



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 25 Meán Fómhair 2013

Wednesday, 25 September 2013

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Leaders' Questions

Deputy Micheál Martin: On 7 March last the Taoiseach stated: "I want to make it clear that the taking of houses from people is something we do not want to see and the banks themselves would see it only as a last resort." Today's edition of the *Irish Examiner* contains a heart-rending story about a couple in Kanturk, Martin and Claire O'Sullivan, who have three children under eight years of age and who are facing eviction from their home, the mortgage relating to which is approximately €180,000. They took out their mortgage with Smart Mortgages and their monthly repayments in respect of it are €1,000. Unfortunately, Martin, who is the sole earner, became unemployed and they are not in a position to meet their repayments. The couple have offered to make repayments of €400 per month, but this has been rejected by the mortgage company, which sent them a letter stating that the sheriff will be coming to evict them from their home.

By any standards, this is a shocking story and what has happened flies in the face of the kind of reassurances we were given in the House and elsewhere that this type of thing would not occur. Despite the change in the law, which has made it easier for banks to repossess properties, and the dilution of the code of conduct, which has essentially put them in the driving seat, it was stated that every effort and intervention would be made to prevent people from losing their family homes. The family in question have appealed to the Taoiseach to intervene. They are not alone. We know from the most recent CSO figures that 97,800 private residential mortgages have been in arrears for more than 90 days. Standing aside or remaining out of the fray will not help the families to whom I refer. There are options available. The intervention of State agencies is essential to help these families. I request that the Taoiseach appoint someone from his Department to ensure the Government and its agencies intervene in this case and provide a sustainable solution. I also request that all options be explored to prevent this couple and their three children from being evicted from their home.

The Taoiseach: I have seen some reports of the case to which Deputy Martin refers. While I do not want to discuss the details of any particular case, the situation stands as we have already

said. House repossessions should be a very last resort. As the Deputy is aware, the Government provided a range of options for consideration in cases where persons are in mortgage distress. I understand exactly what the Deputy has said in respect of this particular couple. One of the mechanisms included in the relevant legislation by the Government is specifically designed to deal with cases where a situation such as that under discussion might arise. I refer to the right of a judge to put a legal stay on matters surrounding the repossession of a house until all options have been explored. That right applies in this case. I do not know what evidence or suggestions were presented or made in the court in this instance. There is a specific right included in the legislation whereby, in circumstances in which all options have not been explored, a legal stay on the repossession of a house can be put in place. That is why the opportunity should be made available in this particular case for a practitioner to consider the options available, the offers that were made by the couple involved on behalf of themselves and their children and the fact that the man is back in full employment. That would lead to a situation where all the options would be properly explored and followed through. No repossession would take place until that happened. The services of and options provided by the personal insolvency agency can be used in this instance and there is obviously also a consequence in that regard.

I do not have in my possession the details of the court case to date. In the context of specific cases of this nature, however, a right was included in the relevant legislation for a stay to be placed on prosecution and execution until all the options can be explored. I feel for this man, his wife and their children. I am not sure whether they or their advisers have engaged with the process of having a practitioner consider the matter or whether they have applied to the court to have that right applied to them. As stated, the Government has made it perfectly clear that the repossession of houses should be a very last resort. The couple involved are obviously not the owners of multiple properties and this matter relates to their family home.

Deputy Micheál Martin: The problem I have with that is that the Taoiseach seems to be washing his hand of the issue and passing the buck to the judicial system to deal with it at its discretion. I do not think that is a satisfactory response in this particular case. As recently as 9 July, the Taoiseach stated that everybody in this country recognises the value of the family home: "Everybody in this country recognises the value of the family home, perhaps more so than any other country." I put it to him that those words are meaningless if they are not followed up by solid intervention by Government agencies to prevent that which I describe from happening.

Deputy Willie O'Dea: Yes.

Deputy Micheál Martin: If the eviction takes place, the couple involved will invariably end up on the housing list and the county council will be obliged to purchase a house for them in good time or at some stage. In the event that the couple are obliged to rent a property, rent allowance will have to be paid. If the eviction is followed through to its conclusion, it will end up costing the taxpayer more. Of course, that does not take into account the distress and anxiety caused to this family and others like them. We suggested that an independent mortgage resolution office should be established and that such an entity would have real independent oversight with regard to the relationships between mortgage companies, banks and their customers. The lack of such independent oversight is a major flaw in the regime currently in place. The banks and the mortgage companies are in the driving seat 100% on these issues and the State cannot just leave it to the discretion of the judicial system alone. There must be more solid intervention using the full apparatus of the State.

Will the Taoiseach intervene? Will he appoint an official in government or in his Department to intervene in this case? Do I take it from his original reply that he will not do that? Can he clarify that? Will he appoint someone to explore options in this case and to intervene on behalf of the family?

The Taoiseach: As I have pointed out to the Deputy, house repossessions are a very sensitive issue in this country. I think everybody agrees that, over the years, even when we did not have the extent of lending we had during the so-called Celtic tiger years, there were always a small number of house repossessions. When I served on the local authority many years ago, it applied in a small number of cases in particular circumstances.

I do not know the details of the case the Deputy mentioned. I understand it involves a man, his wife, their three small children and their family home. They took out a mortgage and made repayments. They took out a second facility and it is the provider of that facility which seems to have taken the case here. If I understand it correctly, this case went to court. To deal with this in a completely independent fashion, the Government put in a right for that man and his wife and for anybody in this circumstance to have the court set aside all legal proceedings about repossession until all the options are explored. It is not true to say the banks have 100% authority here. That is why the Insolvency Service of Ireland was set up.

Deputy Micheál Martin: The law was changed to give them greater influence.

The Taoiseach: While the banks have a say in this, there is a follow through to a bankruptcy claim or whatever. I do not know what the legal adviser to the man and his wife and family has done about this, but that right was put in place in a completely independent fashion in the knowledge that house repossession is a very sensitive issue in this country. I know that it is where I come from, and Kanturk is no different.

All the options should be explored in this case. One option put in deliberately by Government to help protect consumers is to give them the right and the time and space for every opportunity to be explored and delivered on. These people have made an offer. As I said, the courts are entirely independent but that right was inserted in the law by Government to allow for the protection of people from house repossessions until all options are properly explored.

Deputy Micheál Martin: Will the Taoiseach intervene? Will he appoint someone to intervene?

Deputy Mary Lou McDonald: Parents of secondary school students are very concerned following the ASTI's rejection of the Haddington Road agreement and the very real possibility of industrial action commencing on 2 October. I do not know about the Taoiseach but I do not believe for a second that any teacher wants to strike or to engage in industrial action. Teachers want to teach and deliver the best education to their students. We all know education is being damaged by the Government's austerity approach with the loss of classroom teachers, the withdrawal of guidance services and the tying up of teachers' time and energy with extra administrative work. It is these actions, not the actions of teachers, that have caused damage to our children's education.

Rather than address these concerns and those of parents, the Minister for Education and Skills, Deputy Quinn, true to the form of the Taoiseach's Government, charged in like a school yard bully and escalated the situation by threatening compulsory redundancies. Let us remind ourselves that this is the same Minister who presides yet again over chaos in SUSI, who broke

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basic promises on student fees and who is currently considering increasing primary school class sizes.

Deputy Emmet Stagg: Who told the Deputy that?

Deputy Mary Lou McDonald: Will the Government address the concerns of parents? Will the Taoiseach intervene to ensure this crisis is resolved?

(Interruptions).

An Ceann Comhairle: Allow the Deputy to put her question.

Deputy Mary Lou McDonald: Will the Taoiseach intervene to ensure there is no industrial action on 2 October? Will he ask his colleague, the Minister for Education and Skills, Deputy Quinn, to desist from his threats and suggest to him that it might be better to adopt a more reasonable and constructive approach?

The Taoiseach: I do not accept the Deputy's assertions at all. She was one of the people who wished the negotiations in respect of the Haddington Road agreement would fail. She denounced them before the ballot was ever held and showed scant regard for teachers, parents or pupils with her comments at the time.

The ASTI has 17,000 members. They have been balloted and have made their views known on the Haddington Road agreement. Some 300,000 public servants have accepted this agreement in the knowledge that this country was left in an unholy and unprecedented economic mess and that we must sort it out. That means the targets and the objectives set out must be achieved along with savings of €1 billion. I commend the Minister for Public Expenditure and Reform, Deputy Howlin, and Mr. Kieran Mulvey on the extensive and complicated negotiations they had with the trade unions and the trade union members who accepted the Haddington Road agreement.

The ASTI members have made their views known on what they wish to do. On 23 September, the standing committee of the ASTI met and decided to begin industrial action in schools with effect from 2 October. The Deputy asked if I could prevent industrial action. This is a decision of the executive board of the ASTI which will see ASTI members withdraw from all meetings outside school hours, which will impact directly on parents. It will also see ASTI members refusing to participate in training for the new junior cycle, which will impact on parents and their children in second level schools, and it will see ASTI members refusing to take on any management responsibilities without being paid. That is the situation the executive of the ASTI has decided on.

I ask the ASTI to examine the cost to its members of remaining outside the Haddington Road agreement. Far from being some sort of perceived schoolboy bully, which the Deputy mentioned, the Minister for Education and Skills, Deputy Quinn, has merely pointed out the reality of the situation. This is the Haddington Road agreement and it will not be renegotiated. Clearly, the ASTI and its members must consider the implications for persons who stay outside the agreement. That is all the Minister said, which is his responsibility. In the context of 300,000 public servants having debated, voted on and accepted this, I ask the ASTI to consider the implications for the students, their parents and its members.

Deputy Joe Higgins: It is a pity the Taoiseach would not be as tough on the bondholders.

Deputy Mary Lou McDonald: The 300,000 public sector workers, about whom the Taoiseach spoke, would tell him that at the time he negotiated Croke Park and then Haddington Road, there was a very clear threat of coercion from Government. It was obvious and it made no secret about it. It came out with the big stick and shook it at public sector workers.

Deputy Brendan Howlin: Reject the ballot.

Deputy Mary Lou McDonald: None more so than, the Minister for Public Expenditure and Reform, Deputy Howlin.

Deputy Brendan Howlin: Reject the ballot.

Deputy Mary Lou McDonald: I am simply pointing out to the Taoiseach that which is blindingly obvious, that he is continuing in that vein. It is deeply irresponsible of the Minister for Education and Skills, Deputy Quinn, in a situation such as this, where teachers are stressed and parents and their children are very concerned at the prospect of industrial action and strike, to stride in and rather than resolve the matter with the ASTI which has made it clear it is available for discussions, to strike a macho pose.

The Taoiseach has shown scant regard for the children, the teachers and the education system itself. He is the boss and is in charge. Nobody wants strike action when 2 October comes. The union is available to talk constructively and maturely. Can the Government meet that challenge? Can the Taoiseach make sure talks of that nature happen immediately?

Deputy Finian McGrath: Hear, hear.

The Taoiseach: I am not sure where Deputy McDonald was for the last period. She seems to forget that the Haddington Road agreement was the subject of the most intensive negotiations and discussions-----

Deputy Brendan Howlin: Six months.

The Taoiseach: -----between the trade unions, the public servants, the Minister, the Labour Relations Commission and everybody else. That went on for six months. The only pay cuts that were introduced applied to those on more than €65,000 per annum. It is an important consideration that Deputy McDonald should bear in mind.

Deputy Mary Lou McDonald: Will the Taoiseach intervene with the teachers?

The Taoiseach: I have the opportunity and the privilege of meeting so many people who want to invest in this country and create jobs here. They want the highest quality of students to emerge from our second level schools and go on to employment or third level institutions.

Deputy Mary Lou McDonald: Will the Taoiseach intervene, therefore?

The Taoiseach: For that reason, the people who stand in front of our classes are absolutely fundamental for the future of our country. The young students who are starting in second year and in the junior certificate need the training of the teachers to be able to deal with the new implications of this. We need to consider the disruption that applies in a practical sense. Parents are now expected to attend meetings during school hours even though this disrupts all of family life. The decision taken by the membership of the ASTI, as a consequence of the standing committee's instruction to members, will have other implications as well. I want to make it clear

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that the Haddington Road agreement will not be renegotiated. It is clear that the protection of that agreement will not apply to people who choose or wish to stay outside it.

Deputy Mary Lou McDonald: So the Taoiseach will not intervene. He could have said that at the outset.

The Taoiseach: The Deputy might ask me to intervene following the ballot in which the agreement was rejected by ASTI members, but that is not my function. There were six months of negotiations involving all of these people.

Deputy Mary Lou McDonald: That happened after the rejection of the Croke Park agreement. The Government intervened then.

The Taoiseach: All of these issues were known. The ASTI membership has made its decision. I am disappointed that it happened.

Deputy Finian McGrath: The Taoiseach would not stand up to the bondholders.

Deputy John Halligan: Or the banks.

Deputy Finian McGrath: He would not bully them.

The Taoiseach: I have to say I respect the teaching profession. I am always enthused by international people speaking about the confidence of our young people. The teaching profession is a fundamental part of that triangle. At this time of economic challenge for our country, I ask the ASTI to reflect seriously on its decision to withdraw from all meetings outside school hours, to refuse to participate in training students for the new junior cycle and to refuse to take on management responsibilities without being paid. At a time of national response when we are clearly making progress, difficult though it is, I am disappointed that this decision has been made. It is not my decision.

Deputy Mary Lou McDonald: The Taoiseach is washing his hands of the matter, which is interesting although not surprising.

The Taoiseach: I assure the Deputy that the Haddington Road agreement will not be renegotiated.

Deputy Finian McGrath: The Taoiseach is like Pontius Pilate.

The Taoiseach: Far from her glib comment about washing my hands of things here-----

Deputy Brendan Howlin: She wants the economy to fail for her own political ends.

The Taoiseach: -----this was a central focus of the Government for six months.

Deputy Joe Higgins: It was based on intimidation and coercion.

The Taoiseach: It has been responded to by 300,000 public servants.

An Ceann Comhairle: I want to make it quite clear that there is no point in giving me orders of the House which restrict the time for Leaders' Questions if people are not going to adhere to the time limits. That applies to everyone.

Deputy Willie O'Dea: Including the Taoiseach.

Deputy Michael Healy-Rae: We can throw away the new clocks.

Deputy Stephen S. Donnelly: We are just weeks away from what may be the hardest budget in the entire recovery from our economic collapse. The Taoiseach will be aware that the ex-IMF mission chief to Ireland, Professor Ashoka Mody, made a compelling case on “Prime Time” last night that the austerity drive should be relaxed, at least temporarily, to give the economy a boost in the arm.

Deputy Brendan Howlin: The Deputy has responded.

