity policy and action plan under the Healthy Ireland framework this year and drive implementation in the future.

Sitting suspended at 4.50 p.m. and resumed at 5 p.m.

Junior Cycle Reform: Motion

An Cathaoirleach: I welcome Minister of State, Deputy Joe McHugh.

Senator Marie-Louise O'Donnell: I move:

That Seanad Éireann:

- notes that we are currently in the midst of a decade of commemoration of the historical events that led to the foundation of the State;
- further notes that, while the State is articulating the value and premium it places on a younger generation being knowledgeable about that history, they are at the same time carving up history as a core/compulsory subject for the Junior Cycle; and
- calls on the Minister for Education and Skills to outline what plans she has in place to maintain history as a core/compulsory subject for the Junior Cycle.

I welcome the Minister of State. The late Neil Postman, one of the most radical thinkers on education, believed that for education to be meaningful, young people, their parents and their teachers must have a common narrative. I ask if we have a common narrative. If we do, how can the Department of Education and Skills challenge the truthful, arms-length nature and objectivity of the external examination correction process, provide 25 more points for mathematics than for music, language or history, and undermine history teachers by weakening their subject, changing it from a core subject to an optional subject on the junior cycle? We need to have a conversation in this country about the types of knowledge that are fundamental to young people's education and quality of life. I refer to knowledge that can help us to contradict the accepted, more modern and tired ways of thinking about ourselves. We have a tendency in this country to have conversations about examinations only. If we had a real conversation,

we would consider history to be as important as mathematics. We would possibly make music compulsory to age 18 years, the arts would be examinable forms and standardised and not a parallel of television, dance would be a core subject, and, most important of all and a matter that is very dear to me, orality would be an important independent subject, with human vocal communication and engagement at its foundation. Regarding orality, I am not talking about debating class. We are languaged human beings and our speech is our greatest and most wonderful method of communication.

The National Council for Curriculum Assessment, or NCCA, has created the most outstanding statements of learning for the new junior cycle. The statements include words such as “communicates,” “reaches,” “creates,” “appreciates,” “critically interprets,” “recognises,” “uses,” “describes,” “illustrates,” “predicts,” “improves,” “values,” “learns,” “understands,” “makes,” and “takes”. There were 24 statements of learning, but the NCCA left out the following three main verbs: imagines, feels and thinks. Imagination is its own reward, and feeling, if it is good, is based on thinking. As such, I feel and I think they should have got an airing. Some subjects will lock into some of these aspirations while others will lock easily into others. However, great subjects lock into them all. The study of history does it all: not just one or two or three or four of the aspirations and verbs such as “values” and “recognises,” but all of them, including “imagination,” “feeling” and “thinking.” The NCCA should have spent more time writing and arguing about the brilliance of subjects rather than listing formulaic verbs that it hoped everything and anything would fit into.

History is to become a non-core, possibility non-compulsory and discrete subject and short course choice. Short courses do not work with young minds. They are not the kind of joined-up education we should be engaged in with young minds. They only work at a mature and postgraduate level. Anyone who knows anything about education and teaching knows that. The only areas of study the students in DCU take away with them are the core elements on their courses, not the short courses. In university, short courses represent a kind of entertainment. Young minds need a broad sweep of history and a defined and lengthy foundation block to encourage the subject later on in order that it does not become the preserve of the elite. Above all other subjects, history belongs to us all. According to Professor Diarmaid Ferriter, all children have a public ownership of history. He is correct. It can never become the right of the elite. At a meeting of the Joint Committee on Education and Social Protection two years ago, attended by the History Teachers Association of Ireland, Dr. Catriona Crowe and Professor Diarmaid Ferriter argued that every child had an entitlement to history and that it could not be a dip-in-dip-out facility. The Department of Education and Skills cannot tell me that young people will get this entitlement from two or three short courses. History is more important than most subjects because it is our heritage and how we explain ourselves. It tells us who we are, what we are, how we are and why we are. As Deputy Aengus Ó Snodaigh said, it creates citizens, not consumers. I do not agree with everything he says, but I agree with that.

History creates citizens, not consumers, and that is all we need to know about it. It is all the justification we need, not 24 statements of learning. Why did the NCCA not argue that on curriculum assessment? History is a discipline, not entertainment, neither in education generally or elsewhere. Why has the Department become so afraid of the words “discipline,” “rigour,” “study,” “work well done,” “memory,” “learning” and “hard work”? History is a skill, a crafted knowledge, a form, a way of learning, a thought process, a language, a memory, a fact, evidence, an interpretation, a culture, our lives - our complete lives, a life that is local, national and international - our place in our lives, and our place on the planet. It is the reason we live

the way we do; it is beyond essential for all young adults beginning life in the junior, middle and secondary cycle and beyond, and it is taught by specialist teachers. What happens to history when it becomes a short course, module or choice rather than a core, elemental subject? It becomes less coherent. It becomes more represented in the middle classes and less represented in working-class areas, where more useful or easier subjects are taken. It will thereby become the preserve of the elite. History as a short course in the junior cycle will not be studied at leaving certificate level or third level, and the number of teachers in the system will fall. They fell considerably when the subject was removed from the core curriculum in the United Kingdom. Discussion is now taking place in the United Kingdom on how to reinstate it.

We are always busy copying something else, be it from New Zealand, Queensland or Finland. Why do we not lead the way? If we want to reform the junior cycle, let us get on with it. Have all the reform we want and lots of change. I am not against that, but this change has not been thought out. If we want to ignite change, let us make music compulsory for every child. Then we would have skill, love, passion, creative activity, maths, history, sound, score and melody all in one. Imagine that. That meets the 24 statements in one subject. The Irish Chamber Orchestra did it with Sing Out with Strings. Why, oh why, can we not copy the great rather than running around copying what we think works in other countries and might work here? We should not be applauding fragments of knowledge and a certain failure with some subjects, but we are doing so with maths. We are now saying that one may fail maths but one will really pass, because on the honours paper the marks will be given on the pass paper. It is ridiculous and a good example of the undermining of rigour, discipline and memory, fragmenting knowledge and a race to the bottom.

We do not need short courses; we need educational revolution and an educational rethink. If the history syllabus is over-laden with content and that is the greatest reason for the decline in the number of pupils taking history between junior and leaving certificate level, then throw it into fresh combinations, use imagination, thinking and feeling, which words are not used in the statements of learning and do not relegate it to choice and short courses. Re-examine the subject and hold it as a core.

Dr. Catriona Crowe called all of this for what it is when she spoke at the Joint Committee on Education and Social Protection. She asked why we bothered having core subjects at all, which is a major question. She referred to this question as “the elephant in the room”. Why do we bother regarding some subjects as essential and fundamental to the rights to knowledge for all young people? I suggest we do this because we do not really regard *The Beano* as a subject. Some forms of knowledge, including maths, English, history, the arts and languages, are regarded as compulsory. They are not disposable and cannot be disposed of or shortened. Why is now considered that history can be treated in this manner? Is it, as I have suggested previously, because it is too difficult, takes up too much time and requires more reading, writing, studying and memory and we cannot have that? I suggest we should be striving towards these very things, rather than diluting them. History is not cut and paste. It is not Internet, 500 channels, Facebook, Twitter and all of that tired nonsense. Technology may be the mechanics of the brain, but history is the mind. It is evidence and informed thought. It is away from the garbage of the information highway. It is the antithesis of the Internet, the tabloid press, the frenzied media and the glut and garbage of the saturated information highway. It is the counter-action against the torpor of ideas and immediacy. It involves evaluation, real resource, reasoning, primary sources, arduous debate, politics and democracy and lack of it. Unlike the Internet garbage information glut, it teaches that there are no easy answers. Dr. Crowe asked whether

we really want to live in a country where children over the age of 12 know nothing of their history, and only know about de Valera and Michael Collins through a film. If we are arguing that history is not a core subject, then there is no educational argument. If we are arguing from the perspective of competition only, we are saying that no core knowledge is more significant than another, which is not true. This brings us back to why we do not teach *The Beano*.

I would like to beg the indulgence of the Chair while I make a final general point about the need to hold history in its rightful place. We are supposed to be making young people more intelligent and smarter. The big question for every educationist is how the technologies which are defining us in an inhuman way - we are lonelier and more isolated - can be counteracted progressively. Technology may teach us how things work but history teaches us how to live. Technological progress does not mean human progress. We are not raising enough educational questions about this. Are we now to surrender our history to a culture of technology? The media has altered our social responsibility, our psychic habits and our political processes. We depend on schools and on subjects like history to counteract incoherent meaninglessness. We need history for perspective and to prepare young people for what is ahead and show them what has been. The world's history is the world's judgment; without history, young people will have no judgment. I ask the Department for Education and Skills and the Minister to come to an understanding. We know they came to an understanding about the externality of examinations. They have come to an understanding that there will not be thousands of courses. The number will be capped at ten.

An Cathaoirleach: The Senator is way over time.

Senator Marie-Louise O'Donnell: I know.

An Cathaoirleach: Her timekeeping is very poor.

Senator Marie-Louise O'Donnell: We came to an understanding that civic, social and political education and physical education would be merged as a subject called well-being. I understand the Department intends to issue a circular to all schools advising them to limit young people's choice of short courses. Will it also use this great circular to suggest the future of history be strengthened by having it specifically mentioned and encouraged that it be safeguarded as a core fundamental subject knowledge for the future for us all?

