



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Déardaoin, 25 Eanáir 2018*

*Thursday, 25 January 2018*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Catherine Noone that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Communications, Climate Action and Environment to undertake a review of the current television licence system.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister of Housing, Planning and Local Government to outline why Carlow has one of the lowest thresholds in the country for people seeking inclusion in the housing list.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Minister for Housing, Planning and Local Government to outline the progress being made to update the foreshore licensing of seaweed harvesting.

I have also received notice from Senator Neale Richmond of the following matter:

The need for the Minister for Education and Skills to outline the short and medium-term plans for Stepside Educate Together secondary school.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to provide an update on any existing management difficulty at University Hospital Limerick which may be compounding the trolley crisis in its emergency department.

I have also received notice from Senator Máire Devine of the following matter:

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The need for the Minister for Communications, Climate Action and Environment to provide an update on plans to appoint a digital safety commission and the expected timeframe for such an appointment.

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

The need for the Tánaiste and Minister for Foreign Affairs and Trade to provide a statement on the Government's policy on neutrality following the address by the US Vice President, Mr. Mike Pence, to American troops at Shannon Airport, County Limerick.

I regard the matters raised by the Senators as suitable for discussion on the Commencement. I have selected the matters raised by Senators Noone, Murnane O'Connor, Ó Clochartaigh and Richmond and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise. As Senator Noone has been delayed, I call Senator Murnane O'Connor to raise the first matter.

## **Commencement Matters**

### **Local Authority Housing Waiting Lists**

**Senator Jennifer Murnane O'Connor:** I have raised the issue several times in the past of how Carlow County Council has one of the lowest income thresholds for people seeking inclusion on its housing list. As the Minister of State is aware, unless a person is on a local authority housing list, he or she will not get rent allowance or housing assistance payment, HAP. To qualify for Carlow County Council's housing list, the maximum net income for two adults with one child is €26,875 and €27,500 for two adults with more than one child. In Kildare, the limit is €38,000 for two adults with one child and €39,000 for two adults with more than one child. There is a difference of approximately €11,000 between Kildare and Carlow. The difference between Kilkenny and Carlow is approximately €6,500. Given that ours is the Carlow-Kilkenny constituency, why would people want to apply to Carlow County Council when they can join the housing list in Kilkenny while earning €6,500 more? That is a significant amount. The difference between Wicklow and Carlow and Wexford and Carlow are similar at €11,000 and €6,000, respectively. The only authority that is equivalent to us is Laois. These two authorities have the lowest thresholds.

I will provide some statistics. Recently, I dealt with three or four cases in my clinic. In one, a family had just one working member who was bringing home between €350 and €400 per week, which entitled that family to the family income supplement, FIS. When people qualify for FIS, it means that they are not earning enough and the Government is helping to bring them up to what they should get. However, someone in receipt of FIS does not qualify to get on Carlow County Council's housing list because it puts people over the threshold. Imagine someone with an income of €500 and rent of €250 per week being told that he or she does not qualify for Carlow County Council's housing list due to being over the threshold.

We have a housing crisis, yet people who are trying to work and make ends meet and who qualify for FIS are being told that they do not qualify for a housing list. Do they give up work,

get their entitlements and go on the housing list or are we not meant to tell them that they can work and we will help them? By giving them FIS, we are putting them over the threshold for the housing list. I have encountered several such cases recently. It is an awful situation for any family to be in.

I also wish to discuss HAP, which gives rise to a similar issue. Under HAP, a one-time payment for a deposit is allowed, but it comes from the Intreo offices of the Department of Employment Affairs and Social Protection. I recently encountered a number of cases in this regard. When someone finds a house and a landlord who will accept HAP, the person is delighted. If a deposit is required, fair enough. If it is a first-time deposit, I will tell the person that he or she is entitled to get a deposit but that it will be needed quickly. If the person instead borrows for the first-time deposit, which many do because a landlord will naturally want that security, he or she will be told that there is no entitlement as a result. Young people and families who have borrowed from families and friends are approaching me. They might only be borrowing the €1,000, which is a great deal, as €200 here or €200 there. I will give them a letter vouching for that. However, when they attend an Intreo office, they are told that they do not qualify for their first-time deposits because of the money they borrowed. This means that they will lose their houses, rendering them homeless.

We have Rebuilding Ireland and the Minister of State is doing his best, but there are many teething problems and the people on the ground are being forgotten. I hope that the Minister of State will address these points and revert to me as soon as possible.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I thank the Senator for raising this issue. On 1 April 2011, the social housing assessment regulations introduced a new standard procedure for assessing applicants for social housing in every housing authority. This included the introduction of maximum net income limits for each housing authority in different bands according to the area, with income being defined and assessed according to a standard household means policy.

Before the new system was introduced, there was considerable inconsistency in the approaches taken across local authorities. Some authorities had income limits for social housing, some had none. How income was assessed against limits also varied widely, with different arrangements in place in housing authorities. This meant that applicants for support who were on similar incomes in areas with similar housing costs could be treated differently just because of where they happened to live. This approach was neither efficient nor fair.

The income bands and the authority area assigned to each band, which were introduced in 2011, were based on an assessment of income needed to provide for a household's basic need, plus a comparative analysis of the local rental cost of housing accommodation across the country. The limits also reflect a blanket increase of €5,000 introduced prior to the new system coming into operation in order to broaden the base from which social housing tenants were drawn and thereby promote sustainable communities.

The maximum bands apply to one-adult households and can be adjusted by housing authorities to take account of additional household members. These allowances are 5% for each additional adult household member up to a maximum of 10%, that is, two additional adults, and 2.5% for each additional child up to a maximum of 10%, that is, four children.

There are currently three income bands applicable across the country, with Carlow County

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Council in band 3, as are 15 of the other 31 local authorities. This reflects the fact that the cost of rental and housing accommodation in the county is relatively lower than higher band counties, such as those in the greater Dublin area. The Senator mentioned Kildare. The threshold for a two-adult and two-child household in County Carlow is €27,500 net income after tax, PRSI and USC, with higher limits applying to larger households up to a maximum of three adults and four children.

Under the household means policy, which applies in all housing authorities, net income for social housing assessment is defined as gross household income less income tax, PRSI and the universal social charge. The policy provides for a range of income disregards and housing authorities have discretion to decide to disregard income that is temporary, short term or one-off in nature.

Given the cost to the State of providing social housing, it is considered prudent and fair to direct resources to those most in need of social housing support. That said, I will confirm to the Senator that, as part of the broader social housing reform agenda, a review of the income eligibility limits for social housing supports has commenced. My Department is working in conjunction with the Housing Agency on this review and I expect the results to be available for publication later this year. We signalled this last year, as we recognised that the limits were set in 2011, since when much had changed. There will be an update on the review shortly, but there will be no change until it has been completed.

Thankfully, the Senator is a fan of HAP. Some people recognise how important it is and that it helps. In most cases, people are able to return to work and increase their incomes thanks to HAP. Previous rental supports did not allow for that or cater for people who wanted to better themselves and earn more money. That is why the scheme exists. That it works well has been recognised. It does not work well for everyone, but it is another option in the set of available actions and supports. I am not claiming that it solves the problem for everyone, but it does for quite a few.

I will raise the Senator's local concerns directly with the Department of Employment Affairs and Social Protection. Since the start of January, the homeless pathfinder scheme has kicked in in all counties. Where a homeless person applies to a local authority for HAP through the pathfinder scheme, the deposit and the first month's rent will be paid by HAP, which differs from the current system in most counties where social welfare kicks in. If there are doubts in this regard, we will have them clarified. It should not be the case that, if someone manages to find money somewhere else to cover the deposit, he or she loses that entitlement.

As the Taoiseach stated in the Dáil, when it comes to raising money for rent or deposits, people often turn to family members, friends and other mechanisms. That is exactly what the Senator is saying. The Taoiseach recognises that because, like the Senator, he is in touch with people on the ground.

**An Cathaoirleach:** As we have gone well over time, the Senator must be brief.

**Senator Jennifer Murnane O'Connor:** I thank the Minister of State. It is important that Carlow's threshold of €27,500 increase to at least €31,000 or €32,000. People cannot stay within that threshold and they will not qualify for mortgages because they are not earning enough. Since timing is crucial, the Minister of State will revert to me as soon as possible. It must not be left until the end of the year. The report must be completed as quickly as possible.

The threshold needs to be changed.

### **Seaweed Harvesting Licences**

**An Cathaoirleach:** Senator Ó Clochartaigh is always swift and efficient.

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire Stáit. Tá mé an-shásta gur tháinig sé isteach. No more than me, he is probably wondering why seaweed harvesting falls under his planning brief. That question has already been raised.

**An Cathaoirleach:** There is not much seaweed in his constituency.

**Deputy Damien English:** I have a neighbour who harvests it.

**Senator Trevor Ó Clochartaigh:** The Minister of State is a great man for eating spuds that have been grown with seaweed. Strangely enough, we previously discussed this issue which affects many coastal areas. We have the historical situation where seaweed is owned by the State but there are traditional types of seaweed harvesting rights. Quite a number of people might have land and a folio which would give them appurtenant rights to harvest seaweed on a foreshore close to their homes for domestic use, etc. Seaweed is a wonderful resource which can be harvested and create employment in rural areas. Many traditional harvesters do this difficult manual labour regularly and use it to supplement other forms of income. It is a vital resource and asset which benefits people in rural areas.

Seaweed harvesting is an issue in Connemara which I have raised with previous Ministers on several occasions. There is a review of the foreshore licensing regime which has come on foot of several issues. The largest seaweed processing plant in Ireland, Arramara Teoranta, which was a State-owned company, was sold to a Canadian company, Acadian Seaplants. There are several other companies working in this area. There are 13 applications with the Department seeking leave to harvest more seaweed in a commercial manner. They are under consideration, pending review of the legislation in this area.

We were trying to ascertain how many people would have the legal right to harvest seaweed in their area. The Property Registration Authority, PRA, was asked to do an audit of all the folios in the State to see how many have such rights. Has the Minister of State an update on this, as it was meant to be done a long time ago? That would, in turn, affect where licences could be issued. The licences are subject to certain limitations. We know a licence was recently granted to BioAtlantis for the harvesting of seaweed in County Cork which has raised a certain amount of controversy among locals there. There can be limitations around when, where, how much and what types of seaweed can be cut.

The whole area has been up in the air for the past several years because of lack of clarity around the legislation and the licensing regime. I know it is the Government's intention to overhaul it. It is high time we had an update on when this will happen. My concern is that we want to ensure the rights of the traditional harvesters are maintained. I have suggested to them that they should band themselves together in a co-op style organisation to ensure fair trade. Collective bargaining with the different companies would also ensure the best price for their harvests. Such a set-up would be appropriate and would benefit the companies too. We need proper management plans in place in areas to ensure seaweed is harvested properly and in a sustainable

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manner to ensure it will grow quickly again to be there for future generations.

I look forward to the Minister of State giving us a comprehensive update on this matter.

**Deputy Damien English:** Originally, I was scratching my head when I learned this matter came under my Department's remit. However, I now understand why it does because it is important, from a licensing point of view, that this resource is managed properly and in a sustainable way. If one reads through the case in Bantry, one will realise we take this job seriously and put much work into ensuring our seaweed resource is managed in a sustainable way. As that licence was originally granted in 2011 by a Green Party Minister, I am sure a green approach was taken. In 2014, the then Minister, Deputy Alan Kelly, added to that licence. My job in the past year in dealing with that case has been around the conditions of the licence and the monitoring of it to ensure harvesting is carried out in a sustainable way. If anybody steps out of line on that, we will deal with it. That proves the Department's credentials, as well as mine and my team's, in how we take our job seriously in this area.

That is another reason we are also developing a marine strategy for the next 25 years, similar to the national planning framework, examining the long-term ways of managing our marine resources. Like all the work we do in government, we take a long-term view on this. We deal immediately with live issues as they come across our desks and we also plan ahead for 30 years.

I thank the Senator for raising this important issue. I am aware he met with officials from my Department on 20 December 2017 when he was given an overall briefing on this issue.

The role of my Department in the harvesting of wild seaweed is to regulate the activity in accordance with the Foreshore Act 1933. In carrying out this task, there is a need to ensure the resource is managed appropriately, with the twin aims of protecting the marine environment and allowing for a sustainable level of harvesting.

Seaweed harvesting has a long and honourable tradition in this country. I recognise the valuable role seaweed plays in the environment, culture and economy of coastal communities, particularly along the west coast. Seaweed harvesting has provided a source of income to traditional harvesters and their families for generations. However, the image of hand harvesting of small quantities for domestic use, for example, is no longer reflective of the actual situation. It has changed from harvesting for personal use to primarily being harvested for sale.

Seaweed represents a valuable natural resource which, if sustainably exploited, can maintain and stimulate further economic development in some rural areas. While acknowledging the contribution this has made to household income over many years, the reality is that seaweed is now the key raw material required by certain cutting edge bio-pharma and similar type companies. These businesses face many challenges, one of which is security of supply of their most essential ingredient, seaweed.

My aim is to bring clarity to the regulatory regime applying to wild seaweed harvesting, seeking to balance existing rights and commercial potential, while also ensuring sustainability of the resource and compliance with the State's obligations under domestic and EU environmental law. The need to prevent the overexploitation of this valuable resource is the principle which must underpin the regulation of wild seaweed harvesting.

The key part of this exercise is to fully establish the implications of the interaction between these existing seaweed harvesting rights and the applications for licences by companies. In

that regard, my Department has met with the Attorney General's office on several occasions to examine these issues.

To try to establish the extent and the nature of existing rights to harvest seaweed, my Department engaged with the PRA to attempt to establish the extent of appurtenant rights specified in Land Registry folios to harvest seaweed which may exist. On foot of this request, the PRA has provided my Department with data detailing the extent of the rights in seven of the western seaboard counties, namely, Cork, Kerry, Limerick, Clare, Galway, Mayo and Donegal.

No decisions have yet been reached on the commercial seaweed harvesting applications which have been received by my Department. My Department is continuing to work on this complex legal issue. I hope to have made substantial progress on the matter by March or April 2018.

There are merits in the Senator's suggestions for harvesters coming together in a co-operative structure. When I was in the Department of Business, Enterprise and Innovation, we looked at that model. It would have great benefits for everybody involved. It would also help in managing the seaweed resource in a sustainable way and maximising its potential for local areas. Seaweed has much to offer in many areas and certainly in medicinal products. As a country with so much of it, we should be in that space.

**Senator Trevor Ó Clochartaigh:** I welcome the Minister of State's comments, particularly around the co-operative approach. The PRA report has been there for some time. Is it possible for the Minister of State to publish those findings or make them available to me as an Oireachtas Member to allow me to go over them? Can we expect some clarity on the legislative proposals within the next two months?

**Deputy Damien English:** I will see if I can get the PRA report for the Senator. I cannot see any reason I cannot. I will come back in March or April with an update on how this is going to be progressed.

### **Television Licence Fee**

**Senator Catherine Noone:** I apologise to the Minister of State for keeping him waiting earlier. It was not my intention but I was delayed in traffic. I left it tight but the reality is that the traffic is much worse on certain mornings which is down to increased economic activity.

Many people do not watch conventional television anymore. The idea of a television licence man knocking on doors trying to find somebody with a television but without a licence seems outdated in the world in which we live today.