Deputy Stephen S. Donnelly: The good news, as the Taoiseach will also know, is that according to the Government proposal to the European Commission last April, we are set to exceed the troika target for next year by €1.3 billion or €1.4 billion. The troika target in the memorandum of understanding, which is referenced in all of its quarterly reviews, is for the general Government deficit to be no more than 5.1% of GDP for 2014. The latest figures available to Members of the Dáil show that being exceeded by €1.3 billion or €1.4 billion. In 2012, the plan was to exceed it by €600 million or €700 million. That was updated by another €600 million or €700 million this year. As we all know, the key to our economic recovery is growth. It will drive job creation and, critically, it will help us to outgrow the huge national debts this country is facing. Therefore, I fully agree with the compelling case made by Professor Mody, which is that we should exceed the troika target for 2014 by several hundred million euro, but not by €1.4 billion. Perhaps we could exceed it by €300 million or €400 million, and use the €1 billion that is left to reinvest in economic growth. There are three parts to my question. When I spoke to people in preparation for Leaders’ Questions, I was advised to ask the Taoiseach just one question, but I will take a leap of faith and ask a question with three parts.

Deputy Mattie McGrath: The Deputy will not get an answer anyway.

An Ceann Comhairle: Deputy Donnelly would want to do it quickly because he is over time.

Deputy Micheál Martin: It is a leap of faith.

An Ceann Comhairle: I ask Deputies to cut out the speeches and ask some questions.

Deputy John Halligan: What about the rest of them when they were talking?

Deputy Willie O’Dea: Deputy Donnelly will not get a straight answer anyway.

Deputy John Halligan: Does the Ceann Comhairle give them the same instruction?

Deputy Stephen S. Donnelly: First, does the Taoiseach agree that the proposal put to the European Commission in the stability programme update exceeds the 5.1% target by €1.3 billion or €1.4 billion? I ask that question so that we can have a baseline. Second, does the Taoiseach agree that this comes from a Fianna Fáil figure from 2010? It is the only place where I can find it.

Deputy Phil Hogan: They are good figures all right.

Deputy Stephen S. Donnelly: It is not in the memorandum of understanding and it is not in any of the quarterly reviews.

Deputy Brendan Howlin: I would say the Deputy is relying on Fianna Fáil figures.

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Deputy Patrick O'Donovan: He will find the figures in the membership form.

Deputy Finian McGrath: Deputy O'Donovan is much better at the sums.

Deputy Stephen S. Donnelly: Third, does the Taoiseach agree that there is a compelling case to exceed the troika target, but to use approximately €1 billion for investment, at least for next year?

Deputy Finian McGrath: Hear, hear.

The Taoiseach: I have read Professor Mody's comments. Commentators are great. I understand the Deputy responded to him on a television programme. We are borrowing €1 billion a month. This cannot continue. We have to deal with it. We have set objectives in terms of having our deficit reduced. The full economic perspective of the Government will be set out in the budget. At this stage, neither the commentators nor the Government have at their disposal all the figures necessary to complete the Cabinet's responsibility in drafting the budget for 2014. I have no faith in Fianna Fáil figures for 2010.

Deputy Brendan Howlin: I am surprised Deputy Donnelly does.

The Taoiseach: They were never very good at the mathematics in that sense.

Deputy Micheál Martin: The Government has followed them all.

Deputy Phil Hogan: No, not them all.

Deputy Micheál Martin: It has followed every one of them.

Deputy Willie O'Dea: Imitation is the sincerest form of flattery.

Deputy Phil Hogan: The Opposition has the figures wrong again.

Deputy John Halligan: They are the figures the Government was given by Fianna Fáil.

Deputy Phil Hogan: Read the brief.

The Taoiseach: When the Minister for Finance spoke yesterday, he said clearly that the Government fully understands the challenges and difficulties being faced by so many people. When the full figures emerge from his area of responsibility and that of the Minister, Deputy Howlin, he will have to take account of the difficulties and concerns that many people face. Clearly, if moneys are available at the end of the presentation of all the figures, the Government will make a decision on the extent to which those moneys can be applied for job creation and getting people back to work. To be honest, as I stand here we do not have all of those figures. Tax returns are starting to come in. Other elements are needed by the Ministers, Deputies Noonan and Howlin, in terms of setting targets for departmental spending over the next 12 months and in terms of the revenue stream that will come in. Deputy Donnelly has spoken in response to Professor Mody's comments. Clearly, the fairest possible balance needs to be struck in the interests of moving our country through this budget, exiting the bailout in December, sending out an international signal that one country has emerged from this and getting back our economic independence. While there will be more challenges ahead, we will be able to move on to make our own decisions in the interests of our people.

Deputy Willie O'Dea: All three parts answered - brilliant.

Deputy Stephen S. Donnelly: I thank the Taoiseach for his reply. I am concerned that if we do not look at investing a chunk of the amount by which it looks like we are going to exceed the troika target, we will follow the path of Japan, which had a huge economic collapse and a huge property collapse. It followed a very conservative route of paying down household debt and gradually closing the deficit. It did some of what needed to be done, but without the economic stimulus.

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Japan stagnated for about 20 years. It is climbing out of it now but it stagnated for a very long time. My fear is that, based on our current trajectory of incremental improvement, which is obviously to be welcomed, we will still stagnate and the long-term unemployment rate will be several percentage points higher than it needs to be. In fairness to the Government and the previous Government, it has been shown categorically to investors and the markets over recent budgets that Ireland is capable of turning this around. I appreciate that the numbers are still moving, which makes it very difficult for us all, but does the Taoiseach agree that the figure presented by the Government in April to the European Commission, which is the only figure we can go on, exceeded the minimum troika requirement by €1.4 billion and, therefore, we can hope this presents the Government with a chance to still exceed the target and engage in serious economic stimulus around household debt and entrepreneurship for 2014?

The Taoiseach: I think everybody can agree that the future prospects for the country depend on growth and job creation to restore confidence and give people the opportunity to have a career and contribute to their local economy and, as a consequence, to the country. Deputy Donnelly is aware that, in the past 12 months, the Minister for Public Expenditure and Reform announced a €2.25 billion stimulus for issues like Grangegorman, the building of a range of schools under the public private partnership programme and major road developments in different parts of the country. These are all helpful in terms of construction jobs, employing people, providing infrastructure and spending capital where employment is involved.

Since the figures were submitted to the European Commission, there have been new movements in the area of growth and the tax position. Quarter 2 national accounts data show that domestic demand is stabilising and is moving to a modest recovery path. We are now clear that 3,000 jobs are being created every month in the private sector, which is welcome. We are happy to note the reduction in the unemployment figures, from 15.1% last year to 13.4% in August. We are happy to see 14 consecutive months of a reduction in the live register, and every 10,000 people who come off it represent a saving of €90 million. Personal consumption in quarter 2 is up by 0.7% on the previous quarter. The construction sector started to expand again following growth in quarter 1. Investment in machinery and equipment also grew. These are signs of confidence. Of course, it is not where we want be. The latest data over the summer show positive retail sales, with a year-on-year increase of 1.3% in July. It is not a case of domestic demand continuing to contract.

When the full picture emerges of the tax stream, growth figures and projections for the period ahead, the Government will want to meet its targets and will make its decision as to how to continue to build on the platform of confidence that is rising in different sectors on the basis of whatever flexibility is available. It is clear that too many people are still unemployed and that other countries have an impact in terms of their capacity to purchase what we produce. Europe as a unit also needs to make a range of decisions. When all the figures become available, the Government will tease this out and make its decision collectively in the best interests of the

people and our economy.

Order of Business

The Taoiseach: It is proposed to take No. 17, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Ukraine) Order 2013, back from committee; No. 18, motion re proposed approval by Dáil Éireann of the Exchange of Information Relating to Taxes and Tax Matters (Dominica) Order 2013, back from committee; No. 1, Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013 [*Seanad*] - Second Stage; and No. 3, Fines (Payment and Recovery) Bill 2013 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 17 and 18 shall be decided without debate. Private Members' business shall be No. 114, motion re education (resumed), to conclude at 9 p.m., if not previously concluded.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 17, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Ukraine) Order 2013, back from committee, and No. 18, motion re proposed approval by Dáil Éireann of the Exchange of Information Relating to Taxes and Tax Matters (Dominica) Order 2013, back from committee, agreed to?

Deputy Micheál Martin: It is not agreed. Again, the reason I am raising this is because it has not escaped our notice that there have been significant discussions in the US Senate about the Irish tax structure in so far as it relates to foreign direct investment, which is a key issue for employment creation in this country. There have been fairly lengthy discussions and debates, some very partisan, in the House of Commons in the UK in respect of our taxation structure. I am quite familiar with the practice of double taxation agreements with various countries across the globe, which are an essential part of our taxation structure. It appears, however, that the time has come for this House and Parliament to have a full debate on our taxation structure and full clarification of it, outlining in detail the degree to which the country complies with international tax norms and tax law and our basic strategy relating to corporate taxation and global movements, be they in the eurozone, the G20 or the international situation. We have not had such a debate in this Parliament for a very long time and it would be opportune if we could arrange one.

An Ceann Comhairle: These are two particular motions so I take it that Deputy Martin-----

Deputy Micheál Martin: They relate to the issue.

The Taoiseach: Both motions were taken at the committee last Thursday where there was an opportunity for debate on them. I can confirm to Deputy Martin that this is obviously a matter of great concern to everybody. Arising from comments made in the US Senate and Senate hearings, this matter was raised at the European Council meeting in the closing stages of our Presidency, which I attended. The European Council was very clear in its unanimous decision to work with the OECD on the action plan on base erosion and profit shifting, BEPS. Clearly, legislation has not moved as quickly as the digital world. It is not a case of Ireland standing out in front. It is a case of an international response to different jurisdictional conditions that apply. We are very happy to work with our colleagues in that regard. Deputy Martin will have seen the comments from the chief executive of the OECD confirming that Ireland is not a tax haven

and that it is very happy to support that. I do not object to having a debate on it. These are two motions where there was an opportunity to discuss the matter at the committee. It did not happen. I am not objecting to this but it should be done at the appropriate time in the interests of clarity. We have no difficulty in that regard.

Question, "That the proposal for dealing with Nos. 17 and 18, without debate, be agreed to", put and declared carried.

An Ceann Comhairle: I call Deputy McDonald on the Order of Business.

Deputy Micheál Martin: I wish to contribute on the Order of Business.

An Ceann Comhairle: My apologies.

Deputy Micheál Martin: We are facing industrial action in our second level schools. Irrespective of what has been said, the Minister for Education and Skills has threatened to sack teachers if they do not abide by the Haddington Road agreement. I would question the constitutionality of treating teachers differently in the staff room in terms of pay and conditions on the basis of the union to which they belong. That is something that needs urgent clarification. I urge the Taoiseach and the Minister not to continue to undermine the professional status of our teachers. Morale is very low in the classroom.

The workplace relations Bill, which is to provide for reform of statutory workplace relations bodies, is a commitment by the Government in the programme for Government. Given the manner in which Haddington Road was carried out and the relationship between the Minister and the ASTI in particular - we know many side deals were done and divide-and-conquer strategies used, which have left many people sore - I respectfully suggest that the Taoiseach might indicate when this legislation is coming forward, necessary as it is at this stage.

The Taoiseach: The Minister, Deputy Quinn, was being very clear in setting out the fact that the Haddington Road agreement offers protection for members of the public service who support it while those who stand outside it remove themselves from that protection. There is no question of any threats by the Minister to sack teachers, or anything of the kind. He was very realistic in pointing out the situation.

The workplace relations Bill is listed for this session and I expect it to be published and dealt with in this session.

Deputy Mary Lou McDonald: The Minister has been making soundings about forced job losses for teachers.

Deputy Brendan Howlin: He has said no such thing.

Deputy Mary Lou McDonald: Sometimes I do not know what plane or planet the Taoiseach is on. However, I wish to ask him about something different, namely, his programme for Government's commitment to end long-term homelessness and rough sleeping. He will know that yesterday Dublin Simon Community revealed there has been an increase of 88% in the number of people forced to sleep rough. Will the Taoiseach set out for us what he proposes to do to make good that commitment in the programme for Government to end rough sleeping, and will he indicate whether he will support having a dedicated Dáil debate on the issue of homelessness and public housing, as the crisis escalates for so many people?

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The Taoiseach: This issue has been raised by a number of organisations that work in this area, providing extensive and very valuable support. Approximately €15 million is being spent every year in this area. I have listened to the figures given for those people deemed to be the new homeless, as distinct from those who may sleep rough on a temporary basis. The Minister of State with responsibility for housing, Deputy Jan O' Sullivan, and the Minister for the Environment, Heritage and Local Government, Deputy Phil Hogan, will work with the agencies and organisations concerned to see how the situation might be improved and how we might get best effect from the money that is being spent. The issue is clearly one that must be reflected upon in the budget. I understand the Minister is to meet with NAMA today in respect of the potential for acquiring units of housing to help in this matter.

Deputy Mary Lou McDonald: Which Minister?

The Taoiseach: The Minister for the Environment, Heritage and Local Government, Deputy Phil Hogan, and the Minister of State, Deputy Jan O' Sullivan.

Deputy Denis Naughten: I refer to promised secondary legislation relating to the fair deal scheme. Currently there are seven telestroke diagnostic machines in storage which could save the HSE approximately €55 million. In the interests of stroke patients - and of the health budget - when will these machines be unpacked? Is it the Government's intention to proceed with the fair deal commencement orders under the Health (Amendment) Act 2013, given that 1.6% of the total health budget is going on the nursing home care of people with a stroke?

The Taoiseach: I do not have the details of the location of the machines the Deputy mentioned. They should not be in their packaging at this stage.

An Ceann Comhairle: That is more appropriate for a parliamentary question.

The Taoiseach: I will ask the Minister for Health to respond to this. I recall asking similar questions on many occasions when I was on the other side of the House. The process is that it is decided to order and acquire machinery and have staff to operate it and it is in the interests of patients that, once acquired, such machines should be used.

Deputy Mattie McGrath: I refer to the Road Traffic (No. 3) Bill. In this new legislation the deadline for declaring off-road used vehicles is the end of this week, which is causing enormous trouble. I compliment the staff of local authorities and the tax office who are trying to deal with this matter. I appeal to the Ministers for the Environment, Heritage and Local Government and Transport, Tourism and Sport to give an extension that will allow people to be compliant. There was enough information but, as usual, the Bill was rushed through the House.

An Ceann Comhairle: This matter is not strictly in accordance but I will try to get an answer for the Deputy.

Deputy Mattie McGrath: I thank the Ceann Comhairle.

The Taoiseach: That Bill has been enacted.

Deputy Mattie McGrath: I know it has been enacted but I am asking for an extension in time. It is a huge topic. Deputies will know that from their constituencies.