Senator Fiach Mac Conghail: Cuirim fáilte roimh an Aire Stáit anseo. Ba mhaith liom a rá ar bhonn phearsanta gurb iontach liom an bealach ina bhfuil a chuid Gaeilge ag feabhsú agus ag forbairt. Is iontach an dúshlán a thug sé, agus go maire sé é. However, I am disappointed that the Minister for Education and Skills is not here. I do not suggest the Minister of State, Deputy Joe McHugh, is not an able substitute. It shows his latitude that he can jump from the Department of Arts, Heritage and the Gaeltacht to the Department of Education and Skills. Perhaps he knows something we do not.

I second the motion and I strongly support the arguments made by my colleague, Senator Marie-Louise O'Donnell, on this issue. I commend her efforts to ensure this point of concern does not fade into the background among other questions as we reform the junior cycle of our State examinations. As I said in September 2013 when a similar motion was before the House, I broadly support the new framework being assembled for the junior cycle and believe the more "innovative and creative approach to learning" it aims to provide is to be welcomed. Having said that, I share Senator Marie-Louise O'Donnell's concern for the future of a robust and ef-

fective history course as a core subject at junior certificate level. I do not see the position of history in schools as solely about learning lessons from our past. I think history is an essential tool in understanding who we are. Therefore, I do not believe it should be reduced to such an extent that it becomes a box-ticking exercise. The reforms that have been proposed with regard to history will make it possible for many students to bypass any comprehensive learning in this area. It will not be taught under the curriculum in a systematic way. I believe this will have implications for how well we can measure learning in this area across our students, as structure and content will vary depending on the decisions taken within individual schools.

In March 2013, Professor Diarmaid Ferriter referred to the downgrading and bunching together of subjects deemed to be of lesser importance under the proposed reform. While it is absolutely true that key skills such as literacy, numeracy and oracy are essential learning for young students, surely a detailed understanding of our collective past should also be a priority for our students to understand, know and value. When Mr. Gerard Hanlon, who is the president of the History Teachers Association of Ireland, addressed an Oireachtas joint committee in June 2013, he spoke about “an entitlement to history” that would not be provided for under the proposed framework as it stood. I agree with this sentiment and have concerns that this decision could have serious implications further down the line in the areas of research and expertise. If we limit the exposure of our young students to learning in-depth history, what will happen to the number of people taking the subject to leaving certificate level and at third level? In 2013, approximately 53,000 students sat the junior certificate history examination and slightly more than 11,000 students sat the leaving certificate history examination. Is it possible that the syllabus is overladen with content? Just 50% of schools currently require students to take history as a junior certificate subject. It has already been downgraded and we are suggesting that it be downgraded further by being moved from being a core subject to a discrete subject. If students are not engaged in the study of history from the beginning of post-primary education, they will not have an opportunity to develop an affinity for it. What impact will this have on the numbers who move into this field in a professional capacity?

Dublin is already starting to come alive with preparations for the 1916 Rising centenary next year. I am looking forward to those events and to seeing what the natural cultural institutions have planned. I anticipate a real coming together and an understanding of what we need to commemorate and celebrate in our republic as we celebrate and acknowledge the part played in its foundation by an event that truly defines our nation. I would hate to think that 20 or 30 years from now, a generation of Irish citizens will not know who Michael Collins, Éamon de Valera or who were the seven signatories. Such a generation would have much less appreciation of the significance of this type of event. I would hate for future generations not to be given an opportunity to feel the pride, connectedness, understanding or disillusionment that we might all feel arising from our understanding of history. When Professor Ferriter spoke last April about the programme for the 1916 commemoration, he noted that a real opportunity to reverse the plan to drop history as a core junior certificate subject had been missed. He referred to this as “inexcusable”.

The proposed new framework is a complex educational package and time needs to be afforded here for real scrutiny of it. As policy makers, we need to listen to our teachers if we want an education system that is fit for purpose. It is clear that the Minister, Deputy Jan O’Sullivan, listened to the teachers recently when she reconsidered how subjects should be marked and evaluated. There is a precedent. We can all agree that we want to equip our children with the key skills and learning they need to live full and rewarding lives. To this end, it is imperative

that we do not actively and knowingly fail to provide them with the tools and opportunities they need to develop cognitive competencies beyond what we are categorising as “key skills”. If history as a subject is posing difficulties in classrooms and for teachers, we should develop the curriculum and improve the resources. We should not brush it under the rug or lose sight of its true value. If history is no longer a core subject, over time there will be a diminution in its status and ultimately in its psychological relevance to students. It is an amazing coincidence that at a time which is a golden age for the study of Irish history, there is a dearth of new vision, new ideas and new ideology. The former Minister, Deputy Ruairí Quinn, took a positive step to encourage greater success in mathematics. We need a similar imaginative response to the teaching of history. We must sow the seeds of an enlightened citizenship based on understanding the present through a knowledge of history. This is what the poets of 1916 took from 1798, namely, history as a way of interpreting rather than knowing the past. I am proud to support the motion.

Senator Jim D’Arcy: I move amendment No. 1:

To delete all words after “Seanad Éireann:” and substitute:

- notes that school autonomy is an important factor in the quality of student learning;
- notes that the new junior cycle gives flexibility and autonomy to schools, who are best placed to identify the needs of their students;
- notes that within the new junior cycle framework, the mandatory statements of learning which must be experienced by all students, include that each student “understands the importance of the relationship between past and current events and the forces that drive change” and “understands the origins and impacts of social, economic, and environmental aspects of the world around her/him”;
- notes that history is not currently a compulsory subject for all students at junior cycle level: despite this, over 90% of students continue to study history at this level;
- notes that there is a dedicated cohort of history teachers in post-primary schools, who will be promoting the inclusion of their subject within programmes provided to students by their schools;
- is confident that the position of history as a subject is secure and that history will continue to be studied by the vast majority of students at junior cycle level;
- welcomes the emphasis on historical understanding which is being promoted through the programme of events for Ireland 2016; and
- further notes that a set of proposals was recently agreed between the Minister and the leadership of the two second level teacher unions in relation to reform of the junior cycle, and that the executives of both unions have agreed to put these proposals to ballot in the autumn.

I welcome this motion from Senators Marie-Louise O’Donnell and Fiach Mac Conghail in that it provides us with a great opportunity to discuss history and the new junior cycle programme. Senator Fiach Mac Conghail has said students in years to come will not be able to name the signatories of the Proclamation. That reminded me of one day when I was teaching the 1916 Rising in school. I asked the students what was the name of the railway station in Dublin. A hand went up and the student said, “Connolly Station”. I then asked what the name

of the railway station in Dundalk was. Another hand went up, “Clarke Station”. Impressed, I asked what those two names had in common. A young fellow enthusiastically asked if he could answer, so I allowed him. He answered, “Shoes”. There was a Connolly shoe shop in Dundalk. It is neither today nor yesterday that not everybody is tuned in.

In the current junior certificate programme, history is not a compulsory subject for all students. It is not even a discrete subject as it is linked to geography but a sort of a half subject on the junior certificate. I hope it is made a discrete subject quickly, a point I made on the Order of Business several weeks ago, so that as many students as possible get the chance to study history as a full subject.

The new junior cycle gives flexibility and autonomy to schools which are best placed to identify the needs of their students. One framework of learning is understanding the importance of the relationship between past and current events, as well as the forces that drive change. It is important a student understands the origin and impact of social, economic and environmental aspects of the world around her or him. In other words, the core of historical study, namely, the relationship between the necessary and the contingent, as well as the concatenation of events, will be available to all students. That is an entitlement.

Earlier, when speaking to a young person, who himself has a deep love of history, he expressed the view that it would be unfair to demand that students who did not wish to should be compelled to spend a full five hours a week studying history. I am reminded of the old phrase, “forced prayer is no devotion”.

What is history? History is the scientific study of the past based on primary and non-primary sources. In my teaching and study of history, I have always preferred primary sources, not the opinions or interpretation of others. Although the interpretations of others can be important, much of it can be propaganda. I thought the Big Fellow was the giant I saw in Fossett’s Circus when it came to Dundalk each year because there was very little mention of Michael Collins in *Stair-Sheanchas Éireann*. One would have got more out of *The Beano*. By the way, *The Beano* is now a historical primary source for the culture of the times it was produced. Everything becomes a primary source for history. The value of *The Beano* is in the unwitting testimony it gives as to the cultural mores of the 1960s and the 1970s, as well as the attitude of people then. *The Victor* ran stories about war which reflected not the reality of war but the reality of people’s attitudes towards it at the time. *The Beano* is not without its worth at all. In fact, it is far better than *Stair-Sheanchas Éireann*, a good bit of which was just full of lies.

It is with some trepidation that I argue with Senator Marie-Louise O’Donnell, who is an educator when I am a mere teacher. However, I am doing my best. Tá mé ag déanamh mo dhícheall.

An Cathaoirleach: The Senator is well over time too.

Senator Jim D’Arcy: Can we join forces to insist on a further debate on this in which the Minister could outline her plans and vision in greater detail for making history a discrete subject? As a member of the all-party consultative committee on 1916, I am pleased all the historical strands have got buy-in from all parties. A shared space is not a lost space.