There is----

*(Interruptions).*

**Senator Catherine Noone:** I am sorry, but I will have to stop.

**An Leas-Chathaoirleach:** I am sorry. Are they gone?

**Senator Catherine Noone:** Thank you, a Leas-Chathaoirligh; it was really distracting.

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In a world where we no longer watch television in a conventional way - many watch it on mobile devices, etc., are not watching it as much and not just watching the national broadcaster - we really need to look at this issue. The television licence does not make much sense to me, but we need a national broadcaster. We should not, however, go down the road of having US-type commercially driven, opinion-forming media. There is a place for the national broadcaster. Whether we need it to provide the services it provides is another question; that is a broader issue. I have suggested a system that would reduce the overall cost for everybody. However, I see difficulties with what I am suggesting. When Pat Rabbitte tried to do it, it was perceived as a broadband charge. That is a dangerous area into which to stray in the sense that there are people, some of whom contacted me in the past week or two, who say they choose not to watch television and ask why they are facing a charge. That is an issue.

RTÉ provides all of its television and radio stations; TG4, which is extremely important; the RTÉ orchestras; the Oireachtas television channel; the RTÉ Player and the sound and vision fund. It provides a huge array of stuff. However, certain things could potentially be reduced. We need to review how we think about broadcasting because the world is changing. This issue is difficult for the Government because it is political.

I want to be clear that I would not suggest anything that would affect people such as old-age pensioners who have the right to a free television licence. I have a difficulty with the argument in favour of a broadband charge in the sense that that is how it is perceived. It is something we need to address. I know that the Oireachtas Joint Committee on Communications, Climate Action and Environment has found that the television licence system is not fit for purpose. Notwithstanding the difficulty in trying to sort out this issue politically, we need to bring the system into the 21st century.

I again apologise for being delayed.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** There was no problem with the delay. It was interesting to listen to the debate about seaweed harvesting, on which I am not an expert.

**Senator Catherine Noone:** It is great for regulating one's thyroid.

**Deputy John Paul Phelan:** I am not an expert on this issue either which I am taking on behalf of the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, who sends his apologies. He recognises the important part public service broadcasters play in our democratic society. The provision of stable and adequate funding is essential to ensuring the continued delivery of their role in that regard. He is also aware, however, of the challenges facing the existing television licence system, including the current unacceptable levels of evasion. While the rate has fallen from 15.3% at the end of 2013 to the current rate of 14.6%, it is still much too high. In addition, the number of households required to have a licence under the current system is declining due to a departure from traditional viewing habits, as the Senator outlined. Recent reports show that 9% of households no longer have a television set. I do not have the statistic which shows the percentage of households that never had a television set because a certain number did not.

While the current television licence model has provided a measure of stability to date, the rapid changes in technology altering the traditional way in which television is watched, together

with economic pressures generally, mean that there is a serious question mark against the ability of the current funding model to provide continued stable funding for public service media in the long term. In October 2016 the Minister requested the Oireachtas Joint Committee on Communications, Climate Action and Environment to examine the longer term issue of the future funding of public service media. As the Senator will be aware, the committee considered this issue following a period of public consultation and stakeholder engagement. It launched its report on the future funding of public service broadcasting in November 2017. The Minister's officials are considering its contents and it is the Minister's intention to bring proposals to the Cabinet in the near future on funding options. In addition, he has proposed a number of amendments to the Broadcasting Act 2009, including amendments to allow for the tendering of television licence fee collection. The proposed amendments are being considered by the Oireachtas Joint Committee on Communications, Climate Action and Environment as part of the pre-legislative scrutiny process. The Minister looks forward to receiving the committee's report as soon as possible. In the meantime, there will be no change to the existing television licence-fee arrangements.

The Senator has rightly pointed out that many people use mobile devices. I will try to avoid naming some of the bigger companies operating in that area, but people are already paying a fee to obtain that product. While public service broadcasting is done quite differently in the United States, as the Senator mentioned, there are other examples in Europe of how public service broadcasting is funded which should and I know will be examined. The television licence-fee arrangement has always been contentious because for many years RTÉ was the only television broadcaster and also the only recipient of television advertising revenue. There is the question of having a level playing field for other television stations that do not receive any part of the fee and have to compete for advertising revenue in order to survive.

The Senator has acknowledged that it is a complex issue, on which the Minister expects to bring proposals to the Cabinet in the near future.

**Senator Catherine Noone:** I should have pointed out that what I am suggesting would avoid the evasion issue entirely because the telecommunications companies would collect the fee on behalf of the Government. Therefore, for a start one would be dealing with 20 organisations or however many telecommunications companies there are, rather than individuals. It is a very positive part of my suggestion.

I agree entirely with what the Minister of State said. He said people were being charged for the device used. However, they already pay a charge for Sky, Virgin Media, Netflix, etc. In addition, there is illegal downloading. It is a minefield. There is a load of stuff happening in the area about which I do not have a clue. Having a level playing field is a huge issue. It is arguable whether the funding should be spread and that all broadcasters have to be balanced, etc. It is a conversation we need to have. It is welcome that the Department is reviewing the committee's report. Perhaps we might be able in the near future to identify innovative ways to address what is a very archaic system.

**Deputy John Paul Phelan:** I accept that the system is archaic, but even on the suggestion about broadband, as the Senator knows, there are-----

**Senator Catherine Noone:** Areas without broadband.

**Deputy John Paul Phelan:** There are large areas without broadband, which complicates

the matter even more.

**Senator Catherine Noone:** Therefore, we are in agreement.

### **Schools Building Projects Status**

**An Leas-Chathaoirleach:** I welcome the Minister.

**Senator Neale Richmond:** I thank the Minister for coming to the House to take this debate. It is no surprise that I am bringing up the issue again. I have discussed it on the floor of the Chamber and elsewhere with the Minister during the past 18 months. I last raised it in October through a Commencement matter, at which stage the Minister said a site had been identified by the Department and that it was proceeding with the matter.

I do not intend to take any longer than I need. The Minister knows of my deep connection to the school and my extraordinary desire to see it move ahead. I am seeking an update on the search to find a permanent home for Stepside Educate Together secondary school. The school is vital to the entire area, but when it is complete and full, it will be a major asset to what is the third fastest growing townland in the country.

**Minister for Education and Skills (Deputy Richard Bruton):** The Department has been working closely with Dún Laoghaire-Rathdown County Council under the memorandum of understanding on the acquisition of a permanent site. Engagement with the council commenced as far back as 2012. The Senator will appreciate that in this highly urban area there is limited availability of suitable sites. Coupled with the high demand for land generally in the area, this has led to a protracted site acquisition process. I am pleased to inform the Senator, however, that a suitable permanent site option has been identified and that a formal offer has been made to the landowner to acquire the site. My Department is discussing the heads of terms, with a view to obtaining agreement. Unfortunately, owing to commercial sensitivities, it is not possible to disclose the location of the site until formal confirmation of the Department's offer is received. However, the school patron, Educate Together, will be informed of the proposed location as soon as it is possible to do so.

Agreement on the acquisition of the site will be subject to agreement on the heads of terms, including some technical design issues, on which negotiations are under way. Subject to agreement being obtained, it is envisaged that preliminary design work on the school building project can commence while the site acquisition process is being completed.

The Senator will probably know the details from the previous debate, but there is a planning issue that remains unresolved.

**Senator Neale Richmond:** Given that I live 200 yards from the primary school, I am perfectly aware of it. I thank the Minister. I have no supplementary questions, but I would appreciate receiving any update as the process proceeds.

**Deputy Richard Bruton:** I will keep in touch with the Senator.

### **Message from Dáil**

**An Leas-Chathaoirleach:** Dáil Éireann has passed the Technological Universities Bill 2015.

*Sitting suspended at 11.15 a.m. and resumed at 11.35 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, motion re Planning and Development (Amendment) Regulations 2018, back from committee; No. 2, motion re Planning and Development (Amendment) (No. 2) Regulations 2018, back from committee; No. 3, motion re Planning and Development (Amendment) (No. 3) Regulations 2018, back from committee, the motions to be taken, without debate, at the conclusion of the Order of Business; No. 4, statements on mandatory reporting, to be taken at 12.45 p.m. and conclude not later than 2 p.m., with the time allocated to group spokespersons not to exceed eight minutes each and all other Senators not to exceed five minutes each and the Minister to be given not less than five minutes to reply; and No. 5, statements on the British-Irish Parliamentary Assembly (Committee D) report on childhood obesity, to be taken at 2 p.m., with the time allocated to group spokespersons not to exceed eight minutes each and all other Senators not to exceed five minutes each and the Minister to be given not less than five minutes to reply.

**Senator Mark Daly:** I raise the issue of the undocumented in the United States. We saw the shutdown of the United States federal Government because of the failure to address the Dreamers programme. Mr. Dylan O’Riordan, now in prison in Boston, is awaiting deportation as effectively he is one of the Dreamers. He hopes to return to Ireland more quickly because one can spend up to six weeks in a prison waiting to be sent back to Ireland. His parents are still in the United States. He is one of the up to 50,000 undocumented Irish living in the United States.

We do not have an accurate figure for the number of undocumented Irish in the United States. For every undocumented Irish person living in the United States who was unable to come home for funerals and for family occasions, there are at least ten family members directly affected at home between parents and brothers and sisters. Some 500,000 people in Ireland are concerned about the issue of the undocumented Irish in the United States. Since the Trump Administration took office 12 months ago, arrests have increased by nearly 50% among the undocumented Irish. Some 34 people were deported and sent back to Ireland last year. The next three weeks is a critical period for the undocumented Irish, especially for people such as Dylan O’Riordan who was brought to the US as a child. He and others now face the threat of the Dreamer programme, which was established and supported by the Obama Administration being discontinued.

I know that Deputy Deasy will travel as the Government’s special envoy to the United States Congress to work for the undocumented Irish. Will the Leader request the Minister for Foreign Affairs and Trade to come to the House to debate and outline what the Government will do during the next three weeks of engagement on Capitol Hill to ensure that the emigration reform package is part of our budgetary proposals, so that the undocumented Irish and the Dreamers who went to the United States as children would be accommodated and looked after. The Minister for Foreign Affairs and Trade should tell us what we should be doing, not on St. Patrick’s Day because by that time the issue will have gone off the radar and will be done and dusted. The Irish Government needs to engage now and I would like the Leader to ensure that

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the Minister for Foreign Affairs and Trade comes to this Chamber and points out to Members, and to the 500,000 Irish people who are directly affected by this because they have loved ones in the United States, what the Government will do to make a difference in the lives of the up to 50,000 undocumented Irish in the United States.

**Senator Pádraig Mac Lochlainn:** One of the most important community and tourism amenities in the Inishowen Peninsula, Swan Park, was destroyed by the floods last August. The riverside park has been closed for six months. I have raised the issue time and again in this Chamber. I have written and spoken to Ministers, but as of today, there is no sign of Government funding. I do not accept that the closure of a park which is a key and critical community and tourism amenity for six months would be allowed to happen elsewhere in the State. Donegal County Council has done an extensive survey of the damage. As I said, the entire walk, including bridges, walls and gardens, has been destroyed. The cost is €2.3 million, a huge amount of money. Neither Donegal County Council nor Inishowen Development Partnership could shoulder that cost on its own. In recent days there was a packed meeting in Buncrana with a large turnout of local people from all spectrums of the town and local community, including anglers, sport and activity providers, local business, community historical societies and so on.

I again ask the Leader to raise the matter with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, who oversees local authorities. Donegal County Council owns Swan Park on behalf of the people. I also ask him to raise the matter with the Minister, Deputy Michael Ring, who has responsibility for community and rural affairs, which touches on funding for these types of projects. I also ask him to raise the matter with the Chief Whip, the Minister of State, Deputy Joe McHugh. I have asked them to meet a cross-party delegation from the Inishowen municipal district, something which was requested by a cross-party group of councillors. It is now urgent that they and their Department officials meet the cross-party group and senior management from Donegal County Council to work out a plan to send a clear message to our community that our beloved park will be restored.

One has to see the park to appreciate how beautiful it is, and how integral it is to our community and the visitors who come to Inishowen. We need to reopen it and send a message that is going to happen. I again ask that is done.

**Senator Grace O'Sullivan:** I wish to discuss the situation in the public health service, in particular the case of Mr. Michael Gallagher who recently passed away at University Hospital Waterford, UHW. Mr. Gallagher was admitted to the hospital at the start of December with breathing difficulties and a severely swollen abdomen. He had a history of heart trouble but it became clear that there was something more serious going on. He was forced to stay on a trolley in the hospital's emergency department due to the unavailability of hospital diagnostic equipment over the weekend. By Monday, he had been upgraded to a different bed on a corridor on surgical 7 ward, only to get access to an actual ward on the Wednesday after five days of waiting outside a ward. Michael subsequently received a diagnosis of peritoneal cancer on 7 December and passed away on 17 December in the presence of his loving family, including his daughter Caitríona and son Liam.

Their praise for the hard work, dedication and commitment of the staff of UHW is steadfast, but the distress and the circumstances in which their father and other patients present across Ireland to public hospitals in the peak season also remains. The son and daughter work in the medical area. Caitríona is a specialist lymphoedema lead nurse working in London, while Liam is a professor of cancer biology at University College Dublin and director of UCD's Conway

Institute.

The case of Mr. Gallagher came to national prominence due to the heartfelt, focused and detailed open letter they wrote to the Minister for Health, Deputy Simon Harris, at the start of the year. In it, they laid out the conditions their father faced, including days and nights on a trolley in brightly lit corridors next to busy doors and thoroughfares where basic rest was impossible, let alone recovery and recuperation. They detailed the stress faced by the medical staff working against the clock and in the face of a system which simply means there are too many people coming through emergency departments at times when they cannot handle the load.

As Liam and Caitríona stated, this was not an environment which promoted patient safety, dignity, privacy or confidentiality. They also laid out their concerns about the effects on patient health that such overcrowding has. The delay Michael faced in his diagnosis meant subsequent delays in the palliative care he received, meaning unnecessary suffering and discomfort. The overcrowding also challenges the efficient operation of such units, with triage systems compromised by queues for diagnostic equipment, people being unnecessarily funnelled through accident and emergency departments to get certificates for sick days for employers and welfare allowances and many others who face long waits and poor conditions as they wait for essential care.

I met Professor Liam Gallagher to discuss the situation his father faced and the issues facing UHW. The trolley crisis in many of our hospitals is not a winter crisis. Rather, it is a year-round crisis, in particular in the hospital in Waterford. I would like to ask the Minister for Health to come to the House for a debate on this issue. As I said, the trolley crisis is ongoing throughout the country.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom tacú go huile is go hiomlán leis an mhéid atá ráite ag an Seanadóir Ó Dálaigh maidir leis an dream i Meiriceá atá i bhfaitíos ós rud é nach bhfuil a fhios acu cá seasann siad ó thaobh an stádais atá acu sa tír sin. I support what Senator Mark Daly said about the undocumented and would support a debate on this important matter.

I again draw the attention of the Leader to the issues around the Royal College of Surgeons in Ireland, RCSI, Bahrain and accreditation being given to doctors there. We need to discuss the decision of the Medical Council to grant unconditional accreditation to RCSI Bahrain which made no reference to the human rights situation in Bahrain and its impact on local training hospitals used by the college. We need the Minister to clarify that relevant national and international standards used by the Medical Council require the consideration of such things as patient safety, appropriate supervision, a safe learning environment for students, educational outcomes, medical ethics, human rights and social accountability. It is imperative that we uphold the best international standards around human rights. If bodies here are accrediting agencies and hospitals in places such as Bahrain we must ensure that those standards are upheld. A debate on the issues I have raised would be important.