An Ceann Comhairle: It has been enacted and we have discussed it. I call Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: I refer to the family relationships and children Bill. Is there any proposal by the Government in that Bill to ban beauty pageants for young children? This is of concern to many people in the country. Children could not attend these beauty pageants unless their parents brought them. Is it the Government's intention to allow these pageants to continue?

An Ceann Comhairle: We are not into pageants here. When is the Bill due?

The Taoiseach: That is not a matter for Government. There is no date yet for the publication of the family relationships and children Bill, mentioned by the Deputy.

Deputy Derek Keating: I refer to legislation that I believe was due some years ago and which is now long overdue, namely, proposed legislation in respect of lobbying. This issue often features in the media and I feel strongly about it because it is important. Lobbying often has negative connotations but I wish to make a point about positive lobbying. The Taoiseach will be aware, because we have walked the lands-----

An Ceann Comhairle: Thank you, Deputy. This is not for the Order of Business.

Deputy Derek Keating: Please allow me to finish a sentence. With respect, the Ceann Comhairle allowed Deputy McDonald a fair bit of latitude. I wish to say one sentence. The Taoiseach had the opportunity, for which I thanked him, of visiting-----

An Ceann Comhairle: The Deputy is not listening to me. He is entitled to ask a question when-----

Deputy Derek Keating: This refers to positive lobbying. We are at a stage when the lands in question are to be sold tomorrow.

A Deputy: In the Liffey Valley.

An Ceann Comhairle: Will the Deputy try to raise this issue in another way?

Deputy Derek Keating: It is in the power of the relevant Minister-----

An Ceann Comhairle: The Deputy is not listening to me. He should resume his seat.

Deputy Derek Keating: -----to have that sale-----

An Ceann Comhairle: Resume your seat, please.

Deputy Derek Keating: I am asking the Taoiseach-----

An Ceann Comhairle: Resume your seat. In future, when I ask you to resume your seat please do so and show some respect for the procedures.

Deputy Derek Keating: I do show respect, a Cheann Comhairle.

An Ceann Comhairle: You did not show it there.

The Taoiseach: The Minister for Public Expenditure and Reform held a public seminar on the regulation of lobbying Bill some time ago. The draft heads of the Bill have been prepared and have gone for consideration to the committee which deals with public expenditure and reform.

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Deputy Brendan Griffin: I refer to amending Bill on road safety. Will the Government prioritise this legislation in view of the fact that yesterday-----

An Ceann Comhairle: Thank you very much.

Deputy Brendan Griffin: Excuse me, a Cheann Comhairle, I have a very important-----

An Ceann Comhairle: One does not make speeches on the Order of Business. This piece of legislation will be produced.

Deputy Brendan Griffin: I wanted to raise the very important issue of the predicted 13% increase in road fatalities in 2013.

An Ceann Comhairle: Yes, but not on the Order of Business.

Deputy Brendan Griffin: No, but it is very important-----

An Ceann Comhairle: It is not on the Order of Business. Resume your seat.

Deputy Brendan Griffin: As Deputies, we do not have a proper forum to raise matters-----

An Ceann Comhairle: Get the Order of Business changed then.

Deputy Brendan Griffin: The Ceann Comhairle should look to broadening-----

An Ceann Comhairle: It is not up to me. Thank you.

Deputy Brendan Griffin: I wanted to ask-----

Deputy Micheál Martin: What about the Chief Whip?

An Ceann Comhairle: Thank you. Resume your seat.

Deputy Brendan Griffin: The promised legislation-----

An Ceann Comhairle: I have to be fair to everybody. Resume your seat now or else you will find yourself outside the Chamber.

Deputy Brendan Griffin: I want to put this piece of legislation into context.

An Ceann Comhairle: I am telling you to resume your seat.

Deputy Brendan Griffin: I will resume my seat but-----

An Ceann Comhairle: Resume your seat, I said.

Deputy Brendan Griffin: I was putting the piece of promised legislation to which I had referred into context.

An Ceann Comhairle: Deputy, next time you do that you will find yourself outside the Chamber.

Deputy Brendan Griffin: It is a very serious matter.

An Ceann Comhairle: You will adhere to the rules, like everybody else. I apply the rules. You do not make them. Other people make them. You can raise this in other fora.

Deputy Brendan Griffin: It is a serious matter. You cut me off. Deputy Keating made the same point.

The Taoiseach: I can confirm for Deputy Griffin that the this amending Bill on road safety has already been prioritised and is listed for this session. For the information of all Deputies, when the legislative programme is produced at the commencement of each session, that information is on the website for all Deputies to see. If they check there they will see the roads (amendment) Bill is listed for publication in this session.

An Ceann Comhairle: People are not going to abuse the Order of Business to make speeches.

Deputy Brendan Griffin: I was not-----

An Ceann Comhairle: I said the Deputy should resume his seat.

Deputy Brendan Griffin: I was not abusing the Order of Business,

An Ceann Comhairle: The Deputy will leave the House.

Deputy Brendan Griffin: It is of public-----

An Ceann Comhairle: Leave the House, please.

Deputy Brendan Griffin: This is-----

An Ceann Comhairle: Leave the House.

Deputy Derek Keating: On a point of order-----

An Ceann Comhairle: You will leave the House too if you do not resume your seat.

Deputy Derek Keating: Deputy McDonald spoke uninterrupted for several minutes. I listened to Deputy Billy Timmins speaking on the Order of Business yesterday-----

An Ceann Comhairle: Please resume your seat.

Deputy Derek Keating: It is just not fair, with respect.

An Ceann Comhairle: Get your party to change the rules and I will apply them fairly.

Deputy Mattie McGrath: They have a majority.

Deputy Derek Keating: All I am asking is that the rules apply to everybody.

Deputy Michael P. Kitt: What legislation will the Government be bringing before the House to deal with our current housing waiting lists? There is no Bill in section A and section B of the programme of legislation to deal with very long housing waiting lists. For example, there is a waiting list of eight years east or west of the city of Galway. There has been a reference to an 88% increase in homelessness in recent years. What legislation will be brought before the House to deal with those issues?

The Taoiseach: The housing assistance Bill is due in early 2014.

Deputy Seán Ó Feargháil: The Government has promised for some time to amend the

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Defence Act 1954 and to deal therein with a number of disciplinary related issues. When is it intended to bring forward the defence (amendment) Bill?

The Taoiseach: It is still intended to bring it forward, but I cannot give the Deputy a date right now. I will get an update and advise him.

Deputy Willie O'Dea: Yesterday, Deputy Martin raised the timing of legislation for an open competition for the appointment of a Secretary General and Clerk of the Dáil and the overhaul of the top level appointments commission, TLAC, system. Deputy Martin wrote a comprehensive letter to the Taoiseach on 12 July-----

An Ceann Comhairle: This is not going to be debated on the Order of Business.

Deputy Willie O'Dea: -----about the Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013. This Bill can be amended to ensure there is a competition on merit-----

An Ceann Comhairle: Will you please resume your seat?

Deputy Willie O'Dea: -----to appoint an officer of this House. Does the Taoiseach intend to take this opportunity to amend that legislation, to bring the appointment of officers of this House into the 21st century?

An Ceann Comhairle: Before I call on the Taoiseach to answer this, I am being dragged into a controversy over this matter and I resent it very much. The 1959 Act was amended by the 2003 Act, which obliges me in law to perform certain functions. There were amendments to that Act in 2006 and 2009 and nobody made any changes. I am obliged by law under the current 2003 Act to perform certain duties. I tried to do so by calling a meeting of the commissioners and they were briefed before the meeting, so the shambles that took place means that I am now in a very awkward position so that I am going to apply the 2003 Act, which I can, where I do not exercise my right and it will now be a matter for the Taoiseach in accordance with that Act. It is not the 1959 Act but the 2003 Act that should be looked at.

I am appearing in newspapers. People are leaking stuff following a consultation process that took place within the law. The content of the leak was totally improper and incorrect, and an attempt to blacken my good name. I have to sit here and take this abuse without having any right of response. This is not in order on the Order of Business.

Deputy Willie O'Dea: Can I-----

An Ceann Comhairle: You can raise this matter in other fora, but not in here.

Deputy Willie O'Dea: Just to clarify, a Cheann Comhairle, I am not trying to reflect on you in any way.

An Ceann Comhairle: This is where the blame is coming and I am not taking it anymore.

Deputy Willie O'Dea: I regret that and I am not directing my remarks at you in any shape or form. I am simply asking the Taoiseach if he will take the opportunity to amend the legislation, so-----

An Ceann Comhairle: There is no promised legislation in this area.

Deputy Willie O’Dea: There is a commitment, as I understand it.

An Ceann Comhairle: There is no promised legislation.

Deputy Willie O’Dea: There is legislation which can be used to amend the system. I am simply asking the Taoiseach-----

An Ceann Comhairle: I am dealing with promised legislation under the Order of Business.

Deputy Willie O’Dea: I understand that.

Deputy Micheál Martin: There is promised legislation in the form of the Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013. It is there.

An Ceann Comhairle: It is not on this issue.

Deputy Willie O’Dea: There is legislation which enables this issue to be dealt with.

Deputy Micheál Martin: It is in the context of that legislation that is he asking the question. The Minister, Deputy Howlin, is not-----

An Ceann Comhairle: This is the third or fourth time this matter has been raised on your side of the House. You are obviously being briefed. I am the piggy in the middle.

Deputy Willie O’Dea: There is nobody briefing me-----

Deputy Micheál Martin: We are entitled to raise issues in respect of public appointments.

Deputy Willie O’Dea: Yes, we are.

Deputy Micheál Martin: The Minister promised to bring forward legislation. That is what we are asking and nothing else.

An Ceann Comhairle: Under the 2003 Act, the Minister, Deputy Howlin, has no role in this matter.

Deputy Micheál Martin: No, but he has a role in other legislation. He is the Minister for Public Expenditure and Reform. He is the Minister who can bring in legislation-----

An Ceann Comhairle: I am sorry, Deputy. You should not be on your feet. You were not called.

Deputy Micheál Martin: This is not personal.

An Ceann Comhairle: Taoiseach, will you answer the questions about the public appointments commission or whatever?

Deputy Micheál Martin: It is not personal. It is a matter of what is right and wrong-----

An Ceann Comhairle: Please resume your seat.

The Taoiseach: I respect the complete independence of the Ceann Comhairle in this fashion. I regret the fact that there have been comments attributed in sections of the media about the Ceann Comhairle. He has a constitutional responsibility to chair this House in a proper fashion, which he does.

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I can confirm to Deputy O’Dea that the Minister will bring a memo to the Government very shortly on this matter. It is our ambition to have an open and transparent conclusion to this matter.

Deputy Peter Fitzpatrick: When does the Taoiseach expect the publication of the criminal law (sexual offences) Bill to implement recommendations of the second interim report of Joint Committee on the Constitutional Amendment on Children and further protect vulnerable persons against exploitation and abuse?

The Taoiseach: That Bill is listed for next year.

Deputy Bernard J. Durkan: I have a question on three items of promised legislation. Is it intended to have all Stages of the pyrite levy Bill passed through the Dáil in preparation for signing it into law? Is it the same case for the Employment Permits (Amendment) Bill 2012, which will consolidate existing legislation and take account of evolving jurisprudence and cater for future accession to the EU and people seeking employment from other jurisdictions? The third Bill is the health information Bill, which was promised to provide the legislative framework for the better government and health information initiatives, including data mapping and health information resources for use in the health services, which is very important.

The Taoiseach: The health information Bill will be early next year. All sections of the other two Bills will be taken in this session.

Deputy Jerry Buttimer: When are we likely to see the publication of the sale of alcohol Bill? Will it include any reference to marketing or promotion of alcoholic products by companies?

The Taoiseach: I dealt with this yesterday. The Minister of State, Deputy White, is due to report next week to the Cabinet sub-committee which deals with this.

Double Taxation Relief (Taxes on Income and Capital Gains) (Ukraine) Order 2013: Motion

Minister for Public Expenditure and Reform(Deputy Brendan Howlin): I move:

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital Gains) (Ukraine) Order 2013,
a copy of which was laid before Dáil Éireann on 12th September, 2013.

Question put and agreed to.

**Exchange of Information Relating to Taxes and Tax Matters (Dominica) Order 2013:
Motion**

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move:

That Dáil Éireann approves the following Order in draft:

Exchange of Information Relating to Taxes and Tax Matters (Dominica) Order 2013,
a copy of which was laid before Dáil Éireann on 12th September, 2013.

Question put and agreed to.

**Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013:
Second Stage**

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move: “That the Bill be now read a Second Time.”

This relatively short Bill amends the Public Service Management (Recruitment and Appointments) Act 2004. If passed, it will remove the legislative barriers to redeployment and overall mobility within the public service, thereby facilitating a greater movement of staff across the broader public service. This is vital as we seek to maximise the existing resources within the public service and where the redeployment of surpluses in one organisation to meet deficits in another is likely to continue for some time.

I am taking the opportunity of the passage of the Bill to remove a provision in the 2004 Act that provides for an exemption in respect of appointments recommended by the Top Level Appointments Committee, TLAC, following competitions confined to senior civil servants. The rationale for the exception was that civil servant candidates for senior posts had already been subjected to a recruitment and selection process regulated by the Commission for Public Service Appointments, CPSA. However, TLAC has been extended to candidates from outside the Civil Service since 2007. Consequently, the exemption no longer applies. As open competitions are now the norm, the TLAC appointments are subject to the provisions of the Act. I am taking this opportunity to reflect that reality in legislation by deleting the exemption that existed heretofore.

This Bill is underpinned by a clear vision for the public service of the future. This will be a public service that is better integrated, more responsive to the ever changing environment, and focus on the needs of citizens and business customers and on the need to deliver value for money to the taxpayer. It will be more open and accountable in how it spends taxpayer money and makes decisions.

Significant progress is being made in achieving this vision and in implementing a programme of reform with unprecedented scale and ambition. Our difficult fiscal position and increasing demands on our services are driving the reform agenda. We must continue the process of meeting the five major commitments in our public service reform plan.

Across Europe, the public service is operating in an environment of reduced resources and pressure on staff numbers. Renewing public service capacity is a key challenge for our European neighbours as well as for us, as the pace and scope of reform place extra demands on public administrations. This process will continue. The demand and supply pressures require more specialist skills and different sets of competencies in key strategic areas, including procurement, ICT and change management.

One of the key instruments for addressing the staffing capacity challenge as we move towards a fit-for-purpose administration is the adoption of a strategic workforce planning approach. It is vital that this approach be embedded as a core element of the business planning process. Workforce planning can be a powerful management tool and is most effective when integrated within a Department's strategy and budgetary processes in a way that supports strategic decision making by managers.

My Department is responsible for the roll-out of workforce planning across the Civil Service. The first iterations of the workforce plans were submitted last year and all Departments are preparing the next iteration based on the feedback to date. This will allow a more consistent approach to be adopted across the public service. It will also support central monitoring and play a key part in the provision of robust and timely information to decision makers. In turn, this will enable service-wide analysis of staffing supply and demand as part of ongoing Civil Service resourcing. We need to know where the pressures are, where there is a surplus and the capacity to move within.