Senator Paschal Mooney: I welcome this motion. I was waiting with a certain amount of expectation from my good friend and colleague, Senator Jim D’Arcy, for whom I have tremendous respect and admiration particularly when it comes to history, as he indicated early on that

he would argue for the amendment to the motion. However, I heard nothing about it. Perhaps, frankly, it is because it is a little milk and water. In fairness, however, if I were sitting where Senator Jim D'Arcy is, I would have probably adopted the same tactic. That is not a reflection on or to deflect in any way from his contribution.

An Cathaoirleach: That is a good deflection.

Senator Paschal Mooney: Senator Jim D'Arcy would be a good full-back or goalkeeper.

We in Fianna Fáil believe history must be a key component of the junior certificate education. We should all be deeply concerned at any syllabus changes that could result in a sharp reduction in the numbers studying history as a core subject in post-primary schools. History, it is clear from these proposals, is not going to be taught under this curriculum in a systematic, thorough or meaningful way and can be ignored if that is the choice of the school. We need to ensure history as a subject is not diluted and downgraded and that it continues to form part of the core curriculum. We believe the Minister should issue guidelines to schools instructing that history should continue to be prioritised as a core subject, but this is not in keeping with the proposed amendment to the motion, which speaks about acknowledging the dedicated cohort of history teachers, expresses confidence that the position of history as a subject is secure and states that despite its not being a compulsory subject for all students at junior cycle, more than 90% of students continue to study history at this level. Whoever wrote it did not have his or her heart in it. I cannot understand why we, particularly in this country, should downgrade history, because this is effectively what is happening.

Senator Marie-Louise O'Donnell brought her usual passion to the debate, but within the passion was a very strong argument. I could not help but reflect on the Jewish experience in the Holocaust and why there is a Holocaust industry in terms of books and reminiscences, some of which came very late in life from people in their 70s and 80s who stored up their experiences and would not even reveal to their own families the horrors they had endured in concentration camps under the Nazi regime. The common thread running throughout all of the motivation behind their putting it down on paper was the desire to ensure that people would not forget and, in not forgetting, not repeat it. It brings us to the cliché that those who ignore history are condemned to repeat it.

There are many examples in international politics of history repeating itself. I am reading a book by a distinguished historian, Margaret MacMillan, called *The War That Ended Peace: The Road to 1914*, which gives the reasons as she puts them forward, very coherently and well argued, as to why the First World War happened. I was attracted to the book because of the period of commemoration we are in, but also because there has been a deep understanding, bordering on affection, for history in our family. My late uncle, Fr. Canice Mooney, was a distinguished Franciscan historian who wrote many books on Franciscan experiences in Europe and beyond. My cousin is the best-selling author of *What Niall Saw*, which sold very well when it was published approximately 20 years ago. There has always been an understanding and appreciation of history. My children all took history at second level and enjoyed it as a subject. This must be true of all the others who have taken part in the history curriculum. The subject is mandatory in more than half of schools, but in practice more than 90% of children study it at junior level. History teachers and historians state that changes will result in the downgrading of the subject, and I cannot but agree. They also maintain it will have serious repercussions for young people's understanding of the past and present. Senator Jim D'Arcy made reference to *Stair-Sheanchas Éireann*, and he is right that it ended at 1921. The reason it did so, as I studied years later, was

that the memories of the foundation of the State and the bitter Civil War that resulted had generated so much disagreement between the protagonists on the pro and anti-treaty sides that the Department of Education at the time opted out and did not put forward an historical perspective. It stopped history at 1921. Thanks be to God, we are living in a more enlightened age and we are able to look maturely not only at one side of the debate but at both sides.

Senator Jim D’Arcy: That is how one’s historical perspective is formed. A whole generation-----

An Cathaoirleach: Senator Paschal Mooney to continue, without interruption.

Senator Paschal Mooney: I agree with Senator Jim D’Arcy, but this will be lost. It will be destroyed, because the race for points has already resulted in an enormous drop in the number who, having studied history at junior certificate level, continue to study it at leaving certificate level. My main concern is not trying to score political points; it is that we, in this of all countries, should nurture, promote and enhance an historical perspective and not deny a present and future generation the historical perspective of how our State was formed, 800 years of colonialism, what has shaped us as a nation today and our sense of identity. This is what history brings. It brings a sense of identity and who one is in the world. I cannot for the life of me understand why we are downgrading it, and I am waiting for justification, because this is what will happen. Giving autonomy will not mean that people continue to study history. It is a shameful act by the Government. I would say the same if it was my party in government trying to do the same thing.

In England history was removed as a compulsory subject, but now people want to reintroduce it. Why? Society there is far more advanced multiculturally than we are, and many people who feel English or British or who have an awareness of identity want to assert this identity in an historical context. They want to be able to point to where they started and who they are in the world today. Irish people have a very proud sense of our identity. This has been nurtured by teachers such as Senator Jim D’Arcy and by previous generations, notwithstanding the ending of Irish history in 1921. They brought their own perspective of living history at primary level, following through to secondary level, and nurtured an affection for history. That is why 90% of second-level students continue to take it even though it is not mandatory. I wish and hope the Government can somehow reflect on this. Historians, not least Professor Diarmaid Ferriter, who spoke to the committee, said it was ironic that in the decade of commemorations the Government was downgrading history as a subject in schools.

Senator Ivana Bacik: I welcome the Minister and thank Senators Marie-Louise O’Donnell and Fiach Mac Conghail for tabling the motion. I am standing in for my colleague, Senator Mary Moran, the education spokesperson for the Labour Party group and a second level teacher herself, who is far more qualified than I, as a mere third level educator, to speak on this issue. She has much greater knowledge of the way in which junior cycle curriculum subjects are taught and the changes involved.

As an educator, I have followed the debate, and I am very glad, as the amendment states, that we have seen very recently the proposals agreed between the Minister and the leadership of the second level teachers’ unions on reform of the junior certificate cycle. As a parent of children who are still at primary level but who will participate in the new junior cycle, I am very supportive of the reforms, because it is hugely important to see a renewed emphasis on continuous assessment, more active learning, as we call it, and active engagement in the learn-

ing process, and less of the rote learning to which many of us were subject in secondary schools in our time. I am glad this is being done. It is important that the motion and amendment set the debate on history in the context of the junior cycle reforms, which is the appropriate context.

I speak as a passionate lover of history, who did history to honours level at leaving certificate. I had a wonderful teacher, Anne O'Connor. I studied it for the intermediate certificate, as it was called then, and continued it to leaving certificate. I was very familiar with the drop in the number of students who, having taken history at junior cycle, take it at senior cycle, to which Senator Paschal Mooney referred. It is due to a perception of curriculum overload. I recall from my own learning being conscious of the enormous scope and breadth of the curriculum, the huge task it was and the great deal of memory work required to get on top of it. We need to see reform in the way history is taught.

Having said this, what is right about it is that more than 90% of students study history to junior certificate level; therefore, we are getting this level of history provision. That is notwithstanding the fact that it is not compulsory. It is an important point. There is a misperception and the bandying around of the phrase "downgrading". Most parents assume history is compulsory, but it is not. It is not compulsory from the State's perspective in education and training board schools or in community or comprehensive schools. It is made compulsory in the voluntary secondary sector, as others have said, which represents 52% of second level schools. Despite the fact that it is not compulsory, as we all know, 90% of students present for junior cycle history. I do not think anyone really believes this will change under the new reforms and the regime to be introduced under junior cycle reform. What will change is that we will see history becoming a stand-alone or full subject.

There has been a problem, to which others have alluded, that, due to the historical requirement that history and geography were delivered together, there was a long linkage between them and it was long geography and short history. In fact, there is a 2006 report from the Department of Education and Skills which pointed out that many schools which make history compulsory - the voluntary secondary schools - find it challenging to provide the requisite time for history within the current junior cycle. The new junior cycle framework requires more time to be allotted to the particular subjects - I think it is 200 hours or three 40-minute periods per week over three years. This may lead to increased time provision for history as a subject and one would hope we will not see any drop off in the number of students studying history at junior cycle level. I know that a good deal of work is still being done in terms of the preparation of the curriculum under the revised junior cycle model but there is again this emphasis on quality learning rather than on quantity, and on active engagement with subjects rather than rote learning. I believe that will be hugely important in the learning of history for all the reasons that Senators Marie-Louise O'Donnell and Fiach Mac Conghail so eloquently put forward, for example, the importance of students gaining a sense of identity and an understanding of the past, all of which is hugely important.

We should bear all of this in mind when we are considering and debating junior cycle reform and also reform of the teaching of history. I am glad that the Government amendment states it is confident the position of history as a subject is secure and that history will be continued to be studied by the vast majority of students at junior cycle level. Nothing will change in terms of our history teachers, and, as many have acknowledged, that is one of the most important reasons so many students are so keen to study history, even in schools where it is not compulsory, namely, the quality of the teaching. That certainly will not change and I pay tribute to the teachers.

Both the motion and the amendment refer to the fact we will be entering the centenary year next year and there is a programme of events for Ireland 2016. Of course, the education sector in general and history teaching in particular will play an important role in that regard. There is an extensive programme of events to celebrate the decade of centenaries and many competitions are being run, including a schools history competition and, of course, poetry, drama and art competitions through the schools to commemorate the centenary. I think that most appropriate and look forward to all of these events.

I again thank Senators Marie-Louise O'Donnell and Fiach Mac Conghail, and their colleagues for putting forward the motion.