Another important issue is who in charge of Irish Water. In 2009 a family moved into a house in Connemara and connected to the local authority water system, but have never had a proper supply of water. We spent the past two and half years contacting Irish Water to try to alleviate the situation. The family has three small children and in the past week they spent five days without any water. We keep getting fobbed off by Irish Water. We were told that there is a temporary issue in the local area and supply has decreased but, to be quite honest, that is nonsense. There is a need for a specific fix for this situation. Irish Water is reneging on its duty

to supply water to customers.

It raises the broader issue of accountability in respect of Irish Water. I am sure everybody here is using the Oireachtas Members' line on a regular basis to contact Irish Water. We receive a pleasant email from whoever happens to answer the call on the day, but one cannot find out who is responsible for what is happening in a local area regarding sewage or water. We used to have regular clinics in the House whereby Irish Water officials would come in and we could ask them very specific questions about what was going on. I do not know its plans for regional areas and regional water and sewerage issues in the Connemara or Galway areas. A number of years ago we heard it had a specific plan around regional issues but we have not heard anything from it since. There is a significant lack of transparency, responsibility and sense of who is in charge, what the money is being spent on and why there are so many issues across the water system. It is not just a lack of investment or money being spent. We need to know what it is doing, what its plans are and how we can hold it to account to make sure those things happen. I call for a debate on the issue.

**Senator Maura Hopkins:** I want to raise a very serious issue in regard to the Rosalie unit in Castlerea. I have raised this issue before and asked questions for many months. When one does not get replies, it causes one to ask even more questions. We had a meeting with the Minister of State, Deputy Jim Daly, and HSE chief official, Tony Canavan, yesterday on the current and long-term future of the unit. The unit supports residents in long-term care who have mental health difficulties. It was initially a 33-bed unit and it now has only 12 residents. I finally received replies to questions I asked in November. I came to the conclusion that there were very serious issues and that was following many family discussions. We received evidence that there have not been new admissions since 27 September 2016. My impression from last night's meeting is that the future of the Rosalie unit is not positive. Tony Canavan, the chief health officer, gave absolutely no commitment that there was a long-term future for it. He also said that it would not be opening to new admissions. I am very frustrated because the HSE seems to be attempting to close the unit, not inform us, not be honest and open with the public and public representatives. I was at a meeting in 2015 when this issue arose and the then Minister of State with responsibility for mental health, Kathleen Lynch, gave us a very clear commitment that the residents within that unit would be able to stay there and that there was a long-term future for the delivery of services within that unit. That has been called into question now. I want a solution to be focused on serving and supporting people in our area. Residents are likely to have to move to Ballinasloe which is 61 km away. We want services in our area. I am asking that the HSE deliver that and that it listens to us and is honest with us.

**An Cathaoirleach:** That might be a matter for a Commencement debate if the Senator is minded to submit it.

**Senator Robbie Gallagher:** Today marks the fifth anniversary of the murder of Detective Garda Adrian Donohoe outside Lordship credit union. He was originally from County Cavan and embodied everything that was good about being a member of An Garda Síochána. He totally immersed himself in life in County Louth. His brutal killing leaves his wife Caroline without a husband and his two children without a father. I earnestly appeal to anyone who has any information to come forward so that his wife and extended family can get closure on this terrible event. It is never too late to do the right thing.

Yesterday, the Taoiseach admitted that the roll-out of national broadband is behind schedule and that the 520,000 people who were expecting to get broadband by the end of this year will

not get it because the contract which should have been signed as far back as last June remains unsigned. This is a shocking blow to the people of rural Ireland. We need to bring the Minister for Communications, Climate Action and Environment into the Chamber because we hear great talk from Ministers about the future of rural Ireland. If we do not have broadband there will be no rural Ireland. Children cannot do their homework for the lack of it. How can we attract businesses to areas such as Cavan and Monaghan, Border counties and throughout rural Ireland if we do not have broadband? It is absolutely essential in today's world. Will the Leader invite the Minister here to bring us up to date on where this plan is? We want no more spin. We want results, as do the people of rural Ireland.

**Senator Maria Byrne:** I welcome the report from the Economic and Social Research Institute which calls for greater investment in second-tier cities. It mentions the western seaboard and how city regions on the western corridor can be an economic counterbalance to Dublin. This is most important because Dublin is so busy that there is huge potential in linking up the cities of Limerick, Galway and Cork, to counterbalance Dublin and the eastern side of the country. Growth in Dublin is predicted to be over 50%, whereas it will be approximately one quarter of that in the three other cities. It is important that this be considered in the national planning framework to make the country regionally balanced.

**Senator Lynn Ruane:** I was not paying much attention yesterday to what the Taoiseach said about accessing mortgages until I went home and opened my Facebook page where I saw the timeline of people from my community talking about how unachievable that is for them. Not only is one of the three options that the Taoiseach offered, moving home to live with parents, travelling abroad to raise the money or getting money from parents, off the cards for many Irish people but all are off the cards for them.

I wrote down some of the comments I could repeat but left out many of them. Some of them relate to personal situations, the number of children they have and how it is not feasible for them to move home or the fact that their parents are barely able to meet their own bills let alone hand out money. However, the ones that stood out were from parents who stated how badly they feel as parents that they will not be able to help their children in the way the Taoiseach suggests most of us should do.

One person commented that this man is the leader of our country but does nothing but "make me feel bad about myself". It is not good enough for any leader in any situation in any country to make a large part of the population feel they are failing as parents, or as young people who cannot access a mortgage. This can be taken as a criticism but also as a request to the Taoiseach to get a little more to grips with the realities of many of the lives he represents. A leader should pick us up not make us feel bad about ourselves and our failings, in not being able to access money for our children. If I was to read out all the comments on the page they would give a wider picture of the situations people are living in and the fact that some parents are barely able to hold onto their own homes let alone give their children one.

**Senator Máire Devine:** I echo Senator Ruane's sentiments. Home ownership is way out of reach for the next generation and the three possibilities for gaining money are also out of reach.

Yesterday, my party colleagues, Deputy Louise O'Reilly and Orla Flynn, MLA, hosted a briefing on the transvaginal mesh and the stories of the brave warriors, mesh survivors, were truly shocking. This device has been recognised in other countries as extremely risky and unreliable as evidenced in many EU and international medical studies. The product has effectively

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been banned in New Zealand and Australia. Last year, however, in this country, hundreds of women underwent the procedure.

We heard from a consultant gynaecologist yesterday that this is indicative of the grip that the medical products industry has on the profession, profiteering from human suffering. There was full consensus in the room yesterday among the women that they were ignored and dismissed by their doctors when they reported severe pain from the operation. We have often heard of women not being trusted when they describe their experiences and again recently in other debates. Will the Leader outline the Government's plans to address this serious issue? An Taoiseach could not provide an answer yesterday in the Dáil. I hope that today the Leader will get a response and request the Minister of Health to address this issue in the Seanad.

**Senator Gabrielle McFadden:** The Office of Public Works and the ESB are monitoring the water levels in the River Shannon after a sharp rise in the past week. The ESB has increased the level of water discharged through Parteen Weir and Ardnacrusha since yesterday. The levels south of Athlone have risen in the past week by about 28 cm which is approximately 17 cm off the level in 2015 when the council issued a flooding alert.

At the time people criticised the timescale for the council coming out and for when it called in the Army to help. There may not be an imminent threat of flooding but the fear is that a lot of rainfall is expected in the coming days and anybody who lives near the Shannon or a river that has flooded says the fear of flooding is nearly as bad as the actual flooding. I ask the Leader to call on the Minister to either come to the House or to make sure that the councils in the various areas are ready for the imminent possibility of flooding and that the Army is ready to be called on. We must be assured that local authorities will call in the Army early rather than wait for a disaster to occur. The Army is always more than willing and capable of helping out but it needs to be asked. I would appreciate if the matter could be raised with the relevant Ministers.

**Senator David Norris:** I draw the attention of colleagues to the fact that a demonstration will take place outside Leinster House between 1 p.m. and 2 p.m. this afternoon. It is to highlight the case of a 16-year-old Palestinian girl, Ahed Tamimi, who since she was a small child has been a significant figure in defending her home and family against the incursions of Israeli troops. On 19 December last year, over a month ago, Israeli troops invaded her house. Ms Tamimi slapped an Israeli soldier in the face, a quite understandable thing to do in the circumstances. She and her mother were arrested and they have in prison ever since. They will be in prison throughout the trial. That is in stark contrast to the release on parole of Israeli soldiers, for example, who have killed Palestinian civilians.

**Senator Máire Devine:** Hear, hear.

**Senator David Norris:** I will join the protest and wish to alert other colleagues to the fact that it will be taking place. The treatment of Palestinian children by the Israeli authorities is pretty appalling.

The other matter I wish to mention briefly is the fact that with other Members of the Seanad, I have been critical of RTÉ's broadcasting policy in not covering Seanad Éireann at all on many occasions. There are a number of nights when its programmes deal with the Dáil and committees but we are not even seen as being as important as a committee. I had a message from RTÉ this morning asking me to meet with some senior officials about the situation and I

will represent the Seanad strongly in the discussions and suggest that a more detailed coverage is necessary. Sometimes our proceedings are bland and irrelevant and on those occasions there is no reason for them to be covered but I can give one instance of when the House should be covered. When Senator Alice-Mary Higgins got a debate on the Comprehensive Economic and Trade Agreement I spoke to the Fianna Fáil Party and it abstained on the issue, as a result of which we defeated the Government on a major policy issue. The Seanad was not mentioned at all that day, yet when a Member of the Dáil, a woman Deputy, raised it in a glancing fashion on the Order of Business in the Dáil it was all over the television. There must be parity of treatment between Seanad Éireann and Dáil Éireann. We really must be covered when important things arise. I accept that when Senator Mark Daly got the Bill on Irish Sign Language through that was extensively covered and that was a good day for the Seanad but RTÉ should monitor it all the time. I have a feeling there is nobody in RTÉ watching the Seanad so it does not know what is going on. Otherwise it certainly would have picked some instances of days when it did not cover the Seanad at all.

**An Cathaoirleach:** Before I call on the Leader to respond, I wish to briefly comment on what Senator Norris has said. RTÉ is meeting me next Tuesday or Wednesday and if any groups or individuals would like to email me in advance they are welcome to do so and I will raise issues on their behalf. It is a general meeting about the coverage of the Seanad, among other things. To be fair to RTÉ, this meeting was set up as far back as last October or November. I am not sure of the date but for whatever reason something cropped up and I had to cancel the meeting at the last minute. It was not the fault of RTÉ but the meeting is going ahead. I have agreed to it either on Tuesday evening or Wednesday. If an individual or group wishes to raise an issue along the lines of what Senator Norris has said then I would be only too glad to bring it to the attention of RTÉ. The meeting is scheduled for approximately 35 minutes or 40 minutes. In so far as I can as Cathaoirleach I will represent the concerns of the Seanad with regard to the issue Senator Norris raised.

**Senator David Norris:** Very good.

**An Cathaoirleach:** I now call on the Leader to respond.

**Senator Jerry Buttimer:** I will begin in reverse order. In terms of the proposed meeting, I had the pleasure of meeting RTÉ yesterday and I will not pre-empt the discussions you will have, a Chathaoirligh, or that Senator Norris will have, but it is fair to say that RTÉ is looking at its coverage not just of the Oireachtas but of politics in general. It is an evolving world that we live in and there is an obligation on us as Members of the Upper House to become relevant and to stay relevant.

Senator Norris made a good point in that we should not be defensive but there is a reluctance by some members of the media to cover the Seanad. Last week there was a case in point when we had a very fine debate on the eighth amendment. Regardless of the viewpoints of Members, I thought the quality of the speakers in this House was way better in comparison with those in the Lower House. Perhaps I would say that. However, the Lower House received all the coverage, especially on the “Prime Time” programme that night which showed pictures of the Dáil. I accept that Senator Bacik was on the programme. The question we must collectively pose and reflect on is how we stay relevant to the media and beyond in obtaining coverage, but also in terms of what we debate here.

You will know, a Chathaoirligh, as will Senator Mac Lochlainn, as former Members of the

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other House, the perennial challenge of competing with the Dáil, which is seen to be a bigger beast in the eyes of many. It is a question that needs to be addressed but I would not hold my breath on RTE coming to the rescue of the Seanad in terms of coverage. I will have the debate after your meeting, a Chathaoirligh, as I do not wish to pre-empt it in case it is a different type of meeting than I had yesterday.

I wholeheartedly endorse Senator Mark Daly's comments on the undocumented in the United States. He referred to the story of Dylan O'Riordan and the number of deportations from Boston. I heard the horrifying stories this morning on "Morning Ireland". Many of us know people living in many parts of the United States who are afraid to come home, and who are even afraid to use FaceTime or other means of communication for fear they can be trapped or found out. The situation is worrying. That is why the Taoiseach appointed Deputy John Deasy as a special envoy. He and the Tánaiste, Deputy Coveney, have been in the Stáit Aontaithe, as has the Minister of State, Deputy Cannon. Senator Mark Daly is correct that going there should not be just about St. Patrick's Day. The budget talks are linked to immigration and the deferred action for childhood arrivals, DACA, and the Dreamer programme have brought into perspective the fear among many emigrants across many different communities. We have all seen the clips on Facebook and other social media showing immigration officers travelling on buses in many parts of the United States. I share the Senator's concerns and I will wholeheartedly endeavour to have the Tánaiste come to the House before the journeys of the Ministers across the world, but in particular to the United States, begin.

I am aware Senator Mark Daly has a strong connection with the House of Representatives and the Senate. There is a duty on us as legislators to work together to continue the work we are doing. I am not being political when I say it but the sad part is that the political landscape in the United States now is so different from that which existed previously. I suspect the opportunity is nearly gone but we cannot give up hope. We must hope that moderate Republicans will work with sensible politicians from around the world, in our case Irish politicians, and Democrats to forge a way forward. The task has become more difficult but I share Senator Mark Daly's views and I will arrange to have that debate as soon as I can.

Senator Mac Lochlainn has repeatedly raised the matter of Swan Park, the riverside park on the Inishowen Peninsula. I know there was a public meeting this week on the matter. Unfortunately, I do not have the answers but I would be happy to make representations for him, as I did before. I know it is an amenity that is very important to the people in the community he spoke about. The Government has responded to the flooding in Donegal. Senator Mac Lochlainn may think it could have been better but from talking to Fine Gael councillors and others in Donegal I know that a lot of work was done at the beginning and since then. I do not have the answers with me, but I would be happy to speak to the Senator and pursue the matter later. I would support any endeavour to get the park opened as a matter of urgency.

Senator Grace O'Sullivan raised the issue of the tragic death of Mr. Michael Gallagher. I sympathise with his family members on their bereavement. I will not get into a political debate with the Senator on the matter now. When discussing the health system and budget, however, it is important to recognise that this year we have allocated the largest health expenditure in the history of the State. There has been a 20% increase in the health budget in recent years. More staff are being recruited and more money has been allocated, but if it was just a question of investing money, we would be the best in the world. As it is, we are in the top five countries in terms of spend *per capita*. That is why the Minister, Deputy Harris, initiated the bed capacity review.