The ultimate objective of the workforce planning process is to ensure that the right people are in the right place at the right time. The ability to redeploy staff from one post or organisation to another is a vital component in the development of a strategy to achieve a more fit-for-purpose public administration. Redeployment and mobility will be required on an ongoing basis to meet demands for staff from within existing public service resources to support the programmes and schemes determined by this House and the Government to be priorities.

Currently, definitive redeployment from one sector of the public service to another is not legally possible, which is surprising. Secondment arrangements are being used, pending the enactment of this legislation, to remove that legal barrier to movement. This is the purpose of the Bill. It will facilitate definitive cross-sectoral transfers, thereby providing certainty of assignment for those currently on secondments and for those who will move in future. It will also provide certainty for the sending and receiving organisations involved in the redeployment process in respect of their staff assignments.

Redeployment and mobility are not just aspirational objectives to be achieved as part of some future public service. The Croke Park agreement has been a key enabler of the public service reform plan and played a strong part in underpinning many of the changes that we have recently made in the public service. It provided an unprecedented opportunity to achieve change in an atmosphere of stable industrial relations and co-operation. For the first time, the agreement provided a basis for movement within the Civil Service. The health, local authority and education sectors were particularly involved, as internal redeployment was not possible between those bodies and non-commercial State bodies. These arrangements have played a key role in the reassignment of more than 10,000 staff, which is no mean achievement, and have been reaffirmed in the new arrangements under the Haddington Road agreement. Redeployment will continue to facilitate flexibility and ensure that we can make the best use of staff resources by moving people from areas that are not under pressure to those of greatest need.

Previously, I outlined in the Chamber why it was necessary to make such a substantial ask of public servants under the Croke Park and Haddington Road agreements. I have acknowledged that public servants have contributed significantly to addressing the fiscal and economic challenges through the pension levy imposed in 2009, pay reductions and other measures, including head count reductions, reduced salary rates for new entrants and reductions in pension-related payments.

As part of the renegotiation process that resulted in these outcomes, the Government has agreed that compulsory redundancies will not apply to public servants, subject to an agreed flexibility on redeployment. Where moves to other employment have been agreed in this context, the Bill will enable definitive cross-sectoral assignments to be made by removing legal impediments. In doing so, it will enable the Government to meet part of its commitments under the Croke Park and Haddington Road agreements.

I advise the House that I intend to table amendments to this Bill on Report Stage that will set out the terms of a new sick leave scheme for the public service and give the Minister for Public Expenditure and Reform the power to vary that scheme in certain circumstances. In 2012, my Department engaged with the public service unions on the introduction of revised sick leave arrangements across the public service, as Deputies will know. There was extensive debate about it in the media and the Chamber. The proposed changes provided for a reduction in access to paid sick leave across the public service with a view to ensuring greater productivity and a reduction in the costs associated with sick leave. A number of issues that could not be agreed were referred to the Labour Court for a binding recommendation. The Attorney General has advised that, in order to ensure a uniform application of those recommendations and to address existing contractual rights, it is necessary to put a statutory system in place setting out the broad terms of the new public service leave scheme and allow me, as the Minister, to make variations to the scheme in certain circumstances.

I will go through the sections of this brief Bill. Section 1 defines the Public Service Management (Recruitment and Appointments) Act 2004 as the Principal Act. Section 2 defines a “public service body” for the purposes of the redeployment function, which is assigned to the Public Appointments Service, PAS, under sections 4 to 6, inclusive, as including all public service employers except commercial State bodies and their subsidiaries. Section 3 removes the existing exemption under section 7(2)(a) from the general provisions of the Principal Act in respect of TLAC appointments, bringing these within the ambit of this legislation.

Sections 4 to 6, inclusive, provide for the insertion of a new section 34A and a new Part 6A, which comprises sections 57A to 57F, inclusive, into the Principal Act. Section 34A provides that the PAS shall have the functions set out in Part 6A. Section 57A provides that a person designated by the PAS for redeployment to a position in another public service body shall be appointed to that position. Section 57B enables the PAS to designate a public service employee for redeployment to a comparable position elsewhere in the public service. A person on a fixed term contract may be redeployed for the period remaining on their contract. The assignment of this role to the PAS is fully consistent with its current statutory role as the main recruiter for the public service and with its role in operating the existing redeployment arrangements for transfers between public service bodies under the Croke Park and Haddington Road agreements.

During the examination of the Bill in the Seanad, concern was expressed that the legislation may provide the PAS with an unbridled power to establish a system under which employees may be compulsorily forced to move. As I did in the Seanad, it is important to state clearly that

the Bill will not provide such power to the PAS in any circumstance. The Bill is designed to facilitate definitive cross-sectoral moves that have been agreed in the context of Croke Park and Haddington Road agreements. It will not be a legislative measure to force reassignments that are not agreed. If cross-sectoral moves are agreed with specific individuals in future, including outside the terms of a specific collective agreement, the Bill will also facilitate those, provided that they are not in conflict with the Minister's overall policy on mobility and redeployment.

Under section 57D, the Bill provides that the PAS shall have regard to the terms of any policy for the time being of the Minister relating to mobility or redeployment. The policy of the Minister is framed within the parameters of the employment legislation in force and the common law. It is also be subject to judicial review.

If the employment protections afforded to public servants through various employment laws and the common law were to be ignored or were not appropriately applied and an attempt was made to force the redeployment of a public servant cross-sectorally, the person concerned would have the full protection of existing labour law and full recourse to the courts to vindicate those rights.

Section 57C provides that redeployment is to be on no less favourable terms and conditions in relation to basic pay, defined in section 57A, and pension, except in relation to fast accrual arrangements. It will provide certainty for the individuals being redeployed in two ways. First, it provides for the transfer of the responsibility to meet the redeployee's superannuation liabilities legally to the receiving organisation. Second, it provides for the preservation of various statutory rights of the redeployee that are linked to length of service. These include rights accruing under the Redundancy Acts, Unfair Dismissal Act, Minimum Notice and Terms of Employment Act and the Parental Leave Act. Section 57C also provides that those assigned to the Civil Service will be subject to the Civil Service Regulation Acts and the Ethics in Public Office Acts.

The provisions in the Bill in relation to the pay terms that will apply on redeployment have been drafted to give effect to the agreements reached with trade unions. Those agreements take account of the continuing need to stabilise the public finances and to meet the State's obligations with regard to the reduction of its deficit. The approach on pay on redeployment has been in operation for the past two years and will continue under this legislation.

During examination of the Bill in the Seanad, concern was expressed that the person redeploying will not be allowed to keep specific allowances or overtime pay when they redeploy to another post. In all cases, staff moving are assigned to grades where the duties and pay are as close as possible to those applying in their previous role prior to redeployment. If a person is earning additional pay for carrying out a specific duty or for working unsocial hours and they move to a post where those unsocial hours no longer apply, obviously the associated pay would cease.

It is important to note in this context that it has been agreed with the unions through the Labour Court, that those in receipt of allowances may be compensated for the loss of routine and structured allowances. It is also important to note that the provision in the Bill sets the minimum floor on the pay levels that must be applied on redeployment in every case. It does not preclude the application of a different, more favourable regime in the future when public finances permit.

Section 57D sets out factors to be considered by the PAS when designating a person for

redeployment. These are the competencies, qualifications, grading and pay rates of the person being redeployed and those required in the post to which the person is being assigned; the terms of any policy of the Minister, and any collective agreement, relating to the mobility or redeployment of public service employees; and the methods of recruitment and selection applying to public servants generally.

Section 57E sets out details of those who are precluded from redeployment by the PAS. These are holders of political, judicial and constitutional posts, presidential and Government appointees, as well as special advisers, members of the Permanent Defence Force and An Garda Síochána, officers of the Houses of the Oireachtas, and those employed by the Central Bank of Ireland and the National Treasury Management Agency. This section also provides that the Minister may, by order, add further bodies to this list.

Section 57F removes any impediments under the Data Protection Act 1988 to the transfer of personal information to the PAS, or to another public service body, for the purpose of redeployment to that body. This concerns normal payroll and other personnel information.

Section 7 corrects Schedule 2 of the Principal Act to reflect the fact that there is no section 14(4) in the Aviation Regulation Act 2001 - I know that will come as a stunning shock to the House - and the Schedule should refer instead to section 11(4) of that Act. Section 8 inserts an additional Schedule to the Principal Act to list the commercial State bodies which are excluded from the definition of "public service body". Section 9 is a standard provision providing for a Short Title, and for commencement on a day to be appointed by ministerial order.

I ask the House to support and approve this Bill, which is part of the reform agenda to allow for what is going on. I am presenting it as an agreed approach with the trade union movement and under the auspices of the Labour Court. I commend the Bill to the House.

Deputy Dara Calleary: I welcome the thrust of the Bill. Having tried to start some of this work, I have a certain sympathy with the Minister - that is not necessarily shared on this side of the House or, I suspect, on the Government backbenches - about the complexity of public service reform. It is extraordinary that a relatively normal day-to-day human resources act, such as redeployment, requires legislation.

I note the Minister emphasised the agreed nature of the Bill. It contains a number of robust provisions to guarantee that there will not be any abuse of the system. I was intrigued by the exclusions in section 57E, which include political offices. Therefore, any Senator who might plan on being redeployed in the event of the Seanad referendum going a certain way will not have any protection under this Bill. Given that many of them want to be redeployed in here, I suppose they will be happy.

In 2008, the OECD completed an important review concerning civil servants. That report, entitled *Towards an Integrated Public Service*, pointed out the need for increased flexibility and mobility for workers. We see redeployment as satisfying a specific need for a client, but also within the service itself, redeployment can offer career opportunities as well as a chance for people to move into different challenges that would otherwise not be available to them. Talented people can be left to stagnate for the want of such opportunities.

Redeployments that have occurred in recent years are welcome. Part of this Bill will reflect on FÁS workers who have moved to the new Intreo agency. It is important to stress that FÁS did fantastic work, but it was brought down by the actions of very few. The work of those

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moving into Intreo is incredibly important and in fact we need more of them. If Intreo is to be successful, it needs more resources, but that is a debate to be had within Government over the next three weeks.

Redeployment is allowing us to move people into areas of demand. That demand is from those seeking a State service to reskill. Without the ability to redeploy within the Civil Service, we cannot respond to that demand and people will suffer.

It is worth reading part of the OECD report into the record. It pointed out that few opportunities existed at that stage, in 2008, even for general staff to move within or across the service. The OECD also pointed out that limited mobility created challenges in sharing skills and competencies across the system and in reallocating resources to those areas most in need. At that stage, the report sought an integrated public service where individual public servants would be expected to have more varied careers across sectors.

Traditionally, many people have joined the staff of a Department and left aged 65 when they got a watch on retirement. That is not good for them or for the service. We need to share our experiences of different services within the public service.

The OECD report also called for a mobility policy to promote and facilitate the movement of general staff across different sectors. This Bill answers that call. One of the issues in Croke Park I was that that would happen, but that there would be some fairness involved in terms of not breaching a mileage limit. People could not be randomly moved from one part of the island to another, the consequences of which was a slowing up of the process. This must be fair. It must be remembered that we are speaking about people and their families.

The OECD called for new arrangements for the redeployment of staff across organisational and sectoral boundaries to new higher priority activities which would assist in raising performance levels and would also meet a demand at the end of the service. Previously there were many rules in regard to the redeployment of people from the public to the Civil Service and from one Department to another, which meant that at the end of the day a person who wanted to move could not do so and the person who required the service did not get it. Some of the processes in place over the past number of years caused this.

The Minister referred to the ability of the Croke Park Agreement to facilitate much of what is proposed. The fact that 10,000 people have voluntarily moved indicates the pent up demand within the system for redeployment. It allows people to have different experiences and to use experience gained in one part of government in another. The impact of this can be seen in much better performance targets in, say, the Passport Office which has been transformed this year by the new appointments service. The ability to redeploy people to that office and the establishment of the new appointments service has addressed the delays there. Following much negotiation and the acceptance of many changes on the part of community welfare officers the Department of Social Protection is now benefiting from their experiences, the impact of which we are beginning to see on the ground. There are other examples.

There are a number of issues on which I seek clarification from the Minister. An issue raised by Senator Thomas Byrne, which the Minister mentioned briefly when pointing to the protections provided for under this Bill, is the need for more detail on the appeal process for redeployed persons for whom the protections set out in the Bill do not work. In other words, where a person is to be redeployed and he or she does not agree to that redeployment there should be

in place a transparent appeals process to allow him or her appeal that decision. While the Minister's intentions may be good, future holders of that office may have less regard for people's rights in this area and the legislation could potentially be used as a more free-for-all process.

Why are semi-State bodies exempt from this legislation? The usual response is that they are different because they are commercial bodies. However, when they get into trouble and need a bailout they turn to their line Minister. I suspect there is capacity in some of the semi-State bodies that could be utilised in other semi-State bodies that require reform or to respond to a particular consumer demand. The same flexibility should be available within the semi-State sector. They enjoy the protection of the Government being their main shareholder and the protection this gives them commercially and resource-wise. If they enjoy that protection and benefit then there is an argument for their inclusion in the rules of staff management and training. I would welcome the Minister's views on that issue.

A number of issues arise in relation to training, which are exempt from the Bill. It should not be possible to redeploy a person to another area without providing him or her with some relevant training. There is little provision in the Bill in this regard. I accept this is a day-to-day management issue but it should be highlighted somewhere in the Bill that it should not be assumed a person has the required skill-set for a particular job. There is a need for a robust training budget alongside any redeployment programme. If we are to get the full benefit of redeployment in terms of using and sharing expertise an adequately funded training programme is required. The Minister might respond to this issue in his closing remarks on the Bill.

Fianna Fáil welcomes the Bill, which though small in size, is important in terms of the legal certainty it provides to the 10,000 people who have been redeployed in terms of their careers and the services they provide. One would hope that this Bill will allow us to begin addressing other issues. For example, the social welfare appeals service would benefit from a redeployment to its offices of experienced people in order to address the serious delays therein. I acknowledge the progress made over the summer in terms of the reduction in the number of domiciliary care allowance applications waiting to be dealt with. However, waiting times in respect of carer's allowance applications and for other payments remain lengthy. I acknowledge a social welfare appeals officer requires a certain skill set but additional staff are required in this area. There are similar delays in the Department of Agriculture, Food and the Marine. It is hoped that when this Bill is enacted Ministers will be aware of its provisions and will have the confidence to seek the type of experience required to address delays in their Departments.

Fianna Fáil supports the Bill but will propose a couple amendments on Committee Stage in an effort to improve it.