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire Stáit. Táimse thar a bheith sásta an rún seo a fheiceáil os comhair an Tí anocht agus táim thar a bheith sásta go bhfuil mé in ann a rá go bhfuil Sinn Féin ag tacú go hiomlán leis. Dhá bhliain ó shin, tháinig Niamh Crowley agus cuid mhaith eile ón ngrúpa atá ag plé le múinteoirí staire anseo agus rinneadar cur i láthair don chomhchoiste oideachais. Dúirt siad gur cheart go mbeadh an phrìbhléid ag chuile dhuine óg an stair a bheith acu mar ábhar agus iad ar scoil. Labhair sí faoin mholadh a bhí déanta ag an gComhthionól Eorpach in 1996, uimhir 1283, ar an ról a bhaineann le foghlaim na staire san Eoraip, ina ndúradh go bhfuil sé fíor-thábhachtach go mbeadh eolas ag an duine óg ar an stair agus go mbeadh sé sin mar chuid lárnach den oideachas a fhaigheann siad.

Two years ago, Niamh Crowley and many others from the History Teachers Association of Ireland gave presentations to the education committee. Niamh Crowley spoke about what the association saw as the entitlement of every young person to an historical education and she referenced the 1996 European Assembly recommendation 1283 on the learning of history in Europe, which stated historical awareness should be an essential part of the education of all young people. I, too, believe historical awareness should be an essential part of the education of all of our young people.

If the commemoration period teaches us anything, it is the importance of history and nationhood. Not to have history as a core subject from the junior cycle would be a great disservice to the study of the subject and young people who stand to gain a great amount of knowledge from the subject. From the ancient world towards pre-Christian Ireland, from the medieval world to the reformation, from the plantation of Ireland towards the Second World War, history at junior cycle level provides students with a basis for understanding how the world has come to function as it currently does.

History is one of the most important subjects for creating well rounded and educated individuals. The study of history and all involved helps equip students with a wide variety of skills which are applicable to other subjects and life itself, such as analytical skills, comprehension, understanding and many more. History is far more than the study of times gone by; it is an analysis of the blueprint of how our world has evolved and come to this point. The subject is a great advantage to young students and it provides immense skills that later come into play in a person's life. It ensures that students acquire knowledge of and understanding about human activity in the past. It ensures they understand the contemporary world through the study of the past. History helps students to develop conceptual understanding and the ability to think independently. It also helps students to develop a commitment to objectivity and fairness, and an acceptance that people and events must be judged in the context of their values and time.

At a time when the education system is being criticised for rote learning and a lack of criti-

cal thinking, I believe it would be a mistake not to have history as a core subject on the junior cycle curriculum. I do not see another subject which encourages the level of critical thinking that history does. History must be taught and learned as a full subject and not relegated to a short course or a learning experience. If we do not have history as a core junior cycle subject, I am sure it will be the thin end of the wedge, and, before long, there will be moves to remove even more humanities subjects from all areas of the education system. What will be lost with the devaluation of the humanities is unquantifiable.

Undoubtedly, what employers say they really need is the kind of education that teaches students how to think, innovate, communicate, work in teams and solve problems. That is what the study of history and the other humanities subjects does. The liberal education has always sought to provide students with more than mere professional qualifications. We need to move away from dividing the education system into the binaries of either teaching people general knowledge or training them for specific jobs. There can be a symbiotic relationship between the two, and there should be, throughout the education system.

Nonetheless, I would make the following points. For some time now, there has been a continued and sustained assault against the humanities and the arts. This has happened throughout the education system, from primary through to third level. It is a new wave of philistinism across the whole of society, and a fixation on the marketisation of education and the education system. I believe not making history a core junior cycle subject is further evidence of this.

In June of 2012 the Taoiseach stated: “As we move into the decade of commemorations that stretch before us, from the 100th anniversary of the Third Home Rule Bill, the Ulster League and Covenant, the foundation of the Ulster and Irish Volunteers, the Dublin Lockout, 1916, the Somme, and beyond, it is imperative that the social, cultural, economic, administrative and political environments that shaped these events be understood.” It would be a shameful state of affairs if, during the decade of commemorations and on the eve of the 100th anniversary of the 1916 Rising, the study of history was not the universal entitlement of all young people. Sinn Féin supports the Private Members’ motion before the House.

I would also like to make the point that ceann de na príomhrudaí atá tábhachtach ná na hachmhainní tacaíochta múinteoireachta atá ar fáil, go háirithe trí mheán na Gaeilge. Ós rud é gurb an tAire Stáit é féin atá anseo, tuigim gurb é seo ceann de na clocha atá ar a pháidín féin. Molaim an obair an-mhaith ar fad atá déanta ag an gComhairle um Oideachas Gaeltachta agus Gaelscoilaíochta ó thaobh áiseanna as Gaeilge a chur ar fáil ach tá gá le tuilleadh, go háirithe i réimse na staire. Tá sé oiriúnach sna scoileanna beaga agus Gaeltachta ach go háirithe. Maidir leis an scoil ar a ndeachaigh mé féin i gCarna, ní hé nach raibh an scoil ag iarraidh go mbeadh an stair ar an gcuraclam ach ní riabh dóthain múinteoirí sa scoil go bhféadfaí é a chur ar fáil. Ba mhór an laigeacht é sin ar an scoil. Tá dúshlán faoi láthair ann ó thaobh scoileanna Gaeltachta agus scoileanna beaga tuaithe. Cé go mbeidís ag iarraidh é a chur ar an gcuraclam, ní bheidh dóthain múinteoirí in san scoil de bharr na huimhireacha beaga atá sa scoil, b’fhéidir, é sin a chur ar fáil. Is ceist í sin. Ní leor é a bheith sa churaclam. Is leor na hachmhainní agus na múinteoirí a bheith ar fáil chuige sin chomh maith mar aon le múinteoirí atá oile i nGaeilge. Tuigeann an tAire Stáit cad tá i gceist agam agus an plé atá ar siúl leis an bpolasaí oideachais Ghaeltachta. Molaim an rún atá curtha ós comhair an Tí agus tacaím go hiomlán leis.

Senator Catherine Noone: I thank Senators Marie-Louise O'Donnell and Fiach Mac Conghail for tabling the motion and the debate that has ensued. This is clearly an emotive topic for Senator Marie-Louise O'Donnell and for many others - lovers of history, those involved in the

teaching of history and those who have studied history in the past. It would be fair to say that the majority of us, if not all of us, sat history for our junior certificate, and a great many of us would have continued this into the leaving certificate.

When I first heard that history would no longer be a compulsory subject for the junior certificate, I was a little taken aback. However, on further analysis, it is clear that history is already not truly compulsory, as other Senators have noted, given ETB schools, community schools and comprehensive schools are not obliged to teach it. All the same, we are a nation rich with history and many of us are citizens who love learning and sharing our history with others. There is a fear that this will somehow die out with this reform. Hence, it is an emotive topic and I can understand the concern and the tabling of the motion.

However, the Minister has been clear regarding her plans for history as a subject for the junior cycle. History is only compulsory in 52% of the total schools in the State, including, for example, voluntary secondary schools, while it is not compulsory in the remaining 48% of schools. What does it tell us that 90% of students sit the junior certificate history examination? It means in effect that approximately 80% of students in schools in which history at junior certificate level is not compulsory still opted to take the examination. This is a healthy proportion by any measurement and supports my core belief that students will continue to consistently choose history at junior cycle level. Nevertheless, I share Senator Marie-Louise O'Donnell's concerns and support Senator Jim D'Arcy's sensible request to have the Minister come before the House to set out her plans in detail because it is important that the House debate them.

We need to consider the institutional knowledge at each school. Schools with a tradition of compulsory history at junior certificate level will clearly have the teachers, know-how and experience of teaching history. Will the change in the status of history in the curriculum make any substantive difference to the numbers taking history in such schools? My gut instinct is that it will not make any difference and I expect this will become clear in the fullness of time. Nevertheless, I share and understand Senator Marie-Louise O'Donnell's concerns in this regard.

We must remember that a dedicated cohort of history teachers, including Senator Jim D'Arcy in his day, is doing a tremendous job instilling a love of history in students year after year. I am sure teaching about *The Beano* caught the attention of the Senator's students, although unless I have lost touch completely with what is being taught in school, I doubt that comic is on the syllabus. History is still taught to the overwhelming majority of junior certificate students in schools where the subject is not compulsory.

I will return to the reference in the motion to the decade of commemorations. As the Minister noted, a wide range of events is planned to mark the decade of commemorations from an education perspective. Above and beyond the programme of school specific events to which the Minister referred, there will also be a variety of competitions for schools across the fields of history, art, song, poetry, drama and film. These competitions will be held in partnership with a number institutions, including the Abbey Theatre, the National Concert Hall, the National Gallery of Ireland and RTE. In addition, a new transition year module will be introduced, as will a new optional "politics and society" module in the leaving certificate curriculum from September 2016. This topic will, I hope, complement the teaching of history in a large number of schools. A number of community history events will also take place nationwide. Grants have been provided to each county and city council to disburse throughout local communities. Across Dublin, a number festivals and competitions will be held in 2016, thereby reinforcing the importance of history to society.

