



PUBLIC ASSISTANCE BILL, 1939.

EXPLANATORY MEMORANDUM.

HISTORICAL SURVEY :

Since the year 1838 relief has been given to the poor of this country under a system based on the Poor Relief (Ireland) Act, passed in that year. That system was modelled on a similar system in existence in England. It gave primary importance to the principle that the receiving of relief must involve an appreciable amount of hardship and humiliation so that poor people would not be deprived of an incentive to support themselves by their own efforts. The Act divided the country into areas called unions and established in each union an elected board of guardians to erect a workhouse in which they could relieve the destitute. These boards were the first elected bodies to administer any form of local government in the rural areas of Ireland, so that when it was found necessary later to establish in those areas other local services not relating to the relief of the poor it was found convenient to administer those services also through the boards of guardians. For example, the Public Health (Ireland) Act, 1878, made the board of guardians a rural sanitary authority and they were also used for the purpose of the registration of births, deaths and marriages.

Later on by the Local Government (Ireland) Act, 1898, councils were established for counties and rural districts, but instead of making completely new provisions for these councils, the Act made use of the existing provisions for certain essential matters relating to boards of guardians, by applying them to the new councils. For example, provisions relating to officers of boards of guardians were applied to rate collectors, and the provisions dealing with superannuation of officers were applied to all the officers of the new bodies. Similarly the old "poor rate" was taken over by the county council and raised in the same manner in which it had previously been raised by the guardians and under the same enactments.

This device of applying provisions of the Acts relating to poor relief for other purposes has been continued since 1898 so that the provisions of the Poor Relief Acts now fall into two classes :—

- (a) those which apply only to the relief of the poor, and
- (b) those which, having been originally framed for purposes connected with the relief of the poor, have now become a part of the general law of local government.

Since 1838 the system under which the poor are relieved has been altered from time to time. The more important alterations have been as follows :—

1. In 1847 for the first time the guardians were allowed to grant relief outside the workhouse, but only to certain specified classes of poor persons.
2. In 1851 a new system of medical relief for the sick was established in dispensary districts and dispensary doctors were appointed.

3. During the years 1921 and 1922 the Local Government Department of Dáil Eireann empowered the county councils to introduce a reform of the existing system by means of enactments called "county schemes." This reform had two main characteristics. In modern conditions of transport and communication the areas of the unions established in 1838 had become too small for economy or efficiency. The county schemes therefore abolished the union as an administrative area and substituted the whole county. Moreover the dependance of the whole system on the "workhouse test" was found to be resulting in undue hardship on poor people who were unable, through no fault of their own, to support themselves or their families. The county schemes abolished the workhouse as such and substituted for relief in the workhouse as the normal form of relief, outdoor relief under the name of "home assistance."

These county schemes received legislative sanction by the Local Government (Temporary Provisions) Act, 1933.

4. The original county schemes were prepared separately in each county, under difficult conditions, and often by persons without legal qualification. As a result they contained many defects, and they produced a diversity of systems in each county which was regarded as undesirable. On the passing of the Act of 1923, the then Minister took advantage of the powers given him by section 5 to modify the original schemes so as to remedy their legal defects and omissions and to make their provisions conform substantially to one uniform system. This system has been in force since 1924 in the whole of the country except in the City and County of Dublin where no county scheme was ever made.

GENERAL SCHEME OF THE BILL:

It is proposed to deal with the Poor Relief Acts as follows:—

1. All those portions which deal solely with the relief of the poor are to be repealed and new provisions are to be enacted in their place. This is done in the Bill.

2. The portions under which the poor rate is raised and collected are left untouched for the present until they can be repealed and replaced by a general rating Bill.

3. The portions dealing with general local government matters are to be repealed by a new local government Bill in which the subjects of the repealed provisions will be dealt with.

It will be seen that as the general matters to be included in the local government Bill are as essential to the administration of public assistance as to other local services, it will not be possible to bring this Bill into force before either the local government Bill is also in force or some other provision is made for those matters. The local government Bill is being drafted and it is hoped to introduce it before the summer recess.

This Bill will include all the law relating solely to the administration of public assistance, but will not include provisions which apply generally to all local administration, such as those dealing with officers, borrowing powers, audit of accounts or local inquiries.

So far as possible the areas in which assistance is to be administered under the Bill and the administering authorities are those which experience since 1924 has found to be satisfactory.

One important change has, however, been rendered necessary by the impending introduction into counties of the manager system, for which a Bill is also in preparation. It is considered that in the ordinary county the existence of a manager will do away with the necessity for a separate board of health and public assistance.

The Bill provides for the abolition of these boards. Where, however, joint county schemes are in existence for the administration of public assistance in a county borough and the whole or part of an adjoining county, it has been found necessary to preserve the existing joint board.

The following sections contain provisions different to those in the existing law :—

- Section 12. Providing for the establishment of a joint committee of two or more public assistance authorities for the administration of any matter which it is thought would be better so dealt with. For example a specialised hospital catering for the joint area.
- Section 21. Enabling a public assistance authority to acquire land for a voluntary hospital which is rendering aid to the administration of public assistance.
- Section 22. Enabling a public assistance authority, on the application of a person eligible for assistance, to pay the cost of such person's travelling to some place outside their district, if they are satisfied that he may thereby be enabled to support himself and his dependants.
- Section 25. Both the existing law and the Bill require the cost of assistance to be ascertained for the purpose of obtaining repayment from persons who are able to repay. Under the existing law there is no prescribed method of determining that cost, and difficulties might arise owing to the number of different classes of assistance now granted. For example the daily average cost of maintenance in an institution should be ascertainable from the accounts of the institution.
- This section enables the Minister to prescribe a method.
- Section 29. Empowering the public assistance authority to take possession of moneys, etc., owned by a person in receipt of public assistance.
- Section 30. Empowering the public assistance authority to contribute to the support, maintenance and education of defective children in extern institutions.
- Section 62. Power to inspect land and carry out excavations and other tests for the purpose of deciding whether the land is suitable for acquisition.

There are other sections in the Bill which differ in matters of detail from the provisions in the existing law.

DEPARTMENT OF LOCAL GOVERNMENT
AND PUBLIC HEALTH.

1ST JUNE, 1939.