It is important that there be reform in tandem with investment. That means accountability and responsibility. There is political accountability and there needs to be responsibility on the part of hospital managers, clinicians and all parts of the health sector. There must be an ongoing debate on health. I look forward to the Minister attending the House to discuss the health service capacity review. More capacity is necessary. It is unacceptable that people are on trolleys and waiting for operations, but we have opened more beds and finance has been increased.

I wonder where we are going wrong in terms of access to health. If one turned on Sky News, “NBC Nightly News” and RTÉ news this week, the headline stories would have been about the flu epidemic and people trying to access hospitals. As a former Chairman of the Oireachtas health committee, I am a firm believer in investing in primary care. It is the way forward. We will have that debate in the coming weeks.

I will not go into the tragic death of Mr. Gallagher as it cannot be brushed aside as a political issue. It is about a family suffering a bereavement. We must all work to ensure that whatever happened in his case is eliminated from the health system.

Senator Ó Clochartaigh raised the issue of RCSI Bahrain and accreditation. When he raised it previously, I did some research. The Medical Council uses strict criteria, but the vote was 10-7 and a number of people voiced strong views as to why it should not happen. I agree with the Senator regarding human rights issues and how people, particularly some medics, were treated in Bahrain. I am concerned. From the point of view of accreditation and research, I am satisfied that the Medical Council’s standards are being met and that people coming to Ireland are of the highest calibre, but the Senator has made a strong case about the human rights violations in Bahrain. I support him in that regard.

I also agree with Senator Ó Clochartaigh that Irish Water needs to run clinics in Leinster House again. It has good interactions on social media. If one direct messages the organisation on Twitter, one gets a quick response. However, it would be useful, beneficial and helpful to Members of the Oireachtas if Irish Water resumed its clinics. On foot of the Senator’s request, I will raise the matter with Irish Water again. It has experienced personnel changes, so we must determine a contact person. The Senator’s idea is a good one and I am happy to support him in it.

Senator Hopkins raised the issue of the reduction in the number of beds at the Rosalie unit in Castlerea. I welcome last night’s meeting. I understand the Senator’s concerns and frustration. It is worth putting on the record that the unit’s residents are predominantly elderly, with many suffering from Alzheimer’s and dementia. The HSE has an obligation to work with all involved, including the families, to ensure that the unit does not close. I share the Senator’s concerns. This is about engagement. A solution can be found. Matters have changed since the former Minister of State, Ms Kathleen Lynch’s comments in 2015. For example, we have allocated more money to the HSE. There needs to be a solution. The Cathaoirleach suggested raising this as a Commencement matter. I welcome the Senator’s remarks.

I join Senator Gallagher in paying tribute to and remembering the late Detective Garda Adrian Donohoe on the anniversary of his murder. There are people with information about his death who should come forward. The Senator is right. It is no consolation to his wife, Caroline, and children that we commend him today, but we should all ensure that people with information give it to the Garda so that we can find those who murdered him in cold blood.

**Senator Pádraig Mac Lochlainn:** Hear, hear.

**Senator Jerry Buttimer:** I agree with Senator Gallagher in that respect and share his opinion. The members of An Garda Síochána do a job every day protecting us all. There is a duty on everyone to come forward with information.

The Taoiseach has commented on the national broadband strategy. The Government is committed to broadband becoming a part of every community. I agree that this is about rural Ireland getting broadband so that industry can locate there as a counterweight to Dublin and other areas. I would be happy to invite the Minister, Deputy Naughten, to the House.

Senator Byrne mentioned the ESRI report in terms of investment in second-tier cities. I assure her that we will have a further debate on the national planning framework. It is an important piece of work that is about to be unfurled and published by the Government and which will plan for the next decade, so we must ensure that it is debated properly.

Senator Ruane raised the matter of the Taoiseach's comments, which were addressed on yesterday's Order of Business. To be fair to him, he was saying that some people required and got help from their parents. He was not saying that all parents should do that. Like him, I recognise that not every parent can give help to a son or daughter. He did not do what the Senator said. What he is being accused of is being honest. The Senator should read the affordable home scheme. As Senator Devine mentioned, it is about ensuring that people can buy and get on the property ladder. I will pose a question to all Senators. Do we want to revert to having 100% mortgages, negative equity, house prices going berserk and people being saddled with large debts? As I stated on the Order of Business, young people are suffering trying to save for deposits. I met a young woman on Monday who was desperately trying to get a deposit. We must address that issue, but the Taoiseach is not out of touch. He said that he got a 100% mortgage and that he felt it was bad. Society recognises that 100% mortgages are not the way to go. That is why the Government is committed to ensuring affordable housing for people. As I told Senator Horkan yesterday, we need to have that debate. I would not want to see people under pressure trying to help others. I agree with Senator Ruane that some parents cannot afford to give help and should not be asked to. The country needs an honest debate about housing and affordability. That is what the Government is trying to do.

I watched the "Prime Time" programme on the vaginal mesh. It is unacceptable that women who are suffering must jump through hoops to get answers and solutions. The Health Products Regulatory Authority, HPRA, the Department of Health with its Chief Medical Officer and many other layers of bureaucracy are charged with inspecting and upholding standards. We must work with the women affected to ensure that they get answers and solutions and are treated in a proper, compassionate and understanding way. That the situations that we heard about on "Prime Time" on Tuesday night are continuing is unacceptable. Best international practice in the device's use and clinical management needs to be followed. If it needs to be banned, let us do that. I will not stand on ceremony in that regard.

**Senator David Norris:** A consultant stated that it was the best treatment available.

**Senator Jerry Buttimer:** That is my point. Clinicians, the HPRA and the Chief Medical Officer, all of whom are more qualified than people like me, are making these pronouncements. If one criticises or questions, one is seen to be a maverick. As Senator Devine stated and as the programme showed, women are suffering. They were healthy, able-bodied and leading full and

active lives prior to their procedures. The question is how this has happened and why their lives have deteriorated. I have not got the answer but I want to see solutions found for these women. The stories on “Prime Time” would leave one appalled and questioning how it happened. There is a deficit now for them. I am happy to work with colleagues to ensure the women receive the answer.

Senator McFadden raised the issue of flooding. The OPW and the ESB must take cognisance of this issue. The Senator has been prolific in her own community, working with people on flood defences. I commend her for that. It is very important that we do not allow a situation to continue in which homes and businesses, in the case of Cork city and across the midlands, are flooded because of a lack of proactivity by the OPW, the ESB and the county councils. I will have that debate with the Minister of State, Deputy Moran, in the coming weeks.

Senator Norris raised the issue of the 16-year-old Palestinian girl and the demonstration. The issue of Palestine and the way the people are being treated is one we need to keep at the forefront of our affairs and I wish the Senator well in his discussions with RTÉ. I look forward to having a debate with him and other Members of the House following his meeting with RTÉ.

**An Cathaoirleach:** We will remain optimistic.

Order of Business agreed to.

#### **Planning and Development (Amendment) Regulations 2018: Motion**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development (Amendment) Regulations 2018,  
copies of which were laid in draft form before Seanad Éireann on 13th December 2017.

Question put and agreed to.

#### **Planning and Development (Amendment) (No. 2) Regulations 2018: Motion**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann approves the following Regulations in draft:

Planning and Development (Amendment) (No. 2) Regulations 2018,  
copies of which were laid in draft form before Seanad Éireann on 13th December 2017.

Question put and agreed to.

#### **Planning and Development (Amendment) (No. 3) Regulations 2018: Motion**

**Senator Jerry Buttimer:** I move:

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That Seanad Éireann approves the following Regulations in draft:

Planning and Development (Amendment) (No. 3) Regulations 2018,  
copies of which were laid in draft form before Seanad Éireann on 13th December 2017.

Question put and agreed to.

*Sitting suspended at 12.25 p.m. and resumed at 12.45 p.m.*

### **Mandatory Reporting: Statements**

**Acting Chairman (Senator Michelle Mulherin):** I welcome the Minister for Children and Youth Affairs, Deputy Katherine Zappone, to the House.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I am delighted to be here. It is a privilege to be the Minister who made mandatory reporting of child abuse a reality in this country, ending 20 years of debate across five Departments. My decision was not an easy one. There were sleepless nights before I decided to act. In truth, there were also many sleepless nights after I made my decision. There had been many predictions that services would not be able to cope and that the system would collapse. I had to balance the readiness of our front-line services to respond to mandatory reporting with my own personal view that no effort should be spared to reach, support and protect every child in danger. My decision to introduce the remaining parts of Children First from 11 December was not taken in isolation. Before giving the go ahead, my Department and I used budget negotiations to secure the biggest ever budget for Tusla. This year for the first time it will pass €750 million. This investment provides for 300 new posts within Tusla. I also listened carefully to the views of leading figures such as the Ombudsman for Children, the special rapporteur on child protection and groups such as the ISPCC and Barnardos. They not only shared the firm belief but were adamant that it was time to bring this long-running saga to an end.

Visits and discussions I had with children, young people and social and care workers right across the country helped inform my decision. As Minister, I was also briefed on the huge level of preparations made not only by own Department and Tusla, but also by teachers, gardaí, medical staff and all who interact with children on a day-to-day basis. An interdepartmental group, involving every Department, had been preparing for this moment for two years. Tusla, in advance of commencement, had to put in place the structures and processes necessary to facilitate the intake of mandated reports. In addition, online training has been prepared. I encourage Senators to take time to access this training through the Tusla website.

Taking all of these factors into account there was no doubt in my mind that we were never more ready to take this hugely important step. It could be argued that if we were not ready on 11 December then we would never be ready. I acknowledge, of course, that there were those who warned that mandatory reporting would lead to a big spike in reports and put our front-line services under pressure. However, that argument leads to the very real prospect that children in danger who have not been identified would be left outside the system with no protection and supports. As an Independent Minister, as a social justice campaigner and, I have to say, as a woman I found that prospect completely unacceptable and I rejected it. We are now six weeks

into mandatory reporting and yesterday I received an update from Tusla. The figures are preliminary and I want to underline that.

However, the leadership of Tusla states that just over 1,100 mandated reports have been received. Even with the health warning that the figures are preliminary, it is clear that the anticipated spike has not yet happened. Thankfully, the negative impact on children's services has also not materialised. Of course, we cannot be complacent. I am asking my officials to provide me with constantly updated figures so that we can respond to any increases which may occur. We had those discussions with the Tusla board and senior executives yesterday afternoon. Today's debate highlights the significance rightly attached by this House to child abuse.

I will now give a brief outline of the provisions of the Children First Act 2015 before addressing in more detail those provisions relating to mandated reporting of child abuse. In order to give Senators as full a picture as possible, I will also set out how those provisions co-exist with the non-statutory provisions of the Children First guidance. The passage of the Children First Act 2015 in November 2015 marked the achievement of a key programme for Government commitment to put elements of the child protection guidance on a statutory footing. Commencement of the Act was on a phased basis to allow the necessary preparations to be made and all of the remaining provisions of the Children First Act 2015, including those relating to mandated reporting, were fully commenced on 11 December 2017. The aim of the Act is simple. It is to improve the care and protection of children by raising awareness of child abuse and neglect. The Act represents an important addition to the child welfare and protection measures already in place and will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

There are two key elements of the Act. The first relates to the obligation on providers of services to children to keep children safe from harm while availing of their services, to undertake an assessment of any potential for risk of harm to a child while that child is availing of their service, and to prepare and publish a child safeguarding statement in accordance with the Act. This statement must set out the procedures that are in place to manage any risks that have been identified. The relevant services to children that attract an obligation to produce a child safeguarding statement are set out in Schedule 1 to the Act. Senators should note that the obligation attaches to both private and public sector services.

The second key element of the Act is mandated reporting of child abuse. The Act places an obligation on defined categories of persons to report child abuse to Tusla. The list of categories of persons who are mandated persons is set out in Schedule 2 to the Act. They are, in the main, professionals working with children or certain categories of adults and include teachers, many health professionals, gardaí, owners and staff of crèches, and trained youth workers. The Act also includes a provision whereby mandated persons must, if reasonably requested to do so, assist Tusla in the assessment of a child protection risk. This assistance can take the form of verbal or written reports, attendance at meetings, or the provision of information or documents.

The Act also operates side-by-side with the existing non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children. These guidelines have been in place since 1999 and were revised and published in October 2017 to include a reference to the provisions of the Act. The guidelines are aimed at all persons who come in contact with children. They set out what constitutes child abuse and neglect, how to recognise it, what constitutes a "reasonable concern" that a child is being or has been abused, and how to report the concern to Tusla.

The distinction between the guidance and the Act is that the obligation in the guidance is to report reasonable concerns, and that is a non-statutory obligation. The legal obligation to report in the Act is at a higher threshold and only applies to specific categories of persons as set out in the Act. The essential distinction between reporting a reasonable concern under the guidelines and a mandated report under the legislation, is that the threshold for a reasonable concern is that one has reasonable grounds to suspect that the child is, has been or is at the risk of being abused. The higher threshold for a mandated report is that in one's view, the abuse is of a level to seriously affect the health, development or welfare of the child. I encourage people to look at the Children First guidance which sets out in more detail the distinction between the two thresholds. There is a very clear laying out of that. One needs a discernment with that guidance in order to make those judgments. However, the aim of both the guidance and the Act is that all concerns about children are drawn to the attention of Tusla as quickly as possible, with sufficient detail to allow Tusla to assess the concerns effectively.

The Children First Act 2015 also provided for the establishment on a statutory basis of the Children First interdepartmental implementation group. As I have already stated this group, established in November 2016, includes a representative from every Department and from Tusla, the HSE and An Garda Síochána. The focus of the group to date has been on preparations for the full commencement of the Children First Act. In advance of commencement Tusla had to put in place the structures and processes necessary to facilitate the intake of mandated reports. Mandated reporters are required to make their reports in writing and have a legal entitlement to an acknowledgement. Tusla has an online portal in place for the receipt of mandated reports.

Mandated reporters can go online, via the Tusla website, register and are then in a position to submit reports directly to Tusla via the portal. I can assure Senators as well that data protection issues have been fully addressed, and that Tusla has consulted with the Data Protection Commissioner regarding fully protecting this sensitive information. The portal is an efficient and accessible way of ensuring reports of child abuse can be generated as efficiently as possible, including all the relevant information, and can be sent without delay to Tusla.

As I stated, the Children First national guidance has been revised and is available on my Department's website and through the Government Publications Office. In addition, a very wide circulation of the guidance to schools, HSE settings, Garda stations and a number of other outlets has taken place in conjunction with the interdepartmental group. Tusla has prepared a number of other resources to assist persons in complying with their obligations under the legislation.

First and foremost, Tusla has made available on its website and free of charge, a 90-minute online basic Children First training module. This is an introduction to Children First and the reporting of child protection concerns. I encourage all those interested in child protection, including mandated reporters, to undertake the training.

In addition, Tusla has prepared a number of guides, which are freely available on its website as follows: A Guide for the Reporting of Child Welfare and Protection Concerns; Mandated Assisting Protocol for Tusla Staff; Guidance on Developing a Child Safeguarding Statement; Child Safeguarding: A Guide for Policy, Procedure and Practice; and Best Practice Principles for Organisations in Developing Children First Training Programmes.