While I understand the concern behind the motion, I hope and believe it makes sense to ensure consistency in the way in which junior cycle history is treated between different categories of school. Similarly, it is sensible that only English, Irish and mathematics are treated as compulsory core subjects. As the Minister has consistently stated, there is no intention to downgrade history or any other subject outside of the compulsory core subjects. Her proposals are aimed simply to allow flexibility in schools.

As I stated, this is an emotive topic and one on which I welcome a debate. A love of history is embedded in the genes of many of us. While I understand the concern and emotion that lie behind the motion, I hope and believe the proposed changes will not in any way diminish the teaching of history in the junior cycle. As I indicated, I support Senator Jim D'Arcy's request that the Minister come to the House and ask that it be relayed to the Leader.

Senator James Heffernan: I make this contribution as a student of history, a subject in which I have been interested since I was knee-high to a grasshopper. Young people should be interested in history. If we do not understand or have knowledge of our past and the mistakes we made, we will not be in a position to create the brighter future to which we aspire. Irish people are surrounded by history, whether in the fields, moats and ditches or in the ruins of the castles one finds in every town and village. It is difficult to fathom the reasons for downgrading history at junior cycle. Why deny people the opportunity to learn about the past? Why keep them in the dark? The country has been held back for some time. We need only consider the various industrial schools that operated around the country. The Government appears to be engaged in an effort to brush these types of issues under the carpet, which is not a way to promote any form of progress.

We are moving into a historical decade of commemorations for which terrific events are planned. Last week, for example, the Seanad discussed the legacy of William Butler Yeats. A fantastic exhibition in Collins Barracks on events in Gallipoli has brought history to life. If we do not educate people impartially and present them with the facts of history - what happened, the reasons it happened and where it has led us - we will, as Senator Jim D'Arcy stated, deny people a sense of enlightenment. Everyone should strive to seek enlightenment and to enlighten others at all times.

History is subjective and can be hijacked by different interest groups to suit particular agendas. I have seen so-called socialist republicans commemorate Sean South who could not have more right-wing than Franco. I am wary of the practice of hijacking history in pursuit of certain aims. History is about facts that we know about and events that took place. We should not try to deprive young minds of factual commentary.

My grandparents and great uncles were fantastic in teaching history to me and I had a great teacher, Tommy Moore, of leaving certificate history and great history teachers in the University of Limerick. Ireland has many fantastic historians, including Professor Diarmaid Ferriter, for whom I have the utmost regard.

I wholeheartedly support the well intentioned motion introduced by Senators Marie-Louise O'Donnell and Fiach Mac Conghail who are clearly passionate about our past. We should all be passionate about our past and future. As I stated, without knowing about and learning from the mistakes of the past, we are destined to repeat the same cycle. We are often told that history is cyclical but that need not be the case. Learning from and understanding the past helps us to create a better future. This has always been my philosophy. History should be a compulsory

subject at junior certificate level as it will be good for future generations.

6 o'clock

Senator Paul Bradford: I, too, support the motion and echo the words of the previous speakers. I listened to the contribution of the proposer and seconder of the motion in my office and their passionate comments show how committed they are to this proposal. It is politically depressing - this is not a partisan point - that such a sensible, reasonable, non-political and non-judgmental motion could not be approved without a Government amendment being tabled. We are speaking about history and learning from the past. Surely one of the lessons of the politics of these Houses over the past 40 to 50 years is that both sides, Government and Opposition, can come up with good ideas and suggestions and the font of wisdom is not always on the Government side. I thought we had moved on a little and, as a House, we could be willing to accept a completely non-judgmental, informative and interesting motion. I hope the Minister of State is embarrassed about the amendment and that if the numbers stake up, it will be rejected. It is the sort of washed-out faded politics which, if the Minister of State will excuse the pun, we should try to confine to history.

Returning to the subject before us, I completely agree with the motion presented by Senators Marie-Louise O'Donnell and Fiach Mac Conghail. It is something which I have spoken about previously because so many of the tragedies on this island and in this county have occurred because of the warped misunderstanding and presentation of Irish history. Much of the carnage and mayhem which we saw on the streets of Northern Ireland and, unfortunately, on the streets of this Republic over the past 40 or 50 years would not have occurred were it not for the one-sided presentation of fact, turning fiction into reality and the uneven presentation of our history. For better or worse, we all are part of the product of history, good and bad. If we can try to ensure that every student at the earliest possible opportunity is given a balanced view of history and is educated that no one is all right and no one is all wrong and that there are two sides to every part of our history, that would be a major step forward.

The Minister of State represents a Border constituency. People in his county, as he will be aware, on many occasions, took different views on the conflict in his county and on the other side of the Border. People held firmly to views, which we may not have agreed with, but at least we should be able to examine, understand and try to explain what happened. It is great to see so many television documentaries now - some documentaries, such as the "Collusion" programme last night, are uncomfortable - forcing us to recognise what happened, some of which we pretend we did not know was happening. We all require a greater knowledge of history but it must start in the classroom.

We could have, and perhaps should be having, much more philosophical discussions about education, its purpose and value. Half of the country gets excited every June about the so-called leaving certificate examination as if it somehow is a yardstick to a person's future, value and worth. We are dumbing down education with the concept of points, qualifications and courses. Local history and matters such as one's knowledge of one's community, parish and county, as enunciated by Senator James Heffernan, are merely cast aside as being irrelevant. We proudly proclaim about this marvellously educated country we have and having the best educated young people in the world. When one asks some of these people what is the meaning of the name of their parish, what happened in their parish during the Civil War or who from their parish fought for the British army in the First World War, they have no knowledge of the history of the people in their parish and yet these are the supposed best educated young people

in Europe, if not the world.

We have a considerable amount to learn about our educational system, but I am adamant that the lack of balanced history teaching and the lack of willingness to accept that there is another side to our history has been a cause of much misery on this island. It was probably only when I went to secondary school that I realised the tragedy of the Civil War was not as black and white as it seemed and that, in a general election, the people actually supported the treaty and Michael Collins's view of settlement. For 40 or 50 years, that view was deliberately written out of Irish history, and this is not a bash Fianna Fáil moment on my part. There was the famous occasion in 1966 when the then Department of External Affairs annual official directory of Ireland, in the chapter of significant Irish persons, did not even mention Michael Collins. There are also two sides to the story in the history of Michael Collins but the necessity, from our perspective, is to try to ensure the two sides or sometimes the three or four sides are very much on the public agenda for debate. Nobody is right or wrong in history because we cannot judge the deeds, actions or thinking of persons 50 or 100 years ago, but we must at least try to force ourselves to try to examine matters from their perspective.

The motion, while short, is crucial. The Minister of State and his colleagues should allow it. I am not calling it an innocuous motion but it is innocuous from a party-political perspective. It is important from an educational perspective. Surely, as an equal House of the Oireachtas, we should be able to support such a concept.

I thank the Cathaoirleach for the little leeway. I will conclude by saying that when I first served in the Seanad some years ago, it was a privilege to sit alongside the former Senator, Professor John A. Murphy, from Cork. His so-called revisionism of history was not revisionism; it was simply forcing us to recognise and respect the fact that there was a second side to the story. It was an education being in the Chamber with that gentleman, who is still hale and hearty and writing letters to *The Irish Times*, including one today. He forced us, in an uncomfortable fashion, to see another side to the so-called glorious deeds of previous generations. If one adds that to the contribution of others such as the late former Senator Gordon Wilson and others, we have all learned so much. We must ensure that everybody learns and it must start in the classroom. Long after the 1,000 points, the 500 points and the fancy courses have passed, people will need to have a knowledge of place and history. That is why this motion is so important and why I am so pleased to support it.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): I really enjoy coming into this House for two reasons. First, it works one's imagination, feeling and thinking, for which I thank Senator Marie-Louise O'Donnell. Second, this subject is close to my heart. Anything to do with education and the wider elements of education are important. Therefore, I thank the Senators for tabling the motion. It has turned into something of a tennis match or a debate on how some pronounce "tomato". That is okay because any opportunity to discuss anything to do with the future of this country or the education system is a good opportunity. I note Senator Catherine Noone and a few of her colleagues in this House have asked for a further debate with the Minister for Education and Skills and I will certainly be reflecting that demand. Historical skills will continue to be core. I say that with confidence, and not just from a curriculum or Government point of view, because in the past year I have had the enormous privilege of visiting many small and large communities where there is a major appetite for learning local history. Senator Paul Bradford referred to opportunities missed in the past. Parishes in my county have links to the First World War and men from them and neighbouring parishes died on the battlefields. This morning I was in a wonderful place in

Clondalkin and saw the mix between community bunscoileanna and meánscoileanna in terms of community development. Part of the mix involved the Irish language. It is major project.

I have visited places such as Ennis and secondary schools all over the county. I have been to Limerick and Gaeltacht areas of the Sean Phobal and Rinn Gaeltacht, the Múcraí Gaeltacht of west Cork, Kerry, Mayo, Galway and Connemara. There is a major yearning to learn history. We as legislators have to respond to that community demand. That is what we are trying to do in the changes we are making. Any type of change involves consistencies and inconsistencies. It is about showing leadership in responding to a community-led appetite.

I have confidence not only in our current history teachers but in the new teachers coming through the system, as well as potential history teachers in primary and secondary schools who are in university. I have confidence in giving them the responsibility to articulate local history. Senator Paschal Mooney used the term “trepidation,” and I will never forget the trepidation I felt on my first day of going from a small rural primary school to secondary school. It is different now, and that was a long time ago, 1983. I still remember that trepidation and disconnect from the local, and even though the school was only 12 miles away I never had an opportunity to learn about the rebel priest Fr. McFadden, or Cardinal Logue, who was born in my parish, because there was no curriculum that gave the opportunity to be creative about learning local history and geography.