Deputy Mary Lou McDonald: Sinn Féin also supports this legislation, which is timely and straightforward.

Significant redeployments have taken place across the public sector over the past three years. The Minister referred in his opening remarks to some 10,000 redeployments. Removing the remaining legislative barriers to further redeployment across the various sectors across the public sector and Civil Service is a necessary step in maximising the mobility of workers. It makes common sense, for example, that a professor of economics from one of our universities could if he or she wished be redeployed for a period to the Department of Public Expenditure and Reform to share with it his or her knowledge and expertise.

Deputy Brendan Howlin: And *vice versa*.

Deputy Mary Lou McDonald: Absolutely. There is a thought.

The Government's narrative on the reason we need enhanced mobility in the first instance and the Minister's interpretation of what a reformed public sector should look like, are at variance with the intent of this Bill. The Minister has told us time and again that a key element of his reform agenda is a reduction in the size of the public service. By 2015, this Government, with considerable help from Fianna Fáil, will have reduced the public sector workforce by up to 12% since 2008. We are told redeployment is crucial to the Minister's reform strategy.

The already mentioned and much discussed OECD report from 2008, Ireland: Towards an Integrated Public Service, noted the need for increased flexibility and mobility of workers throughout the system. It highlighted the problems of limited mobility with particular reference to sharing skills and competencies across the system and reallocating resources to where they are most effective. Redeployment has happened, not on a grand scale but at a pace not achieved prior to 2008. However, redeployment has not taken place because of a desire by Government to reform fundamentally our services for the betterment of citizens but instead because of an environment of crisis created by it and the previous Government, which the current Government has caused to deepen.

When discussing public sector numbers the inference is often made that our public sector was "bloated" prior to 2008. When one examines the evidence, this was not the case. Public sector employment as a share of the labour force was just under the OECD average in 2008 when numbers were at their highest. By comparison with eight countries, including Britain, Canada and the Netherlands, Ireland had the third lowest general government employment per thousand of population. It is worth restating this because people sometimes, perhaps disingenuously, try to suggest that the system was bloated and overmanned. The bottom line is that this Government, aided by the previous Administration, has fundamentally undermined the delivery of the critical services on which our citizens are now more reliant than ever. Over the last number of years, we have witnessed the slow and painful dismantling of services, particularly in health and education.

The incentivised retirement scheme introduced last year was not targeted. The Minister simply sought to slash crudely and without any thought beyond the bottom line public sector numbers.

12 o'clock

Vital services such as mental health have still not recovered and all the redeployment in the world will not fix the problem.

To give an example of the reality on the ground, Government agencies such as the Health Service Executive, when questioned on extensive delays in accessing services, provide Deputies with a stock answer along the lines that, unfortunately, due to a combination of very high demands being placed on the service in question and insufficient staff numbers, they are unable to provide the service in question. This means, for example, that school aged children living in north-west Dublin do not have access to physiotherapy services due to cutbacks and a lack of staff, while children requiring speech and language therapy are waiting up to 24 months before receiving therapy.

What are the real time outcomes of decisions to downsize, shed staff and fundamentally undermine service provision? A child with speech and language difficulties starting a junior infant class will have to wait two years before receiving the therapy she or he needs, she or he will not be entitled to special needs assistance and will be in much bigger class than was the case previously. It is astonishing that the Minister for Education and Skills and the Minister Health do not even discuss this cross-over in policy areas. It would be awful if this were to be the Labour Party's legacy in government.

Redeployment is an effective tool for generalist staff and should be used. However, what use are mobility and skill-sharing if the Ministers in charge are blissfully unaware of the fundamental damage many of their decisions are doing to service delivery? The proposition that Cabinet members do not even discuss shared policy and service delivery across Departments is mind boggling. For the Minister, redeployment means scrambling around for staff to patch up the gaping holes he has left in service delivery. This was not the vision set out in the OECD report. Redeployment was and should be about increasing staff competencies, improving performance and properly integrating our public service. It should create an environment in which workers actively seek redeployment to new areas where they can develop their skill sets. We should be at a point where an expert in political reform and governance from one of our universities can seek and take up a position in the public service reform and delivery division of the Minister's Department. This is the culture that could and should be fostered within our public services. While this culture resides within the workforce, unfortunately it is not so evident on the Government benches.

We have before us primary legislation which removes the legislative barriers to redeployment and mobility across the wider public sector. This is a great proposal which enjoys the support of all Deputies, and the Minister should, therefore, get on with implementing it. What I am much more interested in discussing with him, however, is how his Government plans to undo the damage it has done to service delivery and how and when it intends to take on the necessary specialty staff to fill the gaps in service delivery in health and education. The Minister and I both know that redeployment will not solve this problem. Where is the Minister's roadmap for reform of service delivery? How does the Government propose to improve service delivery for citizens, young and old, during the remainder of its term in office?

Deputy Calleary referred to the semi-State companies and I wish to sound a note of concern regarding the movement of staff between State agencies. I refer, in particular, to a case where anxiety is current, namely, the challenges facing workers in the national lottery company who face an uncertain future. Whereas the majority of the employees are on permanent secondment from An Post, it appears a return to the company for those who may wish to rejoin the mother ship, as it were, is not on the table. A similar issue is brewing in respect of employees working in Bord Gáis Energy who may wish to remain as employees of Bord Gáis following the sale of the supply division. While I fully appreciate the context is different for profit-making, dividend delivering semi-State companies, core issues must be teased out in respect of the rights of employees.

Will the Minister explain his decision to include, as an amendment to the legislation, a statutory arrangement regulating sick leave? While I do not oppose the move, I seek an explanation of the rationale for inserting the provision in the Bill, rather than as a stand-alone measure.

Deputy Brendan Howlin: It needs legal underpinning from the Attorney General.

Deputy Mary Lou McDonald: While I accept the need for legal underpinning, would it be more appropriate to provide for this in separate legislation?

The issue of appeals has been raised. Staff in the public service have shown a willingness and ability to move and adapt. The Minister acknowledged the contribution public sector workers have made in a time of economic crisis. Many of them believe they have taken a hit and are concerned about the prospect of forcible redeployment, which would have consequences for their working and family lives. This issue needs to be considered and clarified.

As I indicated, Sinn Féin supports this legislation on the basis that it makes sense. All those working in the public service are committed to service delivery and take pride in their work. They also know, however, that significant cultural, organisational and management changes are required. At the same time, public service staff must be reassured that their terms and conditions will not be further eroded and their employment will be secure.

Deputy Catherine Murphy: I propose to share time with Deputies Richard Boyd Barrett and Finian McGrath. This legislation is an outworking of the Croke Park and Haddington Road agreements. While I and many public servants do not oppose the concept of greater flexibility, this must be done in a manner that provides reassurance to staff and does not have unintended consequences. Should such consequences arise, provision must be made to revisit the legislation.

My criticism of the entire public service reform agenda is that it has not delivered reform. We repeatedly hear about systemic failures when it is we who are creating or failing to create the systems.

I will highlight a number of issues that arise in the context of this Bill. The Government is not taking a broad approach to what is needed. This legislation, for example, will not result in wholesale or large movements of staff but amounts to a small-scale, technical initiative that will help to fill gaps. The Government must consider a broader reform measure as this legislation is limited in scope and ambition, as it must be in some respects. Up to now the reform we have seen has been quite regressive. It has been about cutbacks and achieving budgetary targets. However, there is no guiding vision to introduce the kind of institutional reform that delivers good quality public services for the citizens. I will outline examples of the failures I witness on a daily basis. I am sure those on the Government side are not immune from seeing them. People are asking why they are paying increased taxes when they are not seeing a delivery on the other side. I presume the property tax will bring that into sharp focus.

Let us consider where people are positioned in the local government system. I will focus on four counties that demonstrate it very well. Meath County Council has 620 staff for a population of 184,000. Kerry County Council has almost double that staff to serve 40,000 fewer people. Kildare County Council has 835 staff for a population of 210,000 people. Mayo County Council has a couple of hundred more staff but serves 90,000 fewer people. It is not possible to deliver equality of service when there is such disparity in the numbers of people delivering that service and it is not possible to deliver public services without public servants. That deficiency can be seen across the spectrum in commuter-belt areas, on the periphery of Dublin, the periphery of Cork and the periphery of Galway. We have failed to address that particular gap and reform is essential if we really want to introduce equality in public services. How money is allocated to local authorities from the general-purpose grant more or less reinforces the inequality.

That imbalanced policy is also evident in Garda services in the commuter-belt counties. Again Kildare happens to be at the wrong end of the spectrum - it is worst, followed by Meath. It has 666 gardaí. However, Sligo and Leitrim have virtually the same number of gardaí for half the population. There is no rationale for this no matter how frequently I raise it. With a limited cake, why should there be such a difference in the quality of services people-----

Deputy Brendan Howlin: It is because we are so resistant to change.

Deputy Catherine Murphy: This is very limited and the structures are very limited.

Deputy Brendan Howlin: That has happened lately.

Deputy Catherine Murphy: We have been appalling at building good institutional frameworks. We keep on ending up with inquiries and reports at the end of which we are told it is down to system failure. We are the ones who need to build the systems and I am highlighting where the systems are failing. The largest class sizes happen to be in Kildare, Meath and Fingal with 10% more pupils per class in those counties - the counties with the largest growth in births. Why can we not build the prediction of need into the service in order to deliver an equality of service as people are entitled to expect?

We saw exactly the same thing when the HSE was filling positions involving occupational therapy, speech and language therapy, psychological services, staff nurses, community nurses, etc. There were 208 positions and 58 of them went to the Tallaght, Kildare and west Wicklow area. We cannot continue to have parts of the country that for one service or another are at the wrong end of the spectrum. There must be a design feature that accommodates that. However, I do not see that in this legislation, which does not allow for the kinds of numbers - nor should it do so. While public services are about public servants, first and foremost they are about the citizens and an equality of service without such disparities.

I believe there are things the Minister can do. I am a great fan of using technology to lighten the load on administration and frontload things. Norway built a platform for the delivery of public services covering three or four municipalities and most of its public services. It has reduced its requirement for administration by about 17% and has saved the equivalent \$7 billion over a fairly short period of time. It is about identifying the need to invest in the services to gain the benefit on the other side. Revenue's online service is a very good system but has not been systematically rolled out as extensively as it should be. If we want to make strategic use of money to stimulate something and get a permanent return, we need that kind of thing here, but it needs to be on a large scale.

I do not oppose the notion of flexibility in the system but we are long overdue a debate on the future of our public services and how people will interact with them. It needs to be articulated in a way such that we are not just tinkering at the edges but building services in which people will be proud to work. They should be almost queuing to go from one to the other because they will get stimulation when they go into work. I feel very sorry for some of the public servants with whom I interact. I know they are snowed under with criticism and complaint because they are overloaded and essentially trying to do the job of two or three people. I do not oppose the flexibility, but so much more needs to be done. I am very frustrated that the place where I happen to live is disadvantaged in so many ways and I want to see that changed.

Deputy Richard Boyd Barrett: At this point I bristle when I hear the words, public sector reform.

25 September 2013

Deputy Brendan Howlin: You are constantly bristling. Not a day goes by without you bristling.

Deputy Richard Boyd Barrett: And you, Minister, are constantly heckling.

Acting Chairman (Deputy Bernard J. Durkan): Deputy, do not mind the bristling, just address through the Chair, if you do not mind.

Deputy Richard Boyd Barrett: Hold on, Chair.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, you have to address through the Chair.

Deputy Richard Boyd Barrett: Hold on, Chair.

Acting Chairman (Deputy Bernard J. Durkan): I am holding on.

Deputy Richard Boyd Barrett: He heckled.

Acting Chairman (Deputy Bernard J. Durkan): No, you led with your chin. Can I ask the Deputy to proceed and speak through the Chair?

Deputy Finian McGrath: The Minister provoked him.

Acting Chairman (Deputy Bernard J. Durkan): Now, now.

Deputy Richard Boyd Barrett: That is disgraceful bias by the Chair.

Acting Chairman (Deputy Bernard J. Durkan): Before you proceed any further-----

Deputy Richard Boyd Barrett: Disgraceful.

Acting Chairman (Deputy Bernard J. Durkan): -----if you wish to sit down and let somebody else take your space that is fine, but I will not tolerate that kind of nonsense.

Deputy Richard Boyd Barrett: Why did you not cut across the Minister for heckling me?

Acting Chairman (Deputy Bernard J. Durkan): I am sorry; you led off-----

Deputy Richard Boyd Barrett: Why did you not-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy.

Deputy Richard Boyd Barrett: I led off by saying-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy. You led off by interjecting that you bristled.

Deputy Richard Boyd Barrett: Yes.

Acting Chairman (Deputy Bernard J. Durkan): You can cease your bristling and proceed with your speech, if you do not mind.

Deputy Richard Boyd Barrett: I can say, "I bristle if I hear the words public sector reform" if I like.

Acting Chairman (Deputy Bernard J. Durkan): You did and you addressed the Minister; you provoked.

Deputy Richard Boyd Barrett: No, I did not.

Acting Chairman (Deputy Bernard J. Durkan): Can I ask you to proceed because you are losing your own time?

Deputy Richard Boyd Barrett: I bristle when I hear the words “public sector reform”.

Acting Chairman (Deputy Bernard J. Durkan): The job of this House is not bristling. It is-----

Deputy Richard Boyd Barrett: I can bristle if I want.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy, you do not seem to understand Standing Orders. You do not address the Minister; you address the Chair.

Deputy Richard Boyd Barrett: I was not addressing the Minister. I said that I bristled when I heard-----

Acting Chairman (Deputy Bernard J. Durkan): You just repeated it again a minute ago.

Deputy Richard Boyd Barrett: ----- the words “public sector reform”.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy. It would be in your interest to use your time more constructively, to address the issues and to address them through the Chair.

Deputy Richard Boyd Barrett: A Cheann Comhairle-----

Acting Chairman (Deputy Bernard J. Durkan): I am not the Ceann Comhairle.

Deputy Richard Boyd Barrett: A Chathaoirleach, I bristle when I hear the words “public sector reform”.

Acting Chairman (Deputy Bernard J. Durkan): Bristle away.

Deputy Richard Boyd Barrett: This is unbelievable. I bristle because the term is simply a euphemism for cuts. It is as simple as that. We do not need fewer public sector workers, we need more public sector workers. We need more people cleaning the streets, cleaning the graffiti off the walls and building social housing. We need more social workers, more people working with the vulnerable in our society and more people helping to maintain our public services, facilities and amenities. We need them more than ever because the private sector has shown itself completely incapable of creating employment or of dealing with the situation that we face in this country.