It is very important to emphasise that the Children First Act 2015 forms part of a suite

of child-protection legislation including the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Taken together, these three pieces of legislation significantly improve the child protection landscape.

I remind Senators it has taken two decades to reach this moment. Their interest, support and contribution to child protection are very welcome. I look forward to hearing their contributions and assure the House of my commitment to child protection and continually improving outcomes for children, in particular the most vulnerable of children, who may be the subject of reports to Tusla.

**Senator Robbie Gallagher:** I thank the Minister for her presence. I acknowledge and thank her for her work in this area to date. Fianna Fáil welcomes any change that increases child protection. We support the introduction of mandatory reporting, but it must be backed up by training and resources, a key issue to which the Minister alluded.

Under the mandatory reporting requirements of the Act, mandated reporters are persons who, by virtue of their training, responsibilities and experience, should have an awareness of issues relating to child protection. These professionals either work with children or young people, or are in a service sector that encounters adults or families and children where there is a risk of abuse and neglect. Mandated persons must report to Tusla if they believe or have reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed.

While I welcome the introduction of mandatory reporting, I must raise some concerns. Various experts, not least Mr. Fred McBride, the Tusla CEO, have raised concerns about the resource implications of mandatory reporting. Resourcing has been and remains an issue at Tusla. Chronic lack of staff has left the agency struggling to meet our children's needs. Mandatory reporting could increase the number of referrals to Tusla by an estimated 150%. I know the Minister has given some preliminary figures that would contradict that, but it is very early days.

To add another layer on top of this already embattled service, albeit with the best of intentions, would be short-sighted and detrimental in the long run. In October 2017, there were 5,212 children awaiting the allocation of a social worker. Of these, 752 are designated as high priority. It is very unfortunate that when it comes to our health sector, priority does not mean immediate or urgent assistance. The resourcing issues at Tusla are both financial and recruitment matters. Despite asserting that it would need an additional €38 million for the introduction of mandatory reporting alone, the 2018 budget falls well short and expects more to be done for less.

In recent years Tusla has struggled to recruit and retain social workers. As with our graduate nurses, GPs and teachers, approximately 250 social workers graduate in Ireland every year and a high percentage of them take up employment abroad with other agencies. As a result, Tusla has struggled to manage its existing workload and has been forced to outsource a number of foster care placements to private agencies.

The idea of having statements in the Seanad is very welcome. As I said, I very much welcome the Minister's work in that regard. It gives us an opportunity to voice our concerns in order that we can flag issues such as the ones I have outlined in the hope that they might be addressed. I ask her to take these on board and I hope she will continue her good work with Tusla and its CEO, Mr. Fred McBride.

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Critically, the Minister's aspirations and those of her Department must be backed up by adequate resources. It is the least children deserve. If we fail in this, we will fail them.

**Senator Joan Freeman:** It is lovely to see the Minister here. I am pleased to have the opportunity to speak briefly on the mandatory reporting provisions that were commenced in December. As far as I am aware, this is the first time that the mandatory reporting of child abuse has been put on a statutory footing for professionals. It is important to acknowledge that this is an excellent development for the safety of our children. It recognises the unqualified duty professionals should have towards children and ensuring that nothing goes under the radar, as it has so many times in the past.

Schedule 2 to the Act places the obligation on every person in our community who comes into contact with our children, including doctors, teachers, therapists and nurses who provide services for children. The necessity for information sharing between agencies is vital when protecting our children. Based on the documentation I have received about the Act, I know that the recommendation for mandatory reporting went as far back as the recommendations made after the Kilkenny incest investigation in the early 1990s. In the 20 years that this has been hanging over us, what has happened to the children who were abused, but that abuse was not reported? As part of this Government, I am ashamed to be aware of this situation and that we have done nothing about it until recently.

Yesterday I commended the Minister on her work on child care. I did not think that 24 hours later I would be commending her again on this amazing achievement. There has been debate about mandatory reporting putting a strain on front-line workers. It is the most frightening thing I have ever heard that we thought it was more important not to stress out our front-line workers than to save children.

**Senator Catherine Noone:** I welcome the Minister to the House; it is always great to see her here. I congratulate her and her officials on all the work they do, especially in this area.

As the Minister and Senator Freeman have said, it is a very significant milestone in child protection in Ireland. Two decades have passed since mandatory reporting was first suggested and it is difficult to understand why it took this long. We must acknowledge that the previous Government was the first to appoint a full Cabinet Minister with responsibility for children. Obviously, it takes time to resolve certain historical issues. I give credit to the Minister and her officials for getting us to this point, notwithstanding all of the obstacles they have to overcome. In recent years, much work has been done to ensure the successful implementation of this measure. It includes the measures the Minister outlined, such as online training and the information and awareness work, in addition to increased funding, which is crucial. Children remain and will always be among the most vulnerable members of society. It is right that we take every possible measure to ensure their safety in every respect.

For many years throughout our history, child protection was hidden or somehow ignored. This has been discussed regularly in these Houses. It is only by dragging these issues into the light that we can deal with them. This is a good step in that regard.

In preparation for the introduction of mandatory protection, Tusla has prepared online tools aimed at education, as the Minister has outlined. Senator Gallagher made the fair point that education is crucial. Included is a child welfare and protection e-learning programme, provided free of charge. Additional resources have been developed, including a guideline for reporting

child welfare and protection concerns and information regarding the development of child safeguarding statements. The Minister has mentioned much of this already.

I welcome the Minister's announcement on additional funding of €40 million in the budget for Tusla. This will mean that the total budget for Tusla, for the first time in the history of the State, will surpass €750 million. This will allow it to carry out its responsibility to a greater capacity and improve the services for those who rely on them. It also plans to expand its operation in 2018. It has set aside funding that will allow it to take on an additional 300 members of staff. I hope that will serve to deal with many of the issues to which Senator Freeman has quite rightly alluded.

As a society, we must always be aware of the possibility of child abuse. We can think the best of people but we must always be on the alert. We often see in the media when cases surrounding child welfare arise the shock and surprise in the community. It is, therefore, incumbent on us to be vigilant, educate ourselves and better equip ourselves with regard to potential red flags that may be in plain sight but that somehow go unnoticed. This is most true with regard to teachers and staff of any organisation that provides services to children. Obviously, the default position is that we think the best of people but we need to be vigilant.

Mandatory reporting will require any organisation providing services to children to produce its own child safety statement and report any child welfare concerns to the Child and Family Agency. As such, the agency has developed 17 contact points across the country that are dedicated to receiving these reports. The details of all the locations can be found on the agency's website. Mandatory reporting provides protection to children through those working on the front line. This relates to what Senator Freeman said about front-line services and their importance. Every Member of the Oireachtas shares the same objective regarding this issue. In a way, it is beyond politics. It goes without saying that we want the best for the children of the country and to protect them in the best way possible. We now have a significant framework, new systems, new staff and more funding than ever before. That is extremely positive. In saying so, I am not trying to brush over any negatives. It will bring an end to the long debate that has spanned two decades. In many ways, it is a shame it has taken so long to get to this point but we have to be grateful that we are here.

I thank all those organisations and individuals who worked tirelessly, through lobbying and facilitating the infrastructure in here, to ensure we reached this point. With regard to mandatory reporting, I hope Tusla will continue to enjoy the confidence and support of these Houses, that its work will be acted on in good faith and that it will continue to safeguard the crucial services and protections it provides.

**Senator Paul Gavan:** I welcome the Minister to the Chamber. I genuinely acknowledge the fact that she is a progressive Minister seeking to make real improvements in a particularly challenging area. Regardless of political differences my party has with the Government, it has to acknowledge that. I am happy to do so today.

**Deputy Katherine Zappone:** I thank the Senator.

**Senator Paul Gavan:** As the Minister will know, Sinn Féin has long supported the introduction of legislation on the mandatory reporting of child protection concerns. Our concern is related to the ability of Tusla to effectively follow up and investigate complaints. This is the dual concern that Tusla not only does not have the resources or staff numbers but that it also

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has a poor record in handling cases brought to its attention, which means there is already a lack of confidence in the agency among the wider public. Sinn Féin believes the overall way Tusla operates has failed to earn the confidence of the public and that serious and demonstrable improvements are needed within the agency in the coming months.

The charity One in Four, which professionally supports adults sexually abused in childhood and operates a sex offender intervention programme, has said it is extremely worried that dangerous sex offenders may be continuing to abuse children, even though it has alerted the Child and Family Agency, Tusla, to allegations against them. The service has urged the Government to significantly improve the resourcing of the agency's child protection teams to enable them to deal with notifications nationwide.

I have a background in a trade union movement. I have been speaking to my contacts. I am not saying this to make a political point but saying it out of genuine concern. I am hearing that there continues to be a major crisis with regard to the staffing of Tusla. I hear the turnover rate is absolutely frightening, which in turn is making it almost impossible for the staff in place to provide a service at the level needed and that we all want to see. I welcome the additional funding for staffing but want to raise as a real concern what I have heard, namely, that there is a real crisis in the agency and that it is deepening. I would be interested in hearing the Minister's comments in that regard.

One in Four's 2016 annual report states most of its child protection notifications to Tusla are deemed unfounded. Last year, it sent Tusla 91 notifications based on what it calls clients' "very serious allegations ... about experiences of child sexual abuse". Although 12 clients made full statements to social workers, the report says eight of their cases were either not investigated or deemed "unfounded" by Tusla. The charity says the agency is still investigating three cases but that only one has been validated, meaning that only one of the many accused is now being monitored. One in Four said: "The father who abused his children may now be abusing his grandchildren: the teacher who abused one generation may now be abusing the next." We support a robust system but one instance where a sexual abuse allegation is not investigated thoroughly is one instance too many.

An investigation by the Ombudsman, Peter Tyndall, into how a number of allegations of child abuse by adults were handled found a litany of failings. The investigation, published in July, revealed long delays in dealing with allegations of abuse; the rights of some people who were accused of abuse were breached; Tusla failed to follow its own procedures when keeping social work records; some social workers lacked empathy; and confidential communications were sent to an incorrect address. The Ombudsman said:

My investigation has found that in some cases there have been serious failings in how Tusla carries out its role. However, Tusla has accepted the findings in my report. It has agreed to implement the recommendations which are aimed at improving Tusla's procedures. Tusla has already started to implement some recommendations and I will closely monitor how they are being implemented.

While we very much welcome the action the Minister is taking, can she outline the structural reforms that Tusla intends to carry out in 2018? Does she believe that Tusla will be operating on a satisfactory basis in regard to mandatory reporting by the end of 2018, now that the Children First Act 2015 has been fully commenced?

**Senator Lynn Ruane:** I thank the Minister. Like everybody else, I welcome mandatory reporting. I cannot be strong enough in saying that. I read the national guidelines on child protection and welfare practice. I read through as much of the handbook as I could because of a particular aspect of mandatory reporting that has arisen frequently in the past year in regard to adults. My history of working with people is one of working with adults, including people with addictions and the homeless, and people in the community sector. What has been arising in the field of counselling concerns retrospective reporting. I was recently approached to help someone find a counsellor. Of the counsellors I contacted, three out of four turned this person away because they were not sure whether they would have to mandatorily report retrospective abuse. This person is an adult and may be talking about something from 20 years ago. One counsellor felt they did not have the capacity or the knowledge of that individual to be able to assess whether any other children were at risk 20 or 30 years on. The counsellor did not know the person well enough and did not have their history. The counsellor did not want to sit down with the individual without having the relationship with them and when that individual might not have been ready to go through a reporting procedure or a procedure with an Garda. A counsellor would have to try to balance protecting potential victims with protecting the individual adult who is speaking about this for the very first time.

When I was reading through the HSE's child protection and welfare practice handbook I saw that "all designated personnel should be required to caution clients about their reporting obligations". I read this handbook after I had these difficulties in getting counselling for people. Perhaps that line, where counsellors are warning clients that they will have to report anything they disclose in this regard, causes people to walk away because they are not ready to go through that procedure. I wonder about these knock-on effects in terms of retrospective disclosures.

In another case an addiction worker contacted me in respect of mandatory reporting. This person had contacted Tusla and filed a report about a young girl who was a service user. This girl's drug use spiked rapidly because she was not ready for this to go to that level. She was talking about something that had happened in her past. The length of time it took for Tusla to engage with the report was an issue. It took a number of weeks. I understand that is a resource issue but this individual was not only not ready for this to happen but was also not in a position to know what was going on. Nobody was communicating with her. I know the services at the time really struggled with the level her drug use reached during that period of waiting to find out what was happening. She did not know whether gardaí would show up at her house or at the family house where she had said this had happened to her as a child. There is all this uncertainty both among the people who are making the retrospective disclosures and among the counsellors and workers who do not even know whether they have to make a disclosure so soon or whether they can wait and work with that adult for a period of six to eight weeks or three months in order to get them into a position where they are ready to take on the traumatic experience of following this through and perhaps even, for the very first time, having to let their families know that they can expect a call from Tusla or the Garda.

I also read in section 3.6 of Children First, which is on retrospective disclosures, that it is really up to that individual to be able to assess the risk to other children. Counsellors do not feel they are in a position to be able to do that. They are kind of stuck between a rock and a hard place in terms of what they need to do. There are some niche areas and I would love to put the Minister in contact with some of the people experiencing these problems in order to iron out

some of it so that it can be a bit clearer to people working on the ground.

**Minister for Children and Youth Affairs (Deputy Katherine Zappone):** I thank the Senators who contributed to the debate. All of those reflections, questions and comments were extremely helpful. As this is obviously the first opportunity I have had to have a conversation with my parliamentary colleagues since we implemented the mandatory reporting deadline, it is really great. The Senators are the first in that regard. I will just offer a couple of general comments and answer a couple of questions in the light of what the Senators have shared.

In the light of the Senators' commentary, much of which has been appreciative of the fact that we now have mandatory reporting and that it happens within the overall suite and set of practices of protecting children, I would like to begin by acknowledging those positive comments and expressing my appreciation to Tusla and the people who work for it on the ground who are at the front line, the coalface, in dealing with these issues on a day-to-day basis with children and families. The Senators know from my commentary that the organisation, although it had obviously been preparing for a long period, wanted a little more time. I refused and said that we needed to do it now. I appreciate its willingness, once I said that, to rise to the occasion and to be as ready as it could to do the work.

I am particularly grateful to all the various child protection workers; the various non-governmental organisations, including those mentioned by Senator Noone; all those who have lobbied to bring us to this point; and all of the Departments. I have met with the interdepartmental implementation group a couple of times. My officials have worked really hard to provide service and support. By the end of the two-year period the members had done a lot of work together not just within the group, but also in ensuring implementation in their respective Departments and agencies. I felt a lot of confidence on the basis of their work. I acknowledge that. As I have indicated, since mid-December we have had 1,100 reports. That means 1,100 children who may have not been, and probably would have not been, brought to our attention if I had not commenced that part of the Act and if people had not been ready and geared up. I am also grateful for that.

At the same time, I acknowledge Senator Freeman's point in respect of the other years and the number of children we may have missed. I have to carry that as a Minister, as does the leadership of Tusla, but I just wanted to begin by expressing that appreciation. We have had a good number of reports. One of our colleagues here asked the question, noting that it is still early days, whether that number may still spike. Will we get a greatly increased number reporting? That is a great concern among both my own officials and Tusla. Once people are really fully aware of their obligations and start to work through some of the training and so on, such a spike is possible.