It is not a black and white issue, but we have an opportunity to continue the debate, work on the creative mind and return to imagination. As a maths teacher in Letterkenny in 1993, I remember the change that took place when first year students moved to second year. I could make Pythagoras’s theorem exciting to a first year student, and we discussed the Greeks at length. It is a long time ago, but between first and second year I found the mind became elongated around streamlining, subjects and exams. As legislators, we have to continue to challenge ourselves as to how we can work the creative mind of the people of this country.

People do think differently now. There is a sociological term for young people who were born with the Internet: “digital natives.” They think, see and do things differently, but they still have an appetite for the local and for history. When I was born my house did not have a land-line, and I am sure it was the same for Senators Paschal Mooney and Diarmuid Wilson. Some people were born with dial-up broadband, but there are new digital natives in this country. As legislators we have to respond to the changing dynamic.

One of the reasons we have to keep history at our core is that we need to know how our ancestors overcame challenges and adversity in the past. Senator James Heffernan is one of the lucky ones who had a appetite for history in primary and secondary school. I only developed it in the past ten years. However, as someone from a Border region, my history was pretty black and white and shrouded in anger and a “them-and-us” approach. I went to university across the Border and met young 18-year-old boys - I did not think they were boys at the time - from Manchester and Liverpool with guns. That is a type of history, and I was trying to learn it amidst a shroud of negativity.

As a Leitrim and Cavan man, I have space because of the peace process. When everybody was talking about the peace process in 1998, I did not know we would create a new space and I did not know what it meant. It means that we can now learn our history in a protected environment. That can involve people from south Armagh going to Glencolmcille to learn Irish. Linda Irvine, who is from east Belfast, told former UDA paramilitaries that the name “Ibrox,”

the home of Glasgow Rangers, comes from an Irish word.

I was in St. Patrick's Cathedral in Armagh a number of years ago when Robin Eames said that education is what it is left when everything else has been forgotten. That is where our responsibility lies. We have to consider being creative about our history, which is our job as legislators.

I mentioned the First World War. Senator Jim D'Arcy never taught me history, but from knowing him I know that he probably made it real, connected people to their past and gave them objectivity. We have to ensure the objectivity that did not exist when I did my intermediate certificate is present now.

I could go on all day. I feel passionate about the education process. I want to express to Members, as legislators, that the mood out there is positive in terms of the appetite for learning our history. We cannot set aside our language as an independent correlation or parallel to history. I learned Donegal history, probably in the right way, for the first time over the past year. I am learning Donegal Irish for the first time, words such as "millteanach," where I was taught "uafásach," both of which are wonderful words. I am learning more about my place. I was taught the word "freisin" in school, but "fosta" is the Ulster version. There is also "An seachtain seo a chuaigh thart," the week that went by, instead of "an seachtain seo chaite", and "gasúr dalba" for "buachaill dána." I am learning this wonderful richness. I am learning about places like Cuan na Beirtrí Buí in west Connemara and finding out a lot about our history. I heard about An Teach Dóite, in Galway, whose name in English is not a direct translation. We have to be open to change, because people constantly change and evolve. We are in a new space. Next year, 2016, is the year in which we will see change and communities responding to ways of reflecting on where we were 100 years ago, how we can learn from the past 100 years and how we can imagine the future, of which the next generation will be a part.

Go raibh míle maith agaibh arís. Níl an díospóireacht críochnaithe. Tá a lán oibre le déanamh amach anseo agus ba mhaith liom mo bhuíochas a ghabháil le gach Seanadóir a ghlac páirt sa díospóireacht anocht. Go raibh míle maith acu agus chífidh mé iad amach anseo.

Senator Marie-Louise O'Donnell: Is the Minister of State sure he is in the right Department? It is probably the best answer to any amendment from a Minister. I thank him because I am on the edge of a precipice of conviction. I would like to point out a few things to Senators. People tell me that they know something is an emotive argument. It is like another downgrading. Senator Catherine Noone is gone, but I note that my argument was a cognitive one even though there is nothing wrong with an emotive argument. If something is based on a profound feeling, it is, therefore, a profound thought process. I sometimes feel there is a disingenuous way of getting back at somebody.

As a life-long educator, I sometimes go to the philosophers who are great thinkers on how we should educate and the kinds of knowledge we should impart to young people. I have a great fear about a capitulation to a banking system of education and to economics. I watched my last university, DCU, roll over to the bankers and economists and come to believe mathematics was the only way forward and that the only way to really educate our young people was to give maths extra points and to make it relevant. It was completely incorrect because it creates a hierarchical structure of subjects, which I am completely against. It creates an apartheid of subjects in which one subject is considered better or worse than another. That is not the case and all subjects are of equal weight. While it is not to say they are more important

than others, there are subjects such as language and those relating to who and what we are in which one needs a core facility. I was disingenuous in drafting the motion when I wrote “core/compulsory”. My aim was to get the argument going because what we have done is take to take history from core to discrete with “*discretus*” meaning “to separate”. My argument is that if we do that, we will lose the core value. I was interested in the Minister of State’s use of the core value and that it does not become a discrete subject out there, like a kind of pick and mix of nuts on the way into the cinema. The world’s history is the world’s judgment and without it, young people will have none.

History and the arts, which are so below par in the curriculum that they are hardly spoken about, constitute a counteraction against the saturation of the information highway. We are told technology will save us, but it will not. Plugging something in will not save us. There is a view that history has moment as a counterweight to the fact that is immediate. As my colleagues said, it is about fact because so much of our psyche, social responsibility, habits and processes have been undermined and dwindled away by a way of thinking that is coming at people every time they turn around, from advertising to marketing, from media to tablets, in the way we live our lives. We rely on great history teachers, schools and education to be the counter-terrorist to that terrorism. It is a kind of terrorism of young minds and that is why I put it in there as a core subject.

We are very bad in Ireland at having major discussions about knowledge whereas we discuss constantly whether young people are bored. Sometimes they are and sometimes I am. Learning is difficult and we need memory, reading, rereading and counter-reading. We also must acknowledge that the kinds of knowledge we impart cannot be a parallel of the great, saturated information highway. We will end up teaching “The X Factor”. We must counteract what goes on out in the saturated world. History is one of the subjects that does so brilliantly. Hopefully, as the Minister of State suggests in words that are not used a great deal, that can be done imaginatively and creatively. I have argued here at all times that it is not bankers and economists we should be trying to educate; it is creative thinkers. I acknowledge the Minister of State’s belief that will happen. As a non-digital native and an auld doll, I thank the Minister of State, who is such a native.

I also thank Senator Jim D’Arcy, who is a great colleague and a most well-read historian. We have wonderful conversations. I take on board much of what he said, including what he said about *The Beano*. He was right. It is about Whitehead’s choices and why we teach literature. Funnily enough, if one looks at literature, law, music, poetry and drama, one sees that they get their spine from history. They integrate it and take their spine and trajectory from it. I take the Senator’s point about *The Beano* and its capacity to encapsulate its times, social history and the way people live. It is a great point.

An Cathaoirleach: I would say the Senator was a fan of *The Dandy*.

Senator Marie-Louise O’Donnell: In fact, I was a *Bunty* and *Judy* fan. I was not allowed to read *Jackie*, which conveys the confinement of my upbringing.

Senator Paschal Mooney: I used to read *Bunty*.

Senator Marie-Louise O’Donnell: To be fair to the Minister, she rang me yesterday to say that while she would have liked to be here, she was unable to attend as she had business in the Lower House. I acknowledge that. She had a wonderful person take her place. While I will

not press a division, I would like the Minister to come to the House to set out her plans and the core nature of history for history teachers, the subject generally and knowledge for the future. I do not want to see it become a matter of short courses.

I thank the Minister of State for his time and reaction. I thank my colleagues also. This is a topic that is not going away. The teachers are very interesting and truthful people who work very hard. They have taken on the Department, which has had to capitulate, reverse, change and come to an agreement. Something will have to be done about this as well and I would like to give the Minister the opportunity. I thank the History Teachers Association of Ireland and those people who work in the area who are in the Visitors Gallery.

Amendment put:

The Seanad divided: Tá, 16; Níl, 11.	
Tá	Níl
Bacik, Ivana.	Bradford, Paul.
Brennan, Terry.	Byrne, Thomas.
Burke, Colm.	Craughwell, Gerard P.
Coghlan, Paul.	Daly, Mark.
Cummins, Maurice.	Heffernan, James.
D'Arcy, Jim.	Mooney, Paschal.
Gilroy, John.	Ó Clochartaigh, Trevor.
Hayden, Aideen.	O'Donnell, Marie-Louise.
Landy, Denis.	Power, Averil.
Moloney, Marie.	van Turnhout, Jillian.
Mulcahy, Tony.	Wilson, Diarmuid.
Mullins, Michael.	
Naughton, Hildegard.	
Noone, Catherine.	
O'Neill, Pat.	
Whelan, John.	

Tellers: Tá, Senators Paul Coghlan and Aideen Hayden; Níl, Senators Paschal Mooney and Diarmuid Wilson.

Amendment declared carried.