In case the Minister has not noticed, we have an astonishing unemployment crisis. Investment has collapsed since 2007 to the tune of billions of euro. There are little investments here and there but they are set against a general backdrop of massive cuts in capital expenditure by the State and an overall collapse in investment in the economy. To cut back in the way the Government has in public investment and public services is bordering on the criminal. Moreover, for the Labour Party to be involved in the targeting and vilification of public sector workers in

the way that it has been or for it to lend credence to those who wish to vilify public sector workers is utterly shameful.

Public sector workers have been hammered. I offer one stark example. With the Haddington Road agreement and the two hours extra or thereabouts that people must work for nothing, some workers, not too far from this Chamber, found when the two extra hours were added in and divided into their basic pay that they were getting paid less than the legal minimum wage.

Deputy Brendan Howlin: That is not possible.

Deputy Richard Boyd Barrett: It was possible. The matter had to be taken up with the Department of Public Expenditure and Reform. That is the reality for vast numbers of public sector workers. They have had their pay slashed by between 15% and 20%. Now, they are having their hours increased. Numbers have been slashed with an overall loss since 2008 of 9.3% or approximately 30,000 public sector workers. As Deputy McDonald pointed out, even before the crash came Ireland did not have a high level of public sector employment compared with other OECD countries.

All this talk of reform is to cover up the fact that workers and ordinary citizens in general, but particularly public sector workers, have become the scapegoats for the economic crisis that was caused by politicians, developers and bankers who are still protected. There have been no reforms there. No matter what they do, they are protected and bailed out. However, again and again ordinary workers have to bear the brunt of this.

Frankly, some of this stuff is almost bordering on the insulting. I was reading the digest which referred to mobility for generalist staff. I would like to know what are generalist staff.

Deputy Brendan Howlin: They are non-specialists.

Deputy Richard Boyd Barrett: I would like to see that definition work its way through to what people do. Does it refer to someone in a housing department of a local authority who spends years dealing with the housing crisis that successive Governments have caused and who has to deal with the public and the vast and growing waiting lists? Is it the view that because they are simply clerical officers and generalists we can shove them over somewhere on the other side of the city to do something else? Is it not the case that they have actually built up skills, knowledge and abilities in their particular area? To refer to them as generalists in that way is, in some cases, although not in all cases, bordering on insulting. Whatever the job, people build up a knowledge and expertise of their particular areas. This is valuable knowledge and experience and people should not be redeployed willy-nilly because of the need to meet troika targets, balance the books or simply to find a way to manage the chaos that has resulted from taking the knife to the public sector in order to impose the Government's austerity agenda.

I have a specific question for the Minister, Deputy Howlin. If I am correct, there is an exclusion for staff from the Central Bank and the NTMA from these redeployments. Is this because they are such specialist people that they cannot possibly be redeployed, while other more generalist people can be redeployed? Why the exclusions?

I am not against flexibility. I am not against an integrated public service. I want to see these things but they should not be imposed on people. I know of situations where this has happened. For example, people working in the hospital in Loughlinstown for the HSE were told they had to go to work in Finglas. These were mothers with children and families but they were

told they would have to travel an extra two hours each way each day to get to work in what is supposedly a reformed but actually dysfunctional new medical card regime, which has been established essentially because of cuts. Under this regime no one can talk to a human being any more when they have problems with their medical cards. The reality is that the Government's reform policy amounts to fewer people doing more work for less money and now possibly being forced to travel further to work or forced to redeploy against their will. Any scheme should be completely voluntary. The Minister should talk to the workforce. I imagine many of them might wish to move on and develop their skills and so on or get experience in other sectors of the public sector, but it should be discussed with them not imposed on them.

A scheme to allow people to work closer to home should also be included. That would be a good reform. If there was a scheme whereby we tried to move people closer to home in order that they did not have to travel ridiculous distances to get to work, with all the resulting congestion problems and all the stress this causes for those people, it would be effective and the Minister should seriously consider it. That could be an option for people that would improve their quality of life and morale which, in turn, might actually contribute to higher levels of productivity and enthusiasm in their work. If the Minister seeks a reformed public service he should support public sector workers rather than slash their pay, impose things on them, squeeze the life out of them - this is what is happening to many - or put them on the border of not being able to pay bills and mortgages. That is hardly conducive to a reformed public sector. This is what I suggest the Minister should do to try to amend the Bill.

Deputy Finian McGrath: I promise not to bristle at you, Acting Chairman, but I will bristle away at the Minister for the next ten minutes.

Acting Chairman (Deputy Bernard J. Durkan): You are very considerate.

Deputy Finian McGrath: By the way, I hope the Acting Chairman will protect my right to free speech from the heckling Minister, Deputy Howlin, across the floor.

Acting Chairman (Deputy Bernard J. Durkan): There will be no heckling.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to speak to this new legislation, the Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013. I welcome the debate because it is important to look closely at the area of mobility and barriers to redeployment in the public service. It is also important to commend and pay tribute to the vast majority of our public servants, who have made and are making a remarkable contribution in the country as a whole. It is not popular or trendy nowadays to stand up for many of our public servants but today I will do so. They have taken the hits and the cuts and many on the front line have also taken much abuse. They have always done their best, in many cases, against the odds, and it is important that this is recognised in the debate.

It also is important to state one can never run a country without a good and effective public service. While some in the broader world appear to believe one can, for me the public service is the engine room at the heart of any state or country that wishes to serve, protect and defend its citizens. That is what this Bill should be about and is what any decent society also should be about. Public service is about serving the public whether one is a teacher, a nurse, a civil servant, a garda, a doctor or a council staff member. That is the core of any country and is something one should never forget. Moreover, in the context of the current economic crisis, one should never think we can get out of this economic mess without proper participation and

support from all public servants. While some may think they are strong words, this is the reality and all Members of the Oireachtas should know that.

As for the legislation under discussion, its primary aim is to remove the legislative barriers to redeployment and mobility within the public service, as well as to address other issues that arise on changing employer. In addition, to reflect the fact that open recruitment now is the norm for posts under the remit of the Top Level Appointments Commission, it also will remove the limited exemption for the general provisions of the principal Act in respect of these appointments, thereby bringing them within the ambit of the Act. These are the aims of the legislation but a more detailed consideration of the Bill reveals it also addresses a number of key policy issues that are critical to the smooth operation of mobility policy, including the definition of “public service” and “basic pay”, as well as the pension arrangements to apply to an individual on transfer. The Bill makes provision for the mobility and redeployment arrangements agreed in the Croke Park agreement but does not extend beyond what was agreed therein. The successor to the Croke Park agreement, the Haddington Road agreement, restates that where deployment is not an option, there may be circumstances in which voluntary departure may be appropriate. In such situations, there will be discussions with the relevant unions on the terms of any arrangements. That is a strong section in respect of the role of unions and I welcome it because at present, there is a strong undermining within broader society of the role of trade unions. I was a member of the INTO for many years and we worked for change in respect of educational disadvantage, special needs assistants, SNAs, resource hours and issues such as class size. While we had some great successes, I now strongly believe one must be vigilant and that in particular, public servants must be vigilant.

Last night, I attended a public meeting in Ayrfield, which is in the new part of my constituency of Dublin Bay North, that was packed with teachers and parents who were concerned about the class size issue. However, in addition to being concerned about such issues and the future of education in Ireland, I was delighted to see parents and public servants attending and working together on an issue that is important to everyone. Among the issues they raised was that of resource hours for children with disabilities, which have been cut in recent years, as well as educational disadvantage. Reports emerged last night and today about the dispute with the ASTI in the middle of which the Minister, Deputy Howlin, and his colleague, the Minister for Education and Skills, Deputy Quinn, find themselves. While it may be trendy to kick the ASTI today, one does not isolate people who have served the country well as it will not work. Teachers have taken hits and are hurting, I accept like many other people, but they also wish to fight for education and that is their role and their belief. Kicking them around, being trendy and popular, isolating them or using words like “isolation” and so on will not help the position. I received a telephone call last Monday evening from an ASTI member on another issue and she was still in her school at 8 p.m. This goes on all the time but people forget this when they are sticking the boot into members of the ASTI. Secondary schoolteachers have served the State well for many years and have done much on a voluntary basis. Members should not cod themselves but should accept that over the past five years, the goodwill in Irish education has been damaged severely. I regularly speak to teachers on the ground and to professionals on this issue. When I left college, it was an absolute honour to take over the Cumann na mBunscol under-13 team and one received no pay for it. I was training teams in Whitehall or Fairview Park until 6 p.m. or 7 p.m. and while I loved doing it, I never got a penny for it. Many teachers did such things without seeking money or gold medals. My point is there is a strong history of goodwill in Irish education and the Minister should be extremely cautious about damaging that. I offer this as a word of warning to the Minister and anyone who deals with industrial relations

also must know this.

I revert to the broader debate on what is going on with regard to this issue. The Bill amends the Public Service Management (Recruitment and Appointments) Act 2004 and as I indicated earlier, its aim is to remove the barriers to redeployment and overall mobility. I welcome this aspect of the legislation because there must be greater mobility. When I was the principal teacher in a disadvantaged school, I always told colleagues that after ten years as a principal in such a school, it was time to consider the idea of rotating that principal or of bringing in someone fresh because there are people who are interested in taking such steps. I was principal and having spent more than ten years as such, I was open to the idea of being redeployed, of doing something else or of carrying out a change. This was because while the first six or seven years in such a role are very exciting and so on, dealing with education, huge problems, social workers, parents, boards of management and all that is an extremely difficult job. I reiterate some people are open to such flexibility and mobility and I urge the Minister to give consideration to introducing this idea in the education sector as well. Serious consideration should be given to the idea that after so many years, a person may wish to change with dignity and without feeling there is a question mark hanging over his or her career.

While some colleagues disagree with me on this issue, politicians, Senators and such people also are public servants. I do not agree with some of the slogans on the Seanad referendum I have seen recently. I refer to the anti-politics and anti-politician posters that are on display. It is a populist rant and a section of opinion outside the Oireachtas simply is using the opportunity to kick politicians. Most Deputies and Senators of my acquaintance try to come in, do their work and serve the public because they are public servants. I acknowledge there has been corruption and sleaze in the past and agree there are issues like that which can be dealt with through reform but I simply do not concur with the current modern rant that everyone in society is anti-politician or anti-politics and I am disappointed to see Government parties erecting posters about getting rid of politicians and so on.

I will revert to the legislation and the points made by the Organisation for Economic Co-operation and Development, OECD, which undertook a series of country reviews to analyse the successes and challenges of public service reform from a comprehensive perspective. In the case of Ireland, this review took into account the public service reforms adopted here since the mid-1990s. The OECD sought to deliver high-level analysis on the state of preparedness of Ireland's public service to meet future economic and social challenges and that is what this debate should be about. It pertains to modernising the public service and is about reform and change but it also is about making sure the public service is efficient and can deal with the future of this country. I reiterate that regardless of whether one is a garda, a teacher, a nurse, a social worker, a civil servant or a city council worker, such groups have made a massive contribution to the State. Sadly, successive Governments have paid insufficient attention to developing the goodwill that exists and that is the important point to remember in the course of this debate.

Acting Chairman (Deputy Bernard J. Durkan): I now call Deputy Kyne, who I understand proposes to share time with Deputy Feighan. Is that agreed? Agreed.

Deputy Seán Kyne: I thank the Acting Chairman. At the outset, I wish to recognise the important contribution public servants have made to restoring the nation's finances in recent years and in particular with regard to the most recent Haddington Road agreement. I compliment the Minister on his work in that area of reform. I am surprised this Bill has not attracted more attention as it concerns an issue that attracts much criticism and sparks much debate, namely, the

issue of Civil Service staffing. Perhaps the lack of attention is due to the considerable support evident across the House for this measure. However, support should not act as an impediment to debate. It would be impossible to keep track of all the criticisms levelled at the Civil Service. Some of the criticism is justified but much is not. The enduring image of the Civil Service is of a conservative, change-averse, old-fashioned hierarchical institution and the very term “service” brings organisational comparisons with military service, which is a fair comparison when one considers the hierarchical structure and the obsession with rank and title. Anyone who ever has worked in a Department, a local authority or public organisation, will concur with that view. To an extent, the bureaucracy and the structure are necessary as how would the State otherwise be able to provide the services and schemes it delivers to millions of citizens each week? How else would we guarantee fairness and equality of access in a country of this size?

The primary legislation governing the management of personnel and human resources dates back to 1956. To say the world in which organisations operate has changed would be an understatement, yet the legislation remains the original source upon which other Acts are based. We must ask if our Civil Service is fit for purpose, if it is capable of responding to the needs of our country today and if it is capable of delivering the various programmes and measures pledged by the democratically elected Government. If the recent economic crisis has taught us anything it is that our Civil Service, and the sections concerned in this instance, was unprepared and seemingly unaware of the impending trouble. Similarly, the reform of the Civil Service should not have been dependent on the financial crisis. Any civil service operating at its best should be more flexible and responsive and less averse to change and properly considered and implemented reform.

Another issue that merits serious attention is the balance between specialists and general staff. Often the Civil Service is criticised for being full of generalists without specialist qualifications. Specialists are important. They bring a knowledge, expertise and experience to a task or challenge that generalists lack. That knowledge can be exceptionally significant, particularly when it concerns complex matters that have far-reaching consequences elsewhere. However, specialists can sometimes be too focused and too engrossed in an issue, and lack an ability to view matters in the wider context or from a different point of view. This is where a generalist is more useful. To arrive at the best possible solution or to design and implement the most effective programme or scheme, a good mix of specialists and generalists is required. Unfortunately, our Civil Service grapples with achieving this balance, often without success. We often hear how a person’s skills and qualifications are overlooked and ignored - for example, those with qualifications in international relations being sent to the Department of Social Protection rather than the Department of Foreign Affairs and Trade, those with experience in agriculture being deployed to the Department of Arts, Heritage and the Gaeltacht and those with a background in law being sent to the Department of Health.

Notwithstanding this, in the last three years there have been a number of very welcome developments, guided by the public service reform plan and led by the new reform and delivery office. The creation of the Department of Public Expenditure and Reform is proof of the new approach and the importance attached to the modernisation of the Civil Service by the Government. Thousands of members of staff have been successfully redeployed across the Civil Service and the country. However, redeployment is only one component. The fact remains that reform will be hampered unless the thorny issue of performance management is tackled. It is grossly unfair and inequitable to maintain a system in which staff members who perform the bare minimum, often grudgingly, are rewarded to the same extent as, or in some

cases more so than, staff who approach their jobs with vigour and dedication. There are few things more demoralising than to see colleagues who do not make the effort and who contribute little but complain loudly receive the same or a higher level of reward. A job well done must be rewarded. What is required is a serious debate and review of performance management in the public sector.

This Bill is very welcome on account of the move towards greater flexibility, mobility and responsiveness in the Civil Service. It is an important step and I look forward to the deliberations and discussions on the Civil Service that it will generate in the Oireachtas and, I hope, beyond.