One of things I was discussing with the chief executive of Tusla and some members of its board yesterday afternoon, however, is that they have been working for a couple of years to prepare for a national child care information system. I believe Members here know that. They are really bringing Tusla's IT system up to speed and rolling out a new approach in order that it will be much easier to ensure that the information that is recorded in respect of children and families across the agency and the regions is shared appropriately and works efficiently. Tusla has determined that should be pretty much completed across the country by the middle of this year. That will make a significant difference to its capacity and ability to respond efficiently if there is a further increase in mandated reporting in respect of children and families throughout the country.

Obviously that addresses the IT part but we also need fantastic professionals who are trained adequately and so on. Both of those concerns were raised. Does Tusla have enough people? What about resources for training? I am aware of that but it needs the IT tools. I met the senior people in Tusla yesterday afternoon and they assured me that we would have that by the middle of this year. I expect and hope that will make a significant difference.

I am aware of the concerns which both Fianna Fáil and Sinn Féin have raised in respect of the people who work in Tusla and their recruiting, retention and training. I hear what they have brought up in that respect very recently. The chief executive told me yesterday that this past month was one of the first periods in which Tusla recruited more staff than it lost. That is a positive sign, although it is still just one sign. It will shortly complete something I have sought for a long time, a workforce development plan, a key aspect of which will be considering the ways it mixes its staff and how staff work together and support one another in order to address in this case the issues surrounding mandatory reporting. There are so many unallocated cases, but putting this obligation on people does not mean the families or children in question will never see a social worker. In any case reported there is an initial assessment; a duty social work team is assigned and the family are monitored until they are seen by an allocated social worker. That is very important. I remember that when the One in Four report was presented, the related issues were identified. Perhaps the officials might update me on the outstanding cases and I would be happy to feed them back to the Senator.

The Senator also asked whether, in terms of the additional structures and processes to be put in place this year, I was satisfied that they would be fully able, ready, etc. by the end of 2018 to deal with children and families who would be brought to the attention of Tusla, as well as through mandatory reporting. Yes, I do believe, in the light of my meetings with it and where it stands in its transformation programme, that that will be the case. There are also many internal changes happening. For example, there is a more solid senior management team in the agency. I have visited several regional offices and met those working on the ground. I am aware of and can identify many changes that they believe will happen as we move through 2018. For example, 1,100 cases have been reported as a result of mandatory reporting. The numbers are lower than anticipated, but 1,100 cases are being processed. It is a good sign that it is dealing with them.

Senator Lynn Ruane raised excellent questions and points, as always, about mandatory reporting, with particular reference to adults and the additional time that might be required to ultimately ensure no child would be at risk. That is the most important point which was identified by the Senator. If we want to make sure there is no child at risk as a result of sharing information on abuse that took place in the past, we have to get it into the system. Things have to start to tick over and we need to make sure people will stay with us. I have noted the questions posed and will ask the officials to send them to Tusla to hear how it will respond to them. I will make sure the response reaches the Senator. We will look for gaps and determine what is the waiting time. Could additional supports be provided, particularly for counsellors? They are excellent questions and it is well worth our time investigating and reflecting on them.

I have covered most of the points raised by Senators. Tusla has a sum of over €750 million. It has money available to hire more staff. Let us see it do so and how it will spend the money as the year passes. I meet the senior management team and the board quarterly and they know what my priorities are. I hope their willingness to rise to the occasion on mandatory reporting will not collapse and that they are taking in what is in the additional reports. That will be a good sign for 2018.

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*Sitting suspended at 1.35 p.m. and resumed at 2 p.m.*

### **British-Irish Parliamentary Assembly (Committee D) Report on Childhood Obesity: Statements**

**Acting Chairman (Senator Gerry Horkan):** I welcome the Minister of State at the Department of Health, Deputy Catherine Byrne, to the House. We will discuss No. 5, statements on the British-Irish Parliamentary Assembly committee D report on childhood obesity, with the time to be allocated to group spokespersons not to exceed eight minutes each and to all other Senators not to exceed five minutes each and the Minister to be given not less than five minutes to reply to the debate.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I am grateful for the opportunity to talk to the Members of the House on the question of obesity, specifically child obesity. I understand the interest in us discussing this important issue today was in part prompted by the publication last summer of the report on childhood obesity from the British-Irish Parliamentary Assembly, BIPA. This report, which my Department had input into, sets out some information around the causes and consequences of childhood obesity, as well as looking at the various approaches to tackling the issue with the BIPA jurisdictions.

The report acknowledges our new obesity policy and action plan entitled A Healthy Weight for Ireland, which was approved by the Government last year and launched by the Minister for Health in September 2016. Our obesity policy and the approach being taken to implement it under the broader Healthy Ireland agenda is in line with the key conclusions and recommendations of the BIPA's report.

I will update Senators on some key initiatives and progress under way in implementing the obesity policy, but first I will outline some important facts. A range of health studies and surveys show that overweight and obesity, in both children and adults, is now a serious public health concern in Ireland. The annual Healthy Ireland survey for 2017 shows that almost two thirds of adults are overweight or obese. In addition, 30% of young people aged between 15 and 24 are overweight or obese. Being a healthy weight is no longer the norm. When it comes to children the statistics are just as worrying as studies confirm that one in four children is now overweight or obese.

The childhood obesity surveillance initiative, COSI, is conducted by the national nutrition surveillance centre in UCD on behalf of my Department and the HSE. Its most recent report was published last year. It drew on data from more than 17,000 examinations of primary school children in Ireland between the years 2008 and 2015. Among the key trends to emerge is that the incidence of being overweight and obese in children in first class in Ireland, as for children aged eight years, appears to be stabilising. However, it is also evident that this stabilisation is not observed in children who attend DEIS schools. There is also a marked difference between girls and boys as more young girls tend to be overweight and obese. While any positive direction in the trends is welcome, there is certainly no room for complacency.

Overweight and obesity are not about one's shape or how one looks. There are very real clinical health issues. The consequences of child obesity are significant. Being overweight or obese carries with it an increased risk of several chronic diseases, including heart disease, type 2 diabetes and certain cancers. In addition to the physical health implications, there is often

also a significant reduction in quality of life, a reduced opportunity to contribute to society and ability to reach potential, as well as mental health implications for some people.

For children, obesity carries a stigma and may be linked with bullying. We also cannot ignore the financial dimension to this challenge. According to *safefood's* recently published report, the lifetime costs of childhood overweight and obesity were estimated at €4.6 billion. This is the landscape of obesity that we must deal with and what our obesity policy seeks to address. We know that obesity is a complex problem with nutritional, activity related, psychological, biological and social determinants. Consequently, realistic solutions must be multifaceted and implemented as part of a suite of measures.

The policy acknowledges the importance of an integrated approach across Government to tackle the social determinants of health and well-being, in particular those that contribute to health inequalities in the population. No single sector or agency can solve this issue on its own. Individuals and families need to be supported to make informed choices in healthy eating and being physically active in order that they can achieve and maintain a healthy weight. The obesity policy and action plan strives to empower individuals, families and communities to enhance their own skills to improve their health. What we must never forget is that child obesity is largely preventable. Tackling the challenge requires a whole-of-government and a whole-of-society response. This is the approach taken with A Healthy Weight for Ireland, our obesity policy and action plan. The policy covers the period up to 2025 and aims to reverse obesity trends, prevent health complications and reduce the overall burden for individuals, families, the health system and the wider society and economy. The policy acknowledged that every sector of our society has a role in reducing the burden of obesity. It is guided by the Healthy Ireland principles to ensure it is life-course oriented with a focus on children and families and prevention-focused with an emphasis on targeting inequalities. The policy contains concrete indicators to measure the success of its implementation. It set a short-term target of 0.5% per annum for a sustained downward trend in levels of excess weight in children and a reduction in the gap in obesity levels between the highest and lowest socio-economic groups by 10%. The development of the obesity policy involved a consultation with children and young people which was facilitated by the citizen participation unit of the Department of Children and Youth Affairs and recruitment supported through the Irish Primary Principals' Network as well as Comhairle na nÓg. The report of this consultation, *Healthy Lifestyles - Have Your Say*, was launched with the obesity policy. The implementation of the policy commits to continuing to include the voices and contributions of children and young people.

The obesity policy and action plan strives to empower individuals, families and communities to enhance their own skills to improve their health. The obesity policy prescribes Ten Steps Forward that would be taken to prevent overweight and obesity. Under each step, there are a number of actions, some of which have been identified for early implementation.

I am pleased to report that we have already made progress in a few areas that are of particular interest with reference to child obesity. My Department has established an obesity policy implementation oversight group. The first meeting of this cross-sectoral group took place last October. The Minister for Finance announced in budget 2018 the introduction of a sugar tax on sugar-sweetened drinks. The policy objective of this levy is to reduce rates of obesity as well as rates of dental deterioration, particularly in young people. My Department has been engaging with the food industry, including food retailers, on a code of practice to reduce the marketing of products high in fat, sugar and salt with a particular aim to reduce consumption of such products by children and young people. This voluntary code of practice for non-broadcast media

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advertising and marketing of food and non-alcoholic beverages, including sponsorship and retail product placement, will be launched in the coming weeks. Last November, the Minister for Health and I launched a new child obesity campaign called START, which my Department has developed with Safefood and the HSE. New healthy eating guidelines and a revised food pyramid have been published and supporting resources are being developed and disseminated widely such as in September when we circulated them to all primary and post-primary schools. Work has now commenced on developing healthy eating guidelines for the one to five year old age group. New nutrition standards for schools with an initial focus on school meal programmes funded by the Department of Employment Affairs and Social Protection have also been developed. These nutrition standards were launched by the Ministers for Health, Education and Skills and Employment Affairs and Social Protection last September. The development and implementation of these standards meets commitments in the DEIS action plan as well as the obesity policy.

Other developments in the HSE through a new Healthy Eating, Active Living programme will support work in the education sector, as well as with parents, families and communities in supporting a more co-ordinated approach to prevention and early intervention in child obesity. A new clinical lead for obesity, Professor Donal O'Shea, was appointed by the HSE in 2017. A children's communication code, which restricts broadcast advertising of high-fat, sugar and salt foods, is already being implemented and will be reviewed in 2018. There is another dimension to combatting obesity in the short to medium term.

The obesity policy acknowledged the key role of physical activity in the prevention of obesity while the broader benefits of a more active population are set out in the national physical activity plan. Being active is vital for healthy growth and development and has emotional, social and cognitive benefits for children and young people as well as benefits for their physical and mental health and well-being. The national physical activity plan is one of the key developments arising from Healthy Ireland and was approved by Government and launched in early 2016. The implementation of that plan is well under way in collaboration with the Department of Transport, Tourism and Sport and a range of other stakeholders, including the Department of Education and Skills.

The new Healthy Ireland fund launched by the Taoiseach and the Minister for Health last October will provide funding for a range of projects to support partnership working to implement key policies under the Healthy Ireland banner, including the obesity policy and the physical activity plan. In addition to these actions, what we do in our homes, schools and communities to help build healthy habits for all children and families is vital to childhood obesity prevention efforts. These healthy habits are critical in helping those children who are a healthy weight now stay a healthy weight and those who are overweight or obese achieve a healthier weight as they grow and develop. The key healthy habits are to reduce portion sizes, eat plenty of fruit and vegetables every day, manage treat foods - not every day - replace sugary drinks with water, make being active fun every day, reduce screen time and encourage more sleep.

Just earlier this month, along with the Taoiseach, we launched a major new Healthy Ireland 2018 campaign to communicate and engage with citizens. It focused on three key themes - healthy eating, physical activity and mental well-being. This campaign will support the cross-sectoral policy implementation work happening at both national and local level and will help and encourage people and families to make those positive changes and choices to improve their health. Through a new online presence at [www.gov.ie/healthyireland](http://www.gov.ie/healthyireland) as well as social, digital and other media and a series of events throughout the year, the campaign aims to provide in-

formation and connect people with resources and organisations across the country in order that everyone can get involved in the national effort to create a healthier Ireland.

I thank the departmental staff accompanying me today who have been very helpful since I have been given my brief. I apologise to Senators as I must leave the Chamber in a little while. The Minister of State, Deputy Jim Daly, will be coming in. My husband is seriously ill in hospital. I just wanted to acknowledge that so people do not think I am walking out before a number of questions are put.

**Acting Chairman (Senator Gerry Horkan):** I am very sorry to hear that the Minister of State's husband is unwell. I hope he will be better soon. Senator Noone is the next speaker. Senator Wilson is deferring to her.

**Senator Catherine Noone:** If ever there was a sign of new politics, that is it.

**Acting Chairman (Senator Gerry Horkan):** Very chivalrous - if that is still allowed. Senator Noone still only has eight minutes though.

**Senator Catherine Noone:** I need a little more.

**Acting Chairman (Senator Gerry Horkan):** She will have eight and a little bit.

**Senator Catherine Noone:** I will take some of someone's time. I am sure everyone will not speak for eight minutes. Arguably, we should have more contributors.

I welcome the Minister of State and I am sorry to hear that Joe is unwell. I hope he will make a speedy recovery. She should leave whenever she needs to. We can chat about this again in any case. I thank her for her speech. It highlights how much benefit to the country is provided by the notion of preventive health. There is nothing complex about the idea of preventive health. If there was more prevention and more preventive health, the fiscal space would be far bigger when it comes to the amount we spend on obesity and alcohol-related illnesses in the form of cancer, heart disease, etc.

I note the Minister of State said what the obesity policy is striving for and aims to achieve. It is a recent one and we need to keep an eye on it in terms of the way forward. The Minister of State said that no single sector or agency is able to solve this issue on its own. That is for sure. That is what we learned during our work on this report, which I will go into in more detail later.

I want to address a few points the Minister of State made. The guidelines are great and it is marvellous to have them, but how do we get the message in them across? How do we communicate it? How do we make sure people are educated by osmosis? How do we ensure people who do not have the time to read this information on websites get it, regardless? Is there a role for teaching children in schools about food to ensure the message gets through to their parents indirectly if the parents do not necessarily have time to be dealing with this issue?

I note the Minister of State's comments about physical activity and agree entirely with her. In terms of the national activity plan, it is vital we talk about the cross-departmental collaboration between the Department of Transport, Tourism and Sport and the Department and Education and Skills. In addition, the Minister of State outlined the seven basic and obvious healthy habits one needs to build to be healthy but sometimes in our busy lives in this busy world we forget how obvious they are. I thank the Minister of State for her ongoing work.

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This report came about through a committee of the British-Irish Parliamentary Assembly. I suggested we examine the issue of obesity between the jurisdictions and the statistics for it and prepare a useful report on a matter that I consider to be a major issue. Normally we would go to one another's jurisdiction, namely, to London, Belfast, Scotland and so on, to discuss such an issue, but I made the point that I thought that would be futile because we are all appalling on this front. We all have similar statistics. We went to the Netherlands and I will go into its statistics on this issue later. In terms of obesity, we rank among the worst in the world and we are on course to be the fattest country in the world by 2030, which is nothing to boast about. I have bored Members talking on this subject. I am looking at Senator Norris and I am sure he is sick listening to me talking about these statistics-----

**Senator David Norris:** No, I think the Senator is very good.

**Senator Catherine Noone:** -----but this is such an important and - pardon my sad pun - such a massive issue.

It must be emphasised that childhood obesity has consequences not only for the physical health of the individual concerned but also for his or her emotional and psychological well-being, vitality and life. It is all well and good to say such a person is fat and should just eat well, but it is not that simple. I have lived this. It is not down to bad parenting. I have great parents. It is just not that simple. It is a complex issue. The Minister of State has said that.