Motion, as amended, put and declared carried.

Business of Seanad

Senator Maurice Cummins: I propose an amendment to the Order of Business that only Committee Stage of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 be taken at 7.30 p.m. We had agreed on the Order of Business to take Committee and Remaining Stages but amendments have been submitted on Report Stage.

An Cathaoirleach: Is the proposal to amend the Order of Business agreed? Agreed.

17 June 2015

Sitting suspended at 6.40 p.m. and resumed at 7.35 p.m.

Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015: Committee Stage

Acting Chairman (Senator Michael Mullins): I welcome the Minister for Justice and Equality, Deputy Frances Fitzgerald.

Sections 1 to 3 agreed to.

SECTION 4

Question proposed: “That section 4 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: Cuirim céad fáilte roimh an Aire. Sinn Féin has certain reservations about the Bill. A number of amendments need to be brought forward on Report Stage to replace the advisory role given to the authority, where the Minister and the Government retain control, with provisions that take the power from the Minister and the Government and give it to the authority to use directly. A number of amendments are required, which would replace the words “upon agreement of the Minister/Government” with “authority”. Specifically on Part 2, the Minister should not have the final say on what constitutes a security service and what constitutes a policing service. As one of the parties with control over one of the two services, to allow the Minister to have the final say on the difference between security and policing constitutes a conflict of interest, so we reserve the right to bring forward an amendment in this regard on Report Stage.

Question put and declared carried.

Sections 5 to 7, inclusive, agreed to.

SECTION 8

Question proposed: “That section 8 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: In line with the need for the authority to be truly independent, the Minister should not be permitted to appoint the deputy Garda Commissioner. The role of the authority under this Bill in recommending the appointment is not strong enough and this should be amended to allow the authority to directly appoint the deputy Garda Commissioner. If the deputy Garda Commissioner is to be accountable to the Garda Commissioner, who is accountable to the authority, the authority must have effective mechanisms to oversee the appointment and removal of the deputy Garda commissioners. We reserve the right to bring forward amendments in this regard on Report Stage.

Question put and declared carried.

Section 9 agreed to.

SECTION 10

Question proposed: “That section 10 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: Again, there is a need for the authority to have the power

to directly appoint and remove ranks from superintendent up and, therefore, we may bring forward amendments on Report Stage in order that the Bill reflects this.

Question put and declared carried.

SECTION 11

Acting Chairman (Senator Michael Mullins): Amendments Nos. 1 to 4, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Government amendment No. 1:

In page 12, between lines 35 and 36, to insert the following:

“(b) by the insertion of the following subsection after subsection (5):

“(5A) A statement or admission made by a person pursuant to a direction under subsection (3) shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under subsection (5)).”.

Minister for Justice and Equality (Deputy Frances Fitzgerald) (Deputy Frances Fitzgerald): Amendments Nos. 1 and 2 have been proposed by the Office of the Attorney General for inclusion in the Bill in order to make it clear in statute what is, in practice, a constitutional protection. The amendments provide that a statement or admission made by a person pursuant to a direction during an inquiry under section 12 and proposed section 13A of the principal Act, in relation to a proposed removal, will not be admissible as evidence in proceedings brought against that person for an offence, other than an offence under the particular sections themselves. Sections 12(5) and 13A(6) create offences for failure to co-operate with the inquiries. Amendments Nos. 3 and 4 are purely technical amendments which change the numbering of the provisions in proposed section 13A to accommodate the new subsection (7).

Amendment put and declared carried.

Question, “That section 11, as amended, stand part of the Bill,” put and declared carried.

SECTION 12

Question proposed: “That section 12 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: The current provision allowing the Minister to initiate and oversee inquiries into policing matters may well need to be amended to give this power to the authorities; therefore, we reserve the right to bring in an amendment on Report Stage.

Question put and declared carried.

SECTION 13

Government amendment No. 2:

In page 14, between lines 37 and 38, to insert the following:

“(7) A statement or admission made by a person pursuant to a direction under subsection (4) shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under subsection (6)).”.

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Amendment put and declared carried.

Government amendment No. 3:

In page 14, line 38, to delete “(7) If an inquiry” and substitute the following:

“(8) If an inquiry”.

Amendment put and declared carried.

Government amendment No. 4:

In page 15, line 5, to delete “(8) As soon as practicable” and substitute the following:

“(9) As soon as practicable”.

Amendment put and declared carried.

Question proposed: “That section 13, as amended, stand part of the Bill.”

Senator Trevor Ó Clochartaigh: As we feel there may be a need to make a small technical amendment to this section, in line with the new provisions relating to the removal of officers, we reserve the right to propose such an amendment on Report Stage.

Question put and declared carried.

SECTION 14

Question proposed: “That section 14 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose an amendment on Report Stage to give the Garda Commissioner with oversight from the authority, as opposed to the Minister, the power to appoint gardaí, sergeants and inspectors.

Question put and declared carried.

Sections 15 and 16 agreed to.

SECTION 17

Question proposed: “That section 17 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose an amendment on Report Stage to provide that the consent of the Minister is not required for the appointment of civilian Garda staff and to give oversight to the authority in this regard.

Question put and declared carried.

SECTION 18

Question proposed: “That section 18 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose amendments on Report Stage to provide that the approval of the Minister for the setting of the priorities of An Garda Síochána is not required. We feel the authority should be independent in its functions and

should be responsible for this oversight.

Question put and declared carried.

SECTION 19

Question proposed: “That section 19 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: Again, we are reserving the right to propose an amendment on Report Stage to ensure the authority does not require ministerial approval.

Question put and declared carried.

SECTION 20

Question proposed: “That section 20 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose an amendment on Report Stage to ensure the authority does not require the ministerial approval previously mentioned.

Question put and declared carried.

Sections 21 and 22 agreed to.

SECTION 23

Question proposed: “That section 23 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose amendments on Report Stage to allow for the authority, not the Minister, to issue written directives to the Garda Commissioner. Sinn Féin believes the Garda Commissioner should be accountable to the authority and both should be independent of the Minister’s control.

Question put and declared carried.

Sections 24 to 30, inclusive, agreed to.

SECTION 31

Question proposed: “That section 31 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: We reserve the right to propose amendments on Report Stage to remove the grasp of Government control and give the authority independence in its own functions.

Question put and declared carried.

SECTION 32

Question proposed: “That section 32 stand part of the Bill.”

Senator Trevor Ó Clochartaigh: In the original heads of the Bill, the Garda Commissioner was to be fully accountable to the authority. In the published version, this was watered down so that the Minister retains oversight and the Garda Commissioner merely reports to the authority. Sinn Féin believes the authority should be independent, rather than merely being fed

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small bones of delegated power from the Government. If the authority is to have real teeth, the Garda Commissioner must be accountable to it. The Bill needs to be amended to reflect this. We reserve the right to propose amendments on Report Stage to this effect.

Question put and declared carried.

Sections 33 to 35, inclusive, agreed to.

SECTION 36

Question proposed: "That section 36 stand part of the Bill."

Senator Trevor Ó Clochartaigh: We reserve the right to propose amendments on Report Stage in this regard. We are concerned about the Government's control over the authority and the authority's consequent lack of independence in its functions.

Question put and declared carried.

NEW SECTION

Acting Chairman (Senator Michael Mullins): The acceptance of amendment No. 5 involves the deletion of section 37.

Government amendment No. 5:

In page 28, between lines 2 and 3, to insert the following:

"37. Section 45 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by the substitution of "governance and financial matters" for "financial matters", and

(ii) in paragraph (c), by the substitution of "the Authority and the Minister" for "the Minister",

and

(b) in subsection (2)(a), by the substitution of "Government guidelines on governance and financial issues" for "Government guidelines on financial issues".

Deputy Frances Fitzgerald: The purpose of this amendment, which is essentially technical in nature, is to reflect more accurately the role undertaken by the Garda Síochána audit committee, the functions of which are dealt with under section 45 of the principal Act. In practice, the committee provides advice to the Garda Commissioner on governance matters in addition to financial matters. The amendment confirms this by making appropriate provision for governance work as well as financial work. This reflects what audit committees do. It is being spelled out by the amendment.

Amendment put and declared carried.

Section 37 deleted.

Sections 38 to 42, inclusive, agreed to.

SECTION 43

Acting Chairman (Senator Michael Mullins): As amendments Nos. 6, 10, 11, 19 and 20 are related, they may be discussed together.

Government amendment No. 6:

In page 29, to delete lines 26 to 31 and substitute the following:

“(a) in subsection (4), by the substitution of the following paragraph for paragraph (c):

“(c) is made to a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 for the purposes of a Part 2 inquiry, within the meaning of that section, under that Act,”

and”.

Deputy Frances Fitzgerald: The principal purpose of amendments Nos. 6, 10, 11, 19 and 20, which are purely technical and have been provided by the Office of the Parliamentary Counsel, is to insert the correct collective citation for the Tribunals of Inquiry (Evidence) Acts into the principal Act. The amendments also give effect to some grammatical changes which do not alter the substance of the relevant provisions. These amendments are technical.

Amendment agreed to.

Section 43, as amended, agreed to.

SECTION 44

Acting Chairman (Senator Michael Mullins): Amendments Nos. 7 and 8 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 7:

In page 33, line 29, to delete “or” where it secondly occurs.