Deputy Frank Feighan: I welcome the Minister and commend him on the work he has done over the last two and a half years. He has worked closely with the public service and all the stakeholders during a very difficult time. This country effectively ran out of money, so these are difficult times.

The Bill removes the legislative barriers to redeployment and mobility in general within the public service. In addition to thanking the Minister, I thank all public servants for the flexibility, dedication and loyalty they have shown to the State. When the Finance Bill was introduced, I said in the House one night that they had given the State great service. Public servants have not escaped the downturn in the economy or the falling house prices, but they have shown huge determination and flexibility in trying to work together to repair the finances of the State.

The Bill removes the barriers to redeployment and mobility between the various sectors within the public service. I welcome the mechanism for facilitating greater movement between public service organisations and from non-commercial State bodies. There is a greater need for this fluidity and changing expertise. The Bill will enable an employee in the public service to be redeployed to a comparable post in another public service body. The redeployment must provide for no less favourable conditions regarding basic pay and pensions. The Bill provides for the transfer of responsibility to meet superannuation liabilities to the receiving organisation and provides for the preservation of the various statutory rights of employees that are linked to lengths of service, such as the redundancy Acts and unfair dismissals Acts.

The Croke Park agreement provided a basis for movement within the Civil Service and the health, local authority and education sectors and, where internal redeployment is not possible, between these bodies and non-commercial semi-State bodies. The arrangements are reaffirmed in the Haddington Road agreement. Excluded from that are political, judicial and constitutional posts, members of the Permanent Defence Forces and presidential and Government appointees, as well as special advisers, officers of the Houses of the Oireachtas and those employed by the Central Bank and the National Treasury Management Agency. I welcome that.

However, what is happening on the ground? In my native Roscommon, the hospital has received very negative publicity. Previously, if one was seeking a job, the HSE would appoint one as a nurse or doctor at Roscommon County Hospital. Now, a nurse, doctor or consultant is appointed to the group of hospitals comprising Roscommon hospital, the two hospitals in Galway and the hospitals in Castlebar and Ballinasloe, and they can be moved among those hospitals. That is a huge innovation and shows huge flexibility within the hospital initiative.

I agree with Deputy Finian McGrath that there has been an attack on the body politic. It has been very damaged by the tribunals and scandals that took place, but not all politicians are

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the same. Many politicians, both on the Opposition and Government benches, believe that as public servants they have a dedication to public service. I absolutely would not condone any attacks on the public service. Public servants have been very loyal and any attacks on them would be cheap and uncalled for. I support the public service institution in this country. However, I believe there is a race to the bottom in terms of how politicians are treated. I stood up on an issue in Roscommon more than two years ago. I made the right call on the protection of lives in County Roscommon; it was the right call for the protection of the Government and for this country. Will it have been the right call for Frank Feighan as an individual or politician? Time will tell. So far, not one person has died. Roscommon County Hospital is twice as busy as it was in 2010 and at least 40 lives have been saved due to the new procedures in place. However, these things go unannounced and unheard of because we have a love affair with bad news. One will not sort out problems by going on the local radio, Twitter, Facebook or the local newspapers or by attacking the local politician. One will sort them out by working with the public servants and by working on the ground to find a resolution.

We have a modernised public service. However, I believe there are people such as consultants, doctors and people in positions of power who should stand up and be counted. These people have not done so. What has happened in Roscommon is not quite a miracle but it is the right thing. I pay tribute to the managers in the HSE and in the public service who must make very difficult decisions. They must lead by example and determine what is the right way to proceed. The staff who work with those public managers also deserve great credit.

Approximately two months ago, I went on local radio to discuss psychiatric services. Less than a year ago, our great colleague, Shane McEntee, who was a Minister of State at the time, took his own life. In my opinion he did so as a result of the pressure of being involved in politics. Will we ever grow up and learn from our mistakes? During the radio discussion to which I refer I called on management and unions to work together. I am of the view that, as a public representative, that was the right call to make. As a result of the fact that somebody misinterpreted my views and then communicated that misinterpretation to the members of a particular union who did not know what I had actually said, however, I was subjected to two days' worth of abuse. I was sent e-mails at 5 a.m. and received telephone calls at 8 a.m. I also received text messages and messages on Facebook. I communicated with all those who contacted me and when they discovered what I had actually said, they were big enough to engage in a debate with me on the matter. We did not always agree with each other but at least we had the discussion.

If I worked in any other profession, the Garda would have been called in and an investigation would have taken place. Due to the fact that I am a politician, however, I do not seem to have recourse to fair play or a fair hearing. I was an ordinary person before I became involved in politics. I receive the same salary as a principal officer in the public service and I am very happy to get it because it is a great honour. It will not be a case of open season being declared, via Facebook, on politicians such as myself in the future by people who effectively are hiding behind particular names. A stand must be taken. I recall the night on which I went on radio. Like most colleagues I have been through a great deal, but I was absolutely shocked by the intensity and nature of the reaction.

There will be many campaigns prior to the budget in respect of small schools and various other matters. We are well able to take and give abuse. Those who wish to give us abuse should do so in an up-front and measured way in order that others will be in a position to listen to both sides of the argument. I understand that people are angry with regard to what has happened in the past three to four years. I, too, am angry. I come from a business background and we

were obliged to close our operation. Like everyone else, I have a mortgage. The fact that I am a politician does not mean that people can openly abuse me. Those who abused me are people who should know better. They are leaders in society and in various organisations. They went to ground after offering their abuse, particularly in respect of Roscommon County Hospital. They are all saying now that what has happened at the hospital is fantastic and that the facility is very busy. The latter is only the case as a result of the Trojan work done by politicians in government and management at the hospital and due to the fact that nurses, doctors and other members of staff changed the ways in which they work. That which I have just described is happening in various areas of the public sector. People are working together and they are changing the way they do business. I congratulate public sector workers in that regard.

I am aware that a predecessor of the Minister for Agriculture, Food and the Marine, who held the position for 13 or 14 years, intervened in particular matters and signed off on people receiving payments even if they were not entitled to them. That simply does not happen now. All of the relevant decisions are made within the public sector in a way that is designed to be fair, open and transparent. Will we receive thanks for that? Absolutely not. However, it is important to highlight this fact on the record of the Dáil. Those who know best, who are impartial and who possess the requisite experience and expertise, namely, public servants, are responsible for making decisions. Politicians should have some influence but they should not be able to exert undue pressure, because that would be wrong.

I welcome the Bill and I congratulate the Minister on its introduction. I also congratulate the public sector unions and their members and all of those people who have shown great flexibility and resolve in getting this country back to work.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Halligan who, I understand, proposes to share time with Deputy Clare Daly. I also understand that Deputy Clare Daly will be making her contribution first.

Deputy Clare Daly: I must inform Deputy Feighan that every citizen must be accountable for his or her actions and behaviour. Politicians must realise that the impact on their livelihoods of particular decisions often causes people to become upset and rightly so. Deputy Feighan states that he is not seeking people's thanks. If we seek re-election at the end of our terms of office and if our constituents see fit to reward us, then that should be thanks enough. We should have confidence in the ability of members of the public to make rational judgments and to hold us to account for our actions.

In the context of the Bill and the public service, the reality is that the Croke Park and Had-dington Road agreements have facilitated a situation whereby the reality of working in the public service has been stood on its head in recent years. This is a technical Bill which seeks to facilitate redeployment within the public sector and it is important that we should seek to place it in context in terms of what has been done to date and the direction in which matters will move in the future. Public sector workers have made phenomenal sacrifices in the past number of years. The cuts to pay and changes in employment conditions, etc., are probably unrivalled by those imposed in other sectors of the economy. In addition, these workers have had to deal with a billionaire-owned press engaging in public-sector-bashing on a routine basis. The idea that public sector workers are underworked and overpaid is constantly being pumped out by the media. Of course, this is not true and it does not stand up to any sort of statistical analysis whatsoever. The discrepancies in pay between low and middle-income public servants and those at the very top of the sector are vast. The majority of public sector workers are poorly paid in

many instances. Thousands of them are obliged to depend on family income supplement and so forth in order to make a decent living.

It is important to say this and to highlight the fact that the job cuts within the public sector of more than 30,000 have led to savings on paper. However, the loss of those jobs has come at an enormous cost. It can be stated that people are working more efficiently and that things are being done better. The reality is, however, that many things that could be being done are not being done. The public is losing out, as are many of those who work at the coalface. It is as though someone viewed this matter in the abstract and decided that because there is a surplus of workers it would make great sense to consider a policy of redeployment which would allow the matching of available resources with areas where gaps exist and would enable people to be more flexible in their outlook. On paper this seems fine, but it is not that simple. For example, a garda clearly cannot do the job of a guidance counsellor and a clerical officer in the Department of Social Protection cannot take up a nurse's job. Skill sets must be matched, and this makes matters more complicated.

We do not have a surplus of staff. In fact, there are not enough public service employees to work in entire areas of the economy. Previous speakers referred to health, education and gardaí - which are often the subject of debate in the Chamber - and the fact that additional resources are required. I wish to focus, however, on what has taken place with regard to county councils.

1 o'clock

It can look like a sensible idea to redeploy people but what are we really doing? We must see it in the context of the recruitment embargo as well. The reality is many services are, in effect, being outsourced. It is not that jobs do not need to be done but there are fewer public services because the services provided have been outsourced to private companies. We saw that in local authorities - for example, in the area of refuse collection. There was a surplus of bin workers. Those bin workers were able to be utilised by the local authorities and to be transferred or redeployed into other areas but that came with many difficulties as well. Many of those workers had worked for decades in a particular environment and transferring to a new environment where one is bottom of the pile does not always work out for the worker or management. The reality is that while the council may have been able to utilise those bin workers elsewhere, the public had to pay for the service through a private operator and the people who had been doing that job, who had previously been in a public sector job, which was unionised, secure and with a pension, were replaced by yellow pack workers. People in insecure tentative employment will cost the economy in the long run. We need to factor that in. When we look at redeployment, we must look at the backdrop of the public sector recruitment embargo and the damage it is doing to our public services. We are storing up huge problems in that regard. There has been an absolute bottoming out of services.

Some 1,300 people work in Fingal County Council, the one with which I would be more familiar, and not 20 are below the age of 30. That situation is replicated in other local authorities and in the public sector. Young people are not being employed which leads to a gap in knowledge. Workers at the top have left, there is a group in the middle and nobody under 30 years of age in many area of our public services. That means we are losing out on expertise young people have in terms of social media, IT and all the new training and inputs those people could have. That is a serious problem for the future.

Nobody would be in favour of forced redeployment. The idea of being forced to uproot

and move is a huge issue and a huge concern for public sector workers. Even within an area of 45 km or so, it can cause much dislocation for families. People should never be forced to be redeployed. However, what about where people want to redeploy? I have come across many instances of this where somebody wants to move from one local authority to another one. The person has a service or a skill from which another local authority could benefit but if it takes on that worker, it is increasing its pay bill. Unless it can get somebody to swap, the redeployment will not take place because each organisation sees itself as an individual one and not as part of the entire public service. I know of people who are out of work sick and who cannot work in the organisation in which they were originally employed for various reasons of difficulty in the working environment, such as bullying or whatever, and who could transfer to another but the other local authority will not take him or her because its budget will be increased. We need to look at that as well as at the overall skill-set because redeployment is all well and good on paper but when the skills are not there and there are not people to fill the vacancies, one cannot move people.

I refer to the library service in Fingal County Council. One cannot redeploy people to librarian vacancies because one requires a particular skill set. The council could not transfer the bin men into the libraries. We raised this previously with the Minister who said that in areas where skill sets are weak, we can look for a derogation, that people can be employed and that the recruitment embargo can be breached if there is a need for it. However, if the local authority does that within the constraints of the budget it has, what other services will be forfeited? It does not really make sense. It is an anomaly. We do not have decent public services.

Fingal County Council has the most utilised public library service in the country. Some 50% of the population there are members of the library. The State has expended resources developing library services and new libraries in a number of areas. Now we have a problem in that they cannot be staffed. I refer to the age profile of the staff. There are now only 100 librarians for the whole county. Some 50% of them are over the age of 50. Five of them want to retire this year and another two want to go early next year which will bring the number dramatically down. The council has been forced to shut libraries at lunchtime, shut the mobile service and the house bound service in the summertime and get a few temporary workers in but it does not really plug the gap. This is lunacy. Against the backdrop of recession, where library membership has sharply increased since 2011 with people sitting at home needing to access IT services and books on doing CVs or whatever, these are potential areas which could be developed.

The real issue here, which we should be discussing, is that there is no difficulty with public sector workers adapting. They have demonstrated their willingness to do that time and again. The problem is that there is not enough of them. This should not be a Bill about redeployment but about recruitment. Not only does that make sense in terms of delivering the type of services citizens need - people need public services even more in a recession - it also makes sound economic sense because the cutback in public sector numbers has been seriously bad for the economy. It has resulted in job losses in the private sector because the money being taken out of public sector workers' pay packets has deflated the domestic economy and contributed to many of the problems we have. Those are the issues we should be discussing rather than the issue of redeployment itself.

Deputy John Halligan: I would welcome any progressive measures which optimise the potential for generating savings in the public sector. I have heard numerous stories over the years of State agencies in which people had no work to do or, in some cases, had no work to do for years on end. If that is the case, it is an appalling waste of resources not only in the current

economic climate but at any time. This is why I welcome the Bill.

Redeployment is a better option than redundancy. However, I would be anxious for the Minister to confirm there is nothing in the legislation to override the terms of the Haddington Road agreement. It is important we establish in statute that redeployment will first be sought on a voluntary basis rather than by way of public appointments. Surely that would be the most sensible approach in the interests of workplace relationships. Will the Minister confirm that a redeployment radius of 45 km will be observed in the workings of the Bill? I will be glad to hear that as it is reasonable. Regard must be had to a reasonable daily commute time. I know personal circumstances vary from worker to worker and family to family but an increased commute would make life especially difficult for working parents. Will some measures be put in place to prevent serial or multiple redeployments? All public servants and all workers have a right to have quality time with their families and friends, irrespective of what their job is.

I will be interested to hear the Minister's thoughts on whether the redeployment being provided for in the Bill will be used as an alternative to agency staff, in particular in the health service. Many of us know many qualified personnel who are currently unemployed and got their qualifications at the expense of the State. I have no problem with agency workers, as everybody has the right to a job, but in the health service, in particular, there is a big issue where people with qualifications are unemployed and where agency workers are being employed. That needs to be looked at.