I will not go into the statistics in detail because we all know it is problem, but in Ireland 26.6% of boys under the age of 20 are overweight with 6.9% obese, and 25.6% of girls under the age of 20 are overweight with 7.2% obese. This is an epidemic. I have been talking about this issue since I first got elected and it is only recently that we are starting to make some sort of an impact on it. I get very frustrated at times. In the light of these statistics, we looked at the issue in the Netherlands because it appears to have produced some results in reducing the prevalence of childhood obesity and its rates are low in any case. Some 18% of boys there are overweight with 4% being obese. Therefore, the Netherlands is performing very well on international standards on the issue of obesity.

The Minister of State has already spoken about policies and they are very welcome. Any measures are welcome but anyone who says this issue comes down to parenting and that children just need to eat less is not educated on this issue. The Healthy Ireland strategy proposes a ten-point action plan, to which the Minister of State referred. That is all good and we are speaking in terms of aims, striving and that type of language but we need to get to a place where we are achieving results. I do not want to be negative because that is not what this is about.

Ireland has sought to place rigorous restrictions on advertising aimed at children. While the Broadcasting Authority of Ireland has a strict code which restricts the advertising of high fat and high sugar, we are very much subject to what the UK does because we watch UK television a good deal of the time. That is a major issue.

One cannot out-train a bad diet, therefore, physical activity will only keep one so healthy. That is evidenced by the number of MAMILs, middle-aged men in lycra, one sees on bikes at the weekend cycling their legs off and potentially wrecking their knees. Fair play to them and they are healthier but they are no thinner. If one is carrying fat around one's abdomen, it is a danger to one's health. Fat takes on its own hormonal system and it affects all of one's health. I have learned this through bitter experience. I am not talking about this like I am holier than

thou or better than anyone. I have lived this and I was chronically obese as a child so I know what I am talking about on this issue. Therefore, physical activity will go only so far in addressing this issue.

With regard to the role of schools and education, many witnesses we met made reference to the key role schools must play in tackling childhood obesity, obviously, with the children's parents. While schools have made many improvements in recent years, more can be done in this space. A number of possible measures for schools were discussed such as making health and well-being mandatory elements in school inspections and additional training for teachers in order that they know how to address complex physical and mental health issues such as this.

Is the Acting Chairman indicating that I have one minute remaining?

**Acting Chairman (Senator Gerry Horkan):** Just to ensure the Senator knows.

**Senator Diarmuid Wilson:** It is okay. I will allow the Senator some of my time.

**Senator Catherine Noone:** No fry zones have already been introduced in Wicklow. It is a nanny state type of measure. One wonders about the potential efficacy of it but a belt and braces approach is needed on this issue.

**Senator David Norris:** Nannies are wonderful.

**Senator Catherine Noone:** I am apparently the queen nanny of Ireland.

**Senator David Norris:** The Senator has at least told us so.

**Senator Catherine Noone:** Yes. I have the award to prove it.

**Acting Chairman (Senator Gerry Horkan):** I know. The Senator told us about it during the debate on the Public Health (Alcohol) Bill.

**Senator Catherine Noone:** Statistics show, especially in America, that if a child's school is near a big outlet or a big chipper it has an impact in terms of this issue. Small chippers in Ireland target children with deals to get them to go to them with the small amount of money they have and spend it. Be it said that this is a nanny state approach or otherwise, a policy where, ideally, chippers are not located near schools is a good one and we are reasonable in our approach in that respect.

In terms of changing the narrative on childhood obesity, the committee was directed towards an academic study which suggested that parents are not very good at identifying when their own children are overweight. Our medics need to be a little more mature in saying that one's child might have a problem and parents should not take that personally as some reflection on them; they should just try to deal with the issue.

The United Kingdom and Ireland ranked ninth and 12th on the OECD index with respect to obesity while the Netherlands ranks 31st, just behind Japan, Slovakia and South Korea. Those in the Netherlands know what they are talking about and we learned a good deal in this report about what they are doing. They take an integrated and localised approach to this issue, therefore, they deal with it at council and departmental level. They find ways to make water cool for children and they are engraving bottles. Their thinking is very innovative. I do not have enough time to go into all they are doing.

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I began by talking about preventive health. The key point we learned, and I believe Senator Wilson will agree with me on this, is that early intervention is key and also the value of prevention. The sooner we educate people - “educate people” sounds like such a patronising phrase - and ensure there is an awareness in the psyche of the population that health is wealth, that it brings vitality and that what one eats will make one more productive, physically mentally and in school, the better. It is very important.

We need strong political leadership and commitment at both national and local level, a co-ordinated whole-of-government approach covering health care, education, local government, transport, finance, the environment, sports provision, advertising and scientific research, and a national strategy, which combines with a localised approach, a co-ordinated approach at local level in order to provide joined-up services and support for children and parents, with a particular focus on deprived communities. The Minister of State touched on that point, that DEIS schools are struggling more than others on this issue, and that is a major issue. People in more deprived areas - I do not like using that type of language - or less well-off people tend to eat less well and have higher levels of obesity. It is not that they can afford to be eating loads and they are fat, it is nothing of the sort.

There are many points about which I could talk and it is disappointing to have only a measly eight minutes to talk on this issue. I thank the Minister of State for her contribution. The very fact that she is here to replace the Minister, Deputy Katherine Zappone, shows how much of a cross-departmental issue this is. It is a priority issue. It needs to be at the forefront of the Government’s policy making into the future.

**Acting Chairman (Senator Gerry Horkan):** As the Senator had almost 11 minutes, she was quite indulged. I do not set the Order of Business, I only implement it and it was agreed to this morning.

**Senator Catherine Noone:** I often sit where the Acting Chairman is sitting and would not necessarily highlight by how much I let people run over. However, I thank the Acting Chairman.

**Acting Chairman (Senator Gerry Horkan):** Senator Noone is very passionate about the topic. As she has spoken about it extremely well many times, I was giving her time. However, I am also trying to let everybody else in.

**Senator Catherine Noone:** As the Acting Chairman is also using some of their time, I thank him very much.

**Senator David Norris:** That will be the vision for Ireland.

**Senator Diarmuid Wilson:** In defence of the Acting Chairman, it is very difficult for a forensic accountant to stay away from figures and statistics. We will forgive him for what he said.

**Acting Chairman (Senator Gerry Horkan):** I think there is a compliment in there somewhere, if I look at it hard enough.

**Senator Diarmuid Wilson:** I welcome the Minister of State at the Department of Health, Deputy Jim Daly, to the House. I thank his fellow Minister of State, Deputy Catherine Byrne, for her contribution, and wish her husband a speedy recovery. I acknowledge the presence of a former colleague of the Members of this House, former Sinn Féin Senator Kathryn Reilly, who

recently became Mrs. Damien Walsh. I want to wish her very well in the future. She is very welcome. Kathryn is now working with the Irish Heart Foundation and has been very helpful to those of all parties where heart health and heart health promotion are concerned. I wish her well in her new position.

I commend Senator Noone who was single-handedly responsible for getting committee D of the British-Irish Parliamentary Assembly to compile this excellent report on obesity. I ask any Member of the House who has not had an opportunity to read the report and its recommendations to please do so.

I will be very brief because Senator Noone has outlined the content better than most could, and certainly better than I could. According to the World Health Organization, WHO, childhood obesity is one of the most serious public health challenges of the 21st century. Closer to home, according to *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025*, one in four children is overweight or obese. Six out of ten adults are overweight or obese. Prevalence of overweight and obese children was higher in schools in disadvantaged areas. That is an important point to note.

In the most deprived areas, just over one in four people aged 15 years and over is obese. That can be compared with a prevalence of fewer than one in six in less deprived areas. The direct and indirect cost of obesity in Ireland is estimated at more than €1.2 billion. Imagine what we could do with that money in the health sector. It is possible to save that cost if we follow an integrated approach, for which Senator Noone has called.

Childhood obesity has consequences not just for the physical health of individuals concerned but also for their emotional and psychological well-being and for the wider economy and society. The fact there is a problem that needs to be addressed is universally recognised among policymakers and health care professionals, yet practical and durable solutions to the problem have proven harder to identify. I think the fact that I, with Senator Noone and Members of the Lower House, sat in the committee and listened to the contributions that were made before us over a ten-month period gives me some understanding of the seriousness of this problem.

As a committee we heard evidence from politicians from all parties and none, health care practitioners, academic and medical experts, campaigners and those working on the ground alongside children and parents to tackle this issue. We held meetings in London and Cardiff. We held a meeting in Amsterdam and I compliment Senator Noone on proposing that visit. It was hugely beneficial, and the evidence that was heard there is mentioned in detail in the report. The approach there is integrated. It is a bottom-up approach which appears to be working and is definitely worth taking a look at in this country.

We received written material about the situation in Ireland, Northern Ireland and Scotland. I pay tribute to our committee secretariat under the chairmanship of Lord Dubs. They were absolutely outstanding and are the reason that this report was compiled in as short a period of time as ten months.

It was very evident that the links between our consumer markets mean that a consistent approach needs to be taken, particularly between Northern Ireland and the Republic of Ireland. During the debate on the Public Health (Alcohol) Bill 2015, I advocated for an all-Ireland 32 county approach to tackling the problem of alcohol. Introducing tariffs on sweets or sugary products in the Republic without the same law applying to the Six Counties will have no effect

in the Border region. I would like to see a 32 county approach to this. I do not know what difficulty Brexit will bring, but it is something upon which we should work with the Northern Ireland Assembly.

The way to tackle this is through education and an integrated approach by the various Departments and from the bottom up. When I was going to school in the 1980s, there was a huge emphasis on education around tobacco and the difficulties it caused for people's health. Huge resources were put into it. After a very short period of time, only two out of a class of 35 continued to smoke. If we start with educational material that can be understood by young people, I think it will work. Physical education and food are very important. As a Youthreach co-ordinator, I implemented a programme in Cavan Youthreach offering practical cookery classes not only for the young students, but for their parents. The classes included advice on how to save money by shopping, and how to avoid buying takeaways or jars of sauce by preparing ingredients at home. This knowledge was beneficial to the economy and health of the household and to the general health of the communities the classes were drawn from.

I again thank the Ministers of State at the Department of Health for appearing before the House. I also thank Senator Noone for her commitment to this particular issue and urge her to keep it up.

**Senator Victor Boyhan:** I will be brief. First, I welcome the Minister of State and acknowledge the work that my colleague, Senator Noone, has done in this area. She has been very active in the British-Irish Parliamentary Assembly, BIPA. Senator Wilson is a member of BIPA too. What is really important about BIPA is that it drills down to very local issues. It is not all about highfalutin politics. It is about our experiences in life and our shared common approach and understanding of particular issues. It was very helpful, particularly the sessions in London where we met people at the coalface of health services, education and dealing with young people. Obesity is a problem, right across the world, let alone Europe.

To continue with what Senator Wilson was saying, a multifaceted approach is needed. The approach must be across all Departments. We know that the Taoiseach is very much into sport, health and fitness. He is very much at the forefront of all of those activities. He has given a public face to everything that goes with health and sport. That goes for a lot of other people in the Houses. This is about implementing the policy, working with our partners in youth affairs and children's affairs. It will involve working with education, encouraging people and participating. It is about exercise. It is about the synergy with local authorities. Most local authorities are now rolling out community gyms and community health fora. RTÉ is playing a significant role in talking about the body and the effects of obesity on our physical and mental health and well-being. It is a really good story and many people are on track and talking about it. I think we should encourage people to keep talking about it. I thank Senator Noone for her role in driving this issue and bringing this policy to public attention. It is about food, exercise and positive physical and mental health. I wish all involved well. Let us keep the issue on the radar.

I acknowledge the importance of bringing reports of sub-committees or other bodies that are tied into the Oireachtas to public attention. It is a good day when we do not allow such reports sit and gather dust but bring them to the Seanad, discuss them and follow up on them. It would be no harm to return to this report next year and see what progress we have made.

**Senator Máire Devine:** I welcome the Minister of State at the Department of Health, Deputy Jim Daly, and thank Senator Noone for driving this issue. I hope we can use this time to

get detailed feedback on the progress of a Healthy Weight for Ireland plan and other initiatives that aim to tackle the issues raised in the report.

I commend the work of the committee on this report and agree with very many of the key recommendations and findings. This report provides more evidence that childhood obesity is island wide. Somewhere between 25% and 28% of children on the entire island of Ireland are overweight or obese. It is a serious issue both North and South. It seems that a common policy, sharing of expertise and resources makes sense in tackling this issue across the island. That perspective is applicable to all health issues. I ask the Minister of State to consider how we can do more North-South collaboration on this issue. After all co-operation seems to be the theme of the committee of the British-Irish Parliamentary Assembly.

There are other considerations in childhood obesity. It is hard being an overweight child. The health risks are obvious, and include diabetes, cardiac issues in later life and impairment of respiratory, renal and other functions. All organs are affected by the extra burden of carrying an increased body mass index. It leads to a shorter lifespan.

It is chilling to think statistics from the United States and a few other countries show that this generation may be the first generation to have a shorter lifespan than their parents. I think that is amazing. As well as the impact on physical health, the psychological consequences cannot be over estimated. Obesity affects self-esteem, mood swings, depression and suicidal thoughts. Children who are overweight often play in isolation, which encourages further psychological consequences of being overweight, the humiliation in the playground sends them back to being by themselves, the indignity of being called names would have a significant impact on a child and how vulnerable they would become.

In the course of the report the committee recommends involving and consulting children and young people as part of any approach to reduce childhood obesity. I welcome this consultation with them. If we want to influence the behaviours of young children, adults or teenagers we must get them on-side. We cannot forget the invaluable input they will contribute by their insight into their real-life experience. They need to be included in the decision making that affects them and that is vital.

The advertising of unhealthy food is targeted at children. This is a key finding of the report. I would like to know what plans the Government has to help tackle this. We all felt the iron fist of the powerful industry lobby during the debate on the Public Health (Alcohol) Bill 2015. If this report's recommendations are to be implemented in full, then the Minister and the Government must be resilient to the vested interests of industry.

In the final debate before the summer recess on childhood obesity, Deputy Marcella Corcoran Kennedy, on behalf of the Government, stated the Department is working with the Broadcasting Authority of Ireland on a new code to restrict the marketing of food and drink to children. The children's code is being revised and we have made submissions in that regard. Perhaps we could get some detailed update on the work since then.

The report also recommends a strong focus on schools. What has been done to date to provide schools and communities with the resources they need to implement the policy? It is unfair to lump more and more responsibility on the schools without equipping them. In their role teachers must be counsellors and provide guidance and now it is expected that they be health experts also.

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I want to focus on what Senator Noone said about early intervention, on nutrition and looking at early nutritional experiences. It is proven that breast-fed babies are protected against childhood obesity, but the breast-feeding rates in Ireland and perhaps across Europe are very low. In spite of the HSE, public health nurses and midwives trying to promote it, the rates are extremely low. Breastfeeding is not just a nutritional experience for an infant but the mother is much more aware of nutritional value. Babies that are formula fed are heavier than babies that are breast-fed. Breast-fed babies get the right amount at the right time and in the right calorie laden milk that the mother produces. That might be something that we really need to push on the health side in all maternity hospitals-----

**Senator Catherine Noone:** Hear, hear.

**Senator Máire Devine:** -----and prenatal and postnatal care. Perhaps that will be part of further discussions down the line on sexual and reproductive health for women and girls in this country.