Deputy Frances Fitzgerald: These are technical amendments to take account of the recent enactment of the Companies Act 2014 and to update the reference to the Companies Act at proposed section 62F of the principal Act, which is being inserted under section 44.

Amendment put and declared carried.

Government amendment No. 8:

In page 33, to delete lines 30 to 32 and substitute the following:

“(e) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

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(f) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.”.

Amendment put and declared carried.

Government amendment No. 9:

In page 37, lines 35 and 36, to delete all words from and including “one” in line 35 down to and including line 36 and substitute “four meetings of the Authority with the Garda Commissioner in each year.”.

Deputy Frances Fitzgerald: This amendment is being tabled on foot of a request from the chairperson designate of the authority and changes the requirement for public meetings with the Garda Commissioner to no fewer than four per annum. The current text requires the authority to hold no fewer than one public meeting with the Garda Commissioner in each period of three months in each year. The chairperson designate has requested that a more flexible wording be provided. This is being done while preserving the requirement for at least four public meetings to take place between the authority and the Commissioner each year. This gives the chairperson flexibility in terms of when meetings are called. For example, summer might not be the best period. It will be left to the authority to determine when the best times to hold the four meetings will be.

Amendment put and declared carried.

Government amendment No. 10:

In page 40, lines 34 and 35, to delete “Tribunals of Inquiry (Evidence) Acts 1921 to 2002” and substitute “Tribunals of Inquiry (Evidence) Acts 1921 to 2011”.

Amendment put and declared carried.

Government amendment No. 11:

In page 41, lines 1 and 2, to delete “inquiry within the meaning of that section under that Act” and substitute “inquiry, within the meaning of that section, under that Act”.

Amendment put and declared carried.

Acting Chairman (Senator Michael Mullins): Amendments Nos. 12 to 14, inclusive, are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 12:

In page 44, line 13, to delete “(other than the Chief Executive)”.

Deputy Frances Fitzgerald: Amendment No. 12 is intended to provide clarity as to the position of the chief executive officer of the authority. On foot of the amendment, he or she will be a civil servant of the State, not the Minister. This is in line with the arrangements that have been put in place for the chief executive officers of other State agencies. Instead of being contracted, this amendment clarifies that the CEO will be a civil servant.

Amendment agreed to.

Government amendment No. 13:

In page 44, line 17, to delete “(other than the Chief Executive)”.

Amendment agreed to.

Government amendment No. 14:

In page 44, line 22, to delete “(other than the Chief Executive)”.

Amendment agreed to.

Acting Chairman (Senator Michael Mullins): Amendments Nos. 15 to 18, inclusive, are consequential on amendment No. 23. Amendments Nos. 15 to 18, inclusive, and 23 are related and may be discussed together, by agreement. Is that agreed? Agreed.

Government amendment No. 15:

In page 44, to delete lines 23 to 43.

Deputy Frances Fitzgerald: These amendments will bring the authority within the scope of the Comptroller and Auditor General (Amendment) Act 1993. In that context, they have been cleared with the Office of the Comptroller and Auditor General. The effect of the amendments is that, in practice, the authority will be subject to the same requirements as a Department in terms of the preparation of and accountability for its appropriation account.

Amendments Nos. 15 and 17 delete proposed section 62R and subsections (2) and (3) of proposed section 62S. Parliamentary Counsel has confirmed that the text being deleted is unnecessary, as it essentially restates provisions found in sections 3 and 19 of the Comptroller and Auditor General (Amendment) Act 1993. The provisions of that Act will apply directly to the authority on foot of amendment No. 23 and the chief executive of the authority will account to the Committee of Public Accounts in respect of the finances of the authority.

Amendments Nos. 16 and 18 are technical in nature and renumber proposed sections 62S and 62T as 62R and 62S, respectively.

Amendment put and declared carried.

Government amendment No. 16:

In page 45, line 2, to delete “**62S.** (1) The Chief Executive” and substitute the following:

“**62R.** The Chief Executive”.

Amendment put and declared carried.

Government amendment No. 17:

In page 45, to delete lines 5 to 26.

Amendment put and declared carried.

Government amendment No. 18:

In page 45, line 28, to delete “**62T.** (1) Subject to subsection (2)” and substitute the fol-

lowing:

“62S. (1) Subject to subsection (2)”.

Amendment put and declared carried.

Government amendment No. 19:

In page 45, lines 34 and 35, to delete “Tribunals of Inquiry (Evidence) Acts 1921 to 2002” and substitute “Tribunals of Inquiry (Evidence) Acts 1921 to 2011”.

Amendment put and declared carried.

Question proposed: “That section 44, as amended, stand part of the Bill.”

Senator Trevor Ó Clochartaigh: Sinn Féin has a number of concerns about the authority’s membership. We reserve the right to table an amendment on Report Stage in that respect.

Question put and declared carried.

Section 45 agreed to.

SECTION 46

Government amendment No. 20:

In page 47, to delete lines 8 to 14 and substitute the following:

“(b) in subsection (4), by the substitution of the following paragraph for paragraph (d):

“(d) is made to a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 for the purposes of a Part 2 inquiry, within the meaning of that section, under that Act,”.”.

Amendment agreed to.

Section 46, as amended, agreed to.

SECTION 47

Government amendment No. 21:

In page 47, lines 16 to 18, to delete all words from and including “(1) Section” in line 16 down to and including line 18 and substitute the following:

“(1) Section 90 of the Principal Act is amended--

(a) in subsection (1), by the substitution of “Ombudsman Commission shall, following consultation with the Garda Commissioner, issue guidelines” for “Ombudsman Commission may issue guidelines”, and

(b) in subsection (7), by the substitution of “Ombudsman Commission may, fol-

lowing consultation with the Garda Commissioner, revise any guidelines issued under this section or withdraw those guidelines” for “Ombudsman Commission may revise any guidelines issued under this section or may withdraw those guidelines”.”.

Deputy Frances Fitzgerald: The purpose of this amendment is to amend sections 90(1) and 90(7) of the principal Act to require that the Garda Commissioner be consulted on any revision of the guidelines relating to mediation or informal resolution of complaints that have been issued in accordance with section 90(1). Currently, section 90 does not make any provision for consultation with the Commissioner in respect of such guidelines. Section 47 changes this.

Amendment agreed to.

Question, “That section 47, as amended, stand part of the Bill,” put and declared carried.

Sections 48 to 53, inclusive, agreed to.

SECTION 54

Government amendment No. 22:

In page 51, to delete lines 24 to 36 and substitute the following:

“ **117A.**(1) The Minister or the Authority, as may be appropriate, may monitor and assess the measures taken by the Garda Síochána in relation to the recommendations contained in a report prepared by the Garda Síochána Inspectorate and submitted to the Minister or the Authority under section 117(2)(b).

(2) Without prejudice to subsection (1), the Minister may request the Authority to monitor and assess the measures taken by the Garda Síochána in relation to such of the recommendations contained in a report prepared by the Garda Síochána Inspectorate, and submitted to the Minister or the Authority under section 117(2)(b), as the Minister may specify in the request.

(3) The Garda Commissioner shall supply the Minister and the Authority with such information and documents as the Minister or the Authority, as the case may be, may require for the purposes of this section.

(4) The Authority shall, as soon as practicable after a request to it under subsection (2), submit to the Minister a report on the matter the subject of the request and may include in the report any other matter connected with the subject matter of the request that it considers should be brought to the attention of the Minister.”.”.

Deputy Frances Fitzgerald: The purpose of this amendment is to amend proposed section 117A of the principal Act to make it clear that the authority will be able to monitor and assess measures taken by An Garda Síochána in respect of any Garda Inspectorate recommendation. While this function could be taken to fall within the general supervisory remit of the authority, I have decided that it should be specifically provided for in the Bill. The proposed change is provided for in the new subsection (1). As the insertion of this subsection entails a number of consequential technical changes to the section, the Parliamentary Counsel considers it appropriate to replace the existing text of proposed section 117A in full.

Amendment agreed to.

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Section 54, as amended, agreed to.

Sections 55 to 59, inclusive, agreed to.

8 o'clock

NEW SECTION

Government amendment No. 23:

In page 53, between lines 2 and 3, to insert the following:

“Amendment of section 18A of Comptroller and Auditor General (Amendment) Act 1993

60. Section 18A (inserted by section 132 of the Principal Act) of the Comptroller and Auditor General (Amendment) Act 1993 is amended by the substitution of “Garda Síochána and the Policing Authority as though they were Departments” for “Garda Síochána as though it were a Department”.”

Amendment agreed to.

Section 60 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported with amendments.

Senator Trevor Ó Clochartaigh: It is not agreed to.

Deputy Frances Fitzgerald: I wish to inform the House that I will bring forward a limited number of amendments which will repeal existing legislation relating to An Garda Síochána and make some technical amendments to sections 8, 9 and 44, in particular.

Senator Trevor Ó Clochartaigh: On the Bill, we reserve the right to table a number of amendments on Report Stage.

Acting Chairman (Senator Michael Mullins): When is it proposed to take Report Stage?

Senator Martin Conway: Next Tuesday.

Report Stage ordered for Tuesday, 23 June 2015.

Acting Chairman (Senator Michael Mullins): When is it proposed to sit again?

Senator Martin Conway: Ar 10.30 maidin amárach.

The Seanad adjourned at 8.05 p.m. until 10.30 a.m. on Thursday, 18 June 2015.