I request that young mothers and young people continue to be involved. Young people need to be given a prominent role in the consultation and decisions that have yet to be made to become healthier, stronger and happier.

**Acting Chairman (Senator Gerry Horkan):** Before I call Senator Alice-Mary Higgins to speak, may I welcome a number of visitors from Chicago who are guests of Senator Billy Lawless and are in the Visitors Gallery. I welcome Mr. Tom Allison, Mr. Terry Patton and Mr. Jim Zaring to the Chamber and I hope they enjoy their day in Leinster House.

**Senator Alice-Mary Higgins:** It is always a pleasure to meet associates of Senator Lawless.

The discussion on the report on childhood obesity is welcome. I congratulate Senator Noone on raising this issue consistently and all of the members of the British-Irish Parliamentary Assembly who in bringing their perspectives have contributed to the development of the report.

As many of the health impacts of obesity have already been covered and discussed at length, I will pick out three or four areas from the report that I believe can provide practical solutions, such as the collective learning, the very strong recommendation and how we might look at tackling them in Ireland.

An issue that has been touched on by others is the question of health equality and the fact that DEIS schools have a higher rate of childhood obesity. In producing solutions to deal with childhood obesity, we need to recognise issues around health inequality. A really positive initiative that was in place before it was terminated three or four years ago was Healthy Food for All. This initiative was sponsored by the then Department of Social Protection, working with the Department of Education and Skills. It produced a number of very strong and useful reports, looking specifically not only at the issue of obesity but of nutrition and equality around food and health. They produced a Good Practice Guide for School Food in 2009, the Good Practice Guide for Community Food Initiatives in 2011 and a Good Practice Guide for Breakfast Clubs in 2012.

When I worked with another organisation, I had the chance to meet frequently with Healthy Food For All and witnessed how effective it was in tackling the underlying issues of equality and bringing them to the fore. It brought issues to the table which Departments and others

could then act on. I know that we now have a nutrition guide and a set of nutrition standards in respect of schools but something like Healthy Food for All was a way of tagging issues early on. An issue, for example, which is not widespread in Ireland but which is becoming more evident here and which is huge in the United States is that of food deserts. These are areas where it is increasingly hard for people to readily access good, nutritional food. In Ireland, now that we are moving towards a position where supermarkets to which one has to drive are the main source of food, with fewer local shops, we are beginning to see nascent food deserts here. Healthy Food for All was a very positive initiative which should be looked at again in this new frame, and reconsidered in the context of costing very little but producing very strong outcomes.

The Vincentian Partnership for Social Justice has produced excellent research on the minimum essential standards of living in which it has costed, item by item, the things that people in different households and different family structures buy week after week, as part of its annual pre-budget submission. There might be really interesting learning there in terms of the decisions that people are making and sometimes have to make around their daily and weekly household food and nutrition.

I also wish to refer to the issue of planning in the context of schools. It is very important that we have local planning laws that take into consideration issues like the location of fast food outlets, advertising billboards and so on. There are differences of opinion, *vis-à-vis* the alcohol Bill, on the importance or effect of advertising near schools but we know that advertising has an impact. All of the research shows that it creates a climate and a desire, about which I have concerns. As legislators we have a mix of tools available to us but we need to be willing to use all of them. A sugar tax is a very positive step. The Government's proposal is very clear and fair and it is great to see that moving forward in Ireland because it is needed. There will be pressure around it, as international experience has shown, but we need to be very strong in terms of implementing the tax. The current idea with regard to communications is to have a code of practice but if that code does not deliver results we must be ready to follow up with harder measures, clear directives and legislation. Codes of practice are all very well but they must have a limited period of testing before we move to something firmer. That message must come across clearly. We need to create a counter incentive to the bottom line.

Breast-feeding was just mentioned and that is an area where, on a practical level, we need to provide more support. It is not enough to just promote breast-feeding. We also need to provide real supports for women by way of lactation consultants and others who can make the choice to breast-feed easier. Many women have difficulties with breast-feeding and we need to put practical supports in place.

The next issue, about which I am very passionate, is cycling, on which I would have to slightly disagree with Senator Noone. I believe cycling is good and does make a difference.

**Senator Catherine Noone:** Of course, it does.

**Senator Alice-Mary Higgins:** I know that-----

**Acting Chairman (Senator Gerry Horkan):** Reference was made to middle-aged men in lycra-----

**Senator Alice-Mary Higgins:** I do not disagree. I know that Senator Noone-----

**Acting Chairman (Senator Gerry Horkan):** I do not have any lycra.

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**Senator Alice-Mary Higgins:** Regardless of whether one opts for lycra, I know that Senator Noone did not-----

**Senator Catherine Noone:** What I was trying to say was that one cannot out-train a bad diet.

**Senator Alice-Mary Higgins:** Yes, it is hard to out-train a bad diet. Nonetheless, cycling is key and influential. That is something that came across very strongly in our visit to Amsterdam. The Netherlands has a very good record in terms of cycling facilities and is the comparator in this report. In the Netherlands, two thirds of children cycle or walk to school. In Ireland, the rates are far lower with one exception, which is Westport, where 70% of children are cycling or walking to school. They are doing so because the infrastructure is in place. There is safe infrastructure there, with a cycle way linking in with the greenway which makes a huge difference.

**Senator Catherine Noone:** Up Mayo.

**Senator Alice-Mary Higgins:** There is a potentially significant overlap in the context of the green schools initiative. The green schools programme includes sustainable transport officers who have been working with children, highlighting issues and making a big difference. I was speaking recently to Róisín Ní Ghairbhith, one such sustainable transport officer who told me that 500 children cycled through the streets of Ennis as part of a bike week. The green schools initiative includes some very practical ideas including lower speed limits around schools, ride and stride or ride and scoot programmes and so forth.

**Acting Chairman (Senator Gerry Horkan):** The Senator is way over time.

**Senator Alice-Mary Higgins:** Cycling is key. We really need to re-evaluate formal physical education, PE, in order that we are not simply focusing on competitive sports. I am one of the many people who sat out PE classes because I was not on a team in a competitive sport. Acrobatics, dance, cycling and so on are physical activities that allow children to celebrate physical movement and it is important to provide a diversity of options.

My final point is that sugary drinks are a huge problem, even in the Netherlands, where sponsorship is allowed in schools. The provision of water fountains is one of the strongest recommendations in this report. There is a brilliant young group in Galway whose project is called Got The Bottle. They are urging children to bring reusable drinking bottles to school. They are also asking the Department of Education and Skills to provide drinking fountains in all schools. London is stepping up to the plate in that regard in providing usable public water fountains. This is an example of people taking personal responsibility and that responsibility being matched by the State.

There are lots of practical ideas. I apologise for going over time.

**Senator Colm Burke:** I will be brief because a lot of the issues that I wanted to deal with have been referred to. I welcome the Minister of State, Deputy Jim Daly, to the House. I thank the Minister of State, Deputy Catherine Byrne, for being here earlier and also thank my party colleague, Senator Catherine Noone, the other members of the committee and the those who are involved in the British-Irish Parliamentary Assembly for their work on this matter. This report was not produced overnight. There was quite a bit of work done on it.

Senator Higgins made reference to competitive sport. This is an issue that we must address

because we are making every aspect of sport extremely competitive now and as a result, a lot of people who would benefit from sport are dropping out. We must focus on this issue. Every sports organisation seems to be focused on competition and on winning. While that is important, we also need to remember that it is not just about winning. It is also about participation and that needs to be emphasised more.

One of the areas that I represented when I was on Cork City Council and where I still do some work is Knocknaheeny. The income levels of some of the people residing there would be quite low. It also has a number of problems with regard to education and health. One of the projects undertaken in recent years is called Young Knocknaheeny, which is modelled on the Young Ballymun project in Dublin. It is about involving parents in the whole education process. Part of the programme deals with healthy living. I remember listening to one mother who had three children. The older two very much relied on soft drinks and Tayto crisps. However, her third child was going through the Young Knocknaheeny programme and the mother herself learned a huge amount by participating in it.

Her third child is focused on healthy eating, including vegetables and fruit. It simply goes to show that we can have all the education we like in schools but the major influencers are the parents. We should remember that children are only in school initially for three or four hours per day and then five hours when they get older. It is about working with parents.

This is also relevant for the issue of drinking and the need to work with parents at an early stage. It is interesting to look at the Dutch model. In the first four years of life, health service providers or advisers visit the family 19 times. Clearly, monitoring is undertaken. It is not about the nanny state; it is about giving advice and assistance. I would like to know the Irish comparison in this area. It is important to look at that issue also. It is important that help and assistance is given to people with young families at the early stages. I do not believe we are doing enough in that area. While the project I referenced in Knocknaheeny has worked successfully, it is important that we continue with similar work in areas of low income.

My final comment relates to targets. Other speakers have referred to how in Ireland 26.6% of boys under 20 years of age are overweight. The figure in the Netherlands is 18.3%. Surely we should set targets to reduce these figures in the coming five years. That is something at which we should aim.

I thank everyone who worked on this question. I thank the Minister of State for coming to the House.

**Acting Chairman (Senator Gerry Horkan):** I thank the Senator. He had only five minutes, but as I knew that he was going to be brief, I did not correct him on it. He only used four and a half minutes.

**Senator David Norris:** I welcome the Minister of State, Deputy Jim Daly, to the House. I salute Senator Catherine Noone who has been campaigning on this issue for a long time. She is always interested in what is such an important subject.

I was astonished to see that there has been a tenfold increase in the number of fat children in the country since 1975. That is horrifying, but we can see the evidence of it on the streets. We see grotesquely large children. I have to say that I blame the parents. There is real parental responsibility to ensure proper diet for children. They need to stop stuffing them with chips and hamburgers and so on all the time.

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There is also an element of class. We find that in DEIS programme schools the situation is far worse than in more middle-class environments. We have to be aware of the fact that there is a class element.

We need strong political leadership from the political classes, including the Seanad, the Dáil and Ministers. We have a good policy, A Healthy Weight for Ireland - Obesity Policy and Action Plan 2016-2025, but we have to implement it. There is no point in having a plan and simply leaving it there and not implementing it. There are quite a few positive elements in the plan. There are guidelines for planners about no-fry zones. That is an excellent idea. There is a national nutrition policy. There is reference to the appointment of a clinical lead for obesity and a special focus on disadvantaged areas. However, there are areas where there has been little progress. One example is the question of the introduction of mandatory calorie postings on menus. I was the leader of a group from the Oireachtas on “Operation Transformation”. I disciplined them. I made sure they ate salad in the restaurant. I caught one poor Fianna Fáil fellow stuffing into beef and potatoes and said, “What do you call that?” He said he was hungry. I told him he was about to get thin. I told the people to take it away and get him a salad. They got him a salad. We won - the political group won.

**Senator Catherine Noone:** It was brilliant.

**Senator David Norris:** It was terrific. It was great fun.

**Acting Chairman (Senator Gerry Horkan):** We should do it again.

**Senator David Norris:** I certainly need to because I am F-A-T, fat, and have diabetes also. It is partly from the transplant operation I had but also partly from the fact that I am overweight. I am fat, but I hope to improve. When “Operation Transformation” was finished I suggested we keep together as a group but include other parliamentary colleagues and have a group to advise on this issue. This was some years ago now. One of the first recommendations we made was the introduction of mandatory calorie postings on menus. However, nothing has happened. We need implementation.

There is a link between marketing and the abuse of junk food by children. There is a relationship between that abuse and childhood obesity. We need to develop a whole-school approach to tackle obesity, especially the proliferation of unhealthy food on school premises. This is mad. In educational institutions people get unhealthy food and there are machines dispensing crisps, chocolate bars and calorie-rich foods.

**Senator Catherine Noone:** They are in children’s hospitals too.

**Senator David Norris:** It is absolutely insane. We need real consistency. My briefing note refers to tackling the obesogenic environment. I know what obesogenic is, but many people do not. I know what it is because I did Latin. We need to use simple language to get at people.

There is a real weakness: there is no dedicated funding to tackle obesity, but there should be. Suggestions were made to the effect that money from the sugar tax should be ring-fenced. The Department of Finance, once again, stymied that. We should stand up to the Department of Finance in these areas.

The World Health Organization states there is complete, unequivocal evidence that childhood obesity is influenced by marketing, so we need to tackle marketing. Then, there is the

question of access to water. Some 40% of schools do not have access to water. I find that astonishing. There should be water fountains in all schools. The stocking and sale of unhealthy products in school vending machines is pretty obvious. We need to pull the plug on vending machines. We need a national standard for the provision of school food. Financial support should be provided, where necessary, to help schools implement this policy. Drinking water should be freely available. Children should be protected from unhealthy food and beverage marketing within schools.

We should develop at a national level guidance for all local authorities on the introduction of no-fry zones. We should use a portion of the sugar-sweetened drinks levy revenue to establish a children's future health fund. That is a fine aim but we have to attack the Department of Finance and stop those involved from frustrating the wish of the Oireachtas to use this money. It is so obvious.

I made the same point when Tony Gregory and I were campaigning to introduce the Criminal Assets Bureau. I put down amendments to legislation to the effect that the money bled out of the veins of the unfortunate people in the north inner city of Dublin should be recirculated for drugs programmes in those areas. The Department of Finance sat on it and would not allow it. Those involved have to be challenged politically.

We need to develop family food initiatives to support children and families experiencing food poverty. This is another aspect of our situation. In 2018 we still have food poverty in this country. We need to address that issue.

**Acting Chairman (Senator Gerry Horkan):** I thank the Senator very much. I thank all Members for their comprehensive statements. It is an important issue that we are all battling with, some of us to a greater extent than others. A starting point is childhood obesity. We could debate all afternoon about obesity generally. Many of the statistics-----

**Senator David Norris:** Senator Butler had diabetes and lost seven stone.

**Acting Chairman (Senator Gerry Horkan):** That was amazing. Will the Minister of State conclude the debate?

**Senator David Norris:** I apologise to the Minister of State. I have a meeting with people from RTÉ. I do not mean to be rude.

**Acting Chairman (Senator Gerry Horkan):** I presume it is not about "Operation Transformation".

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank all Senators sincerely for their contributions. It is always a pleasure to be in the Seanad and listen to them. I thank my officials who have been studiously taking on board all the contributions. They have been duly noted, including the comments on the role of education, the code of practice and the oversight implementation group, which does exist. The group is looking at the built environment and breast-feeding.

I assure Senators that the importance of many of these issues is noted and they will be taken back to the Minister of State with responsibility for this area, Deputy Catherine Byrne. The psychological impact is relevant as well, and that comes under my area of mental health. I thank Senators.

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**Acting Chairman (Senator Gerry Horkan):** We did not have a chance to welcome the Minister of State, Deputy Jim Daly, because he came in mid-debate. I thank him for his contribution. I congratulate the Deputy Leader on her contribution to the debate. When is it proposed to sit again?

**Senator Catherine Noone:** Next Tuesday at 2.30 p.m.

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

The Seanad adjourned at 3.10 p.m. until 2.30 p.m. on Tuesday, 30 January 2018.