I understand the Department of Finance authorised the filling of 5,000 jobs in the public service over the past three. I was surprised when I got these statistics as this is despite the recruitment ban. We have been led to believe that exceptions to the recruitment ban are only supposed to be made in very limited circumstances yet three in every four requests to fill jobs have been approved. My information - perhaps the Minister will confirm it - is that every request was granted by the Department of Finance, including the appointment of 440 tax collection officers to implement the property tax. This happened at a time when applications to fill countless front-line positions in the HSE and the Department of Education and Skills were rejected. It does not make sense. As one person put it to me, more priority is being given to employing a tax collection officer than to getting someone to provide front-line health services. I have to say I was astounded when I heard the figures I have mentioned.

I believe many exemption requests were granted throughout various Departments in 2012 on the grounds that the posts were essential to Ireland's Presidency of the EU. At the same time, just one fifth of the administration staff sought in the Department of Social Protection to deal with the large numbers of people on the live register have been approved. These are terrible anomalies. All Members of this House know what it is like to deal with the Department of Social Protection. The staff of the Department will accept that it is understaffed. The three workers who used to do something might not be available anymore. The same problems are being encountered in hospital accident and emergency departments. We seem to have our priorities completely mixed up as we make appointments to the public service.

The public service has served this State with distinction in good and bad times. Many public sector workers are on very ordinary incomes. There is a perception that everybody working in the public service receives a big income and has more to give, but that is not the case. The majority of workers across the public service are paid average incomes, but they are bearing the brunt of the cuts that have been perpetrated on them by this Government and its predecessor. One cannot deny that there is terrible disillusionment in the public service. If one speaks to

gardaí, teachers and nurses on the ground - I spoke to some teachers this morning at a teachers' conference that is taking place in Waterford - one will learn that they all feel they are being treated quite badly. They understand and accept that we are facing a difficult economic situation. I have always said that this Government is not responsible for that. I try to be as fair as I can to the Government. I accept that it inherited a bad deck of cards. I would always say that. It would be unfair of me to say otherwise. Many people in the public service who are on ordinary average incomes feel they have already paid their fair share, they have done their little bit and they do not need to do any more.

Public servants who deal with the lives of people, such as those who work on the front line in our health service and in the Garda Síochána, need a particular quality of life. If one speaks to doctors, nurses, gardaí or teachers who work in difficult schools, one will hear about the effects on their lives of the types of difficulty they sometimes encounter. They are asking for some fairness in how they are treated. They want to be treated with respect and allowed to have some quality time with their families and friends when they finish their jobs. That is why I am urging the Minister to look carefully and compassionately on redeployment. Like other Deputies, I have spoken at length on the redeployment section of this Bill. I do not think there should be any forced redeployment. Some consideration should be given to family members who have to travel long distances. We should not be asking two members of the same family to travel extraordinary distances to do extraordinary jobs. I have not found many faults with this Bill. Perhaps the Minister will answer the questions I have asked. I will probably support the Bill as I do not see why I should not. I ask the Minister to consider some of the issues that have been raised by the Independent Deputies.

Deputy Dara Murphy: I would like to share time with Deputy Barry.

Acting Chairman (Deputy Bernard J. Durkan): Is that agreed? Agreed.

Deputy Dara Murphy: I welcome the opportunity to speak on this largely technical Bill. Perhaps the Minister might refer to the exclusions when he responds at the end of this debate. They might be mentioned in the explanatory memorandum. I have no doubt that they are covered in the legislation. I understand the rationale for making exclusions in cases of political, judicial and constitutional posts, special advisers, etc. Much reference has been made to the exclusion of commercial semi-State bodies, as opposed to non-commercial bodies. I can understand why public servants might want to stay outside the commercial sector because of their job security and everything they have. Having said that, individuals in the semi-State sector or in public bodies might wish to transfer to avail of the great career opportunities in Irish Water and other dynamic commercial semi-State bodies. Perhaps the employee and the new employer could find common ground in such cases. I wonder why such cases are not included here. Obviously, there is nothing to prevent people from leaving. It may have something to do with carrying forward pension entitlements. We have the ambition to drive down the total numbers in our public service - I note that the Minister is nodding - so I would appreciate it if some reference could be made to this aspect of the matter at the end of the debate.

If I were to compliment the Minister, Deputy Howlin, and his colleagues in the current Cabinet, I would refer to the manner in which the narrative with regard to the public service and the people working in the private sector has changed in recent years. During the last Government's period in office, which was a very damaging time in Irish life, both sides were somehow blaming the other for the ills that were affecting our country. That narrative has now been removed to a very large extent. There is a far greater sense that everybody is collectively responsible for

bringing this country back to where it needs to be. Those who work to provide public services deserve huge credit for making the changes they have made. It has to be acknowledged that the people who work in the public sector and for our semi-State bodies always believed they had certain securities that were different from those enjoyed by private sector workers.

During the times of great wealth and growth in this country, perhaps public sector workers did not benefit to the same extent as some people in the private sector. I believe the vast majority of people accept that this country had an economic requirement to make reductions in the cost of the public service and the number of people working in it. All taxpayers are benefiting from the reduction in the cost of running our State and returning this country to economic sovereignty. While there have been public service pay reductions in this country, it must be acknowledged, without naming any particular country, that there have been much more significant pay reductions and forced mandatory redundancies in other parts of the EU. It has been difficult for people to take some level of pay reduction, but the reality is that jobs in our public service have been protected. That has to be welcomed.

Part of the narrative we have heard from Opposition spokespersons, many of whom are supporting this legislation, has involved a suggestion that people are being forced to move between sectors of the public service. I think people should embrace the fact that the concept of a job for life is being removed and reduced on a permanent basis. Clearly, all sides will agree there is no need to move productive people who are happy where they are working. There is great potential in this area, however. I do not want to be critical of one of the previous speakers when I say my experience is that people tend to have a far greater degree of flexibility than we give them credit for. A Deputy mentioned how someone who had been a binman could not be a librarian. I would challenge that stereotype regarding the abilities of people who work in our public services. I would not for one moment suggest that someone who had been working in one sector of our public service should be forced to work in another where greatly varying skill sets are required. At the same time, the opportunities should be presented to people. We will find ourselves very surprised by the great degree of flexibility and the willingness to undergo training and acquire new skills that people will display.

I wish to highlight the position of the local authorities. While there has been great change, there is very significant room for savings and mergers in local authorities. I am speaking specifically about my own county of Cork where we have two local authorities. Both these local authorities have directorates that overlap very much. While I am on the record, I wish to state that I agree with the argument in Colm McCarthy's report that Cork would be better served by a single local authority, which would be a very dynamic and large local authority, although not the largest in the country. It would be a very significant local authority. In respect of the ability to transfer personnel, we already have two housing authorities in a very small geographical area and roads directorates relating to very small areas in the city centre. This kind of thing has happened successfully in other parts of the country. I believe there would be a financial saving to the Minister, which I am sure he is still very anxious to achieve. Most importantly, it would give the second largest urban centre of our country a proper, large and dynamic local authority that could compete successfully with any other region in the country and would be a valid and genuine counterweight to what we have in Dublin.

I will discuss a great feature of some countries that have been in great economic difficulty in order of where they are. Athens is disproportionately the largest economic city in Greece, the second area that is most balanced towards the capital in Europe is Lisbon and Dublin is the third. Any country that seeks to develop economic policy must spread it evenly across the

country. In that regard, I suggest that it would achieve efficiency, save money and, as this ambition behind this Bill states, allow a good exchange of talent between people in our region and other regions. It would also be to the benefit of the citizens so it is a classic “win-win” situation. There may be a number of local authorities and Members from all parties who may not agree with it but we have an obligation to look to our citizens first and economy second.

This is a technical Bill and it is welcome. People should embrace it. I do not think there is any great fear from people in our public services. I reiterate that the removal of the battle between the public and private sectors has been one of the great successes of this Government and I urge the Minister to maintain that over the next couple of years because it has certainly improved many a family function and event in Ireland.

Deputy Tom Barry: I welcome the opportunity to speak on this Bill. While it may be referred to as a technical Bill, it is very important. As an entrepreneur who runs an SME, one might expect my attitude towards the public service to be tough but that is not the case. We need an effective and efficient public service because that is where much of our growth will be initiated. This Bill was initiated in the public service reform plan 2011, which had five major commitments that are worth noting. They were placing customer service at the core of everything we do; maximising new and innovative service delivery channels; radically reducing costs to drive better value for money; leading, organising and working in new ways; and placing a strong focus on implementation and delivery. All these are being done and could be placed over the door of every private business as well. This is common sense and the proper way forward and everyone recognises that.

While it is similar to the private sector, it is important to have a commitment to change. We must increase skills in the public sector. In particular, I would look to see those skills being changed with regard to SME growth and innovation. In the past number of years, these have been areas within the public sector that have not received the attention they should have received. At times, I see issues relating to planning. We know all the issues relating to planning but we are now talking about planning for where jobs will be - these are common sense issues. We need people who will look at how we can get the job done and not how we can put an impediment in the way. Every time, we create a job, we keep another family in this country, particularly in rural areas. I cannot emphasise this point more.

There is a new challenge here. We should incentivise public servants who contribute to major savings or figure out how we can enhance the wealth of our citizens. One does not get the best out of people unless one provides them with incentives. I hear people talking about semi-State bodies with which I have close connections. These bodies have been doing this successfully for many years. I do not think we could merge the two straightaway because it will take a while for everybody to bed down in this system. Perhaps it can be addressed at a later stage.

It is very important in whatever walk of life to match people with their interests and to encourage the public sector to keep an up-to-date register of the skills status of its members because there are many people with an interest in a myriad of things but we do not know what they are. Once we find out what people are interested in, we know the areas they can serve best. We certainly need buy-in from everybody concerned. The third report of the organisational review programme in 2012 was an interesting read for anybody who struggled through it. It highlighted a lack of skills in some Departments. There is no point in wondering why people do not have the skills they should have. The onus is on us to make sure that they are re-skilled and that is happening. Other people who may be in different Departments have those skills so

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we could move them around. Retraining needs to be there for those who are willing to put in the effort out of hours.

I was not and am not a great fan of the outsourcing policy. There was a time in this country when we thought we could outsource everything, including the dirty work. The problem is that when one outsources to so-called experts they will, like Members on both sides of this House, argue all day yet there will be no defined conclusion. This outsourcing became quite common and the document even mentioned the risks of policy capture. That is a very dangerous place to be. Policies can be implemented based on favouring one group of people over another rather than for the benefit of the State.

Moving people into different places must be viewed by all in good faith and not as a way to extract more remuneration. It should be viewed as a skills build-up. If people move around the system and get experience through different Departments, they have a fuller knowledge, understand the running of the public service much better and become eminently more qualified in many areas because it is general knowledge that sometimes pieces together a conclusion of many of our problems.

Debate adjourned.

Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Derek Nolan, Ann Phelan and Brendan Griffin - the need to extend the 9% tourism VAT rate beyond 2013 in order to continue to boost tourism figures and create and retain jobs in the tourism sector; (2) Deputy Catherine Byrne - the need to intervene on the matter of the large number of empty housing units in Dublin City Council; (3) Deputy Eamonn Maloney - that compensation is acquired from Diageo to repay the excess costs incurred by accident and emergency units who provide cover on the national drugs day, Arthur's Day, 26 September 2013; (4) Deputy Mary Mitchell O'Connor - the proposed enactment of section 30 of the Teaching Council relating to 1 November 2013; (5) Deputy Joan Collins - the position on increasing the pupil-teacher ratio in primary schools; (6) Deputy Derek Keating - the value of continuing to preserve the natural amenity that is the Liffey valley; (7) Deputy Thomas P. Broughan - the need to address the financial problems being experienced by the St. Michael's House Group; (8) Deputy Michael P. Kitt - the steps to be taken to deal with an increase in homelessness in Dublin; (9) Deputy Michael Healy-Rae - the decision by the HSE to withdraw the service of one of the two ambulances that service the Killarney area; (10) Deputy Denis Naughten - the need to replace child benefit with a school attendance payment; (11) Deputy Thomas Pringle - the need to keep the community welfare officer clinics open in rural areas in County Donegal to allow vulnerable people to continue to access services; (12) Deputy Seán Kyne - the need to review the decision to relocate community welfare service officers from Connemara to Galway City-Clifden and that access is provided through the medium of Irish and in reasonable proximity to their community; (13) Deputy Mattie McGrath - the need to extend the deadline for compliance with the new registration provisions of the Non-Use of Motor Vehicle Act 2013; (14) Deputy Brendan Smith - the need to outline its plans to assist in the destruction of chemical weapons from Syria; (15) Deputy Michelle Mulherin - the need

to make provision for training chefs through the VECs; (16) Deputy Clare Daly - to discuss the night-time closure of the women's refuge in Wexford; (17) Deputy Jerry Buttimer - the need to investigate the recent ambulance breakdown on the N7; (18) Deputy Dessie Ellis - the need to protect funding in order to progress goals on ending long-term homelessness and rough sleeping; (19) Deputy Peadar Tóibín - the need to provide better funding to the ambulance service in the north east; (20) Deputy Mick Wallace - to discuss the downgrading of domestic violence services in Wexford; and (21) Deputy Richard Boyd Barrett - the need to reopen the education fund for survivors of the Magdalen laundries.

The matters raised by Deputies Derek Nolan, Ann Phelan and Brendan Griffin; Catherine Byrne; Brendan Smith; and Michael Healy-Rae have been selected for discussion.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Taxi Regulation Bill 2012: Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on Transport, Tourism and Sport has completed its consideration of the Taxi Regulation Bill 2012 and has made amendments thereto.

Ceisteanna - Questions

Priority Questions

Personal Insolvency Practitioners

1. **Deputy Seán Ó Fearghaíl** asked the Minister for Justice and Equality the number of personal insolvency practitioners, PIPs; the ethical guidelines laid down by the service for PIPs; the payment procedures for PIPs who have been appointed by the Insolvency Service of Ireland; and if he will make a statement on the matter. [39932/13]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Insolvency Service of Ireland, ISI, that as at 23 September 2013, there are 47 personal insolvency practitioners, or PIPs, authorised as well as eight Money Advice & Budgeting Service companies, representing 28 individuals, authorised to act as approved intermediaries. I understand the ISI is processing a large number of practitioner applications and the number of authorised PIPs and approved intermediaries is expected to increase in the coming weeks.

Practitioners are expected to meet a number of standards, including fitness and probity. The fitness and probity requirements are set out in the Personal Insolvency Act 2012 (Authorisa-

tion and Supervision of Personal Insolvency Practitioners) Regulations 2013, SI 209 of 2013. These regulations set out the qualification criteria, authorisation requirements and regulatory standards which must be met for an individual to be authorised by the ISI to carry on the practice of a PIP.

The ISI charges an application fee of €1,500 for persons wishing to become authorised as such practitioners. In so far as practitioner fees associated with the development of debt settlement arrangements and personal insolvency arrangements are concerned, the ISI does not prescribe practitioner fees. These fees will be negotiated with an individual debtor by the personal insolvency practitioner in advance of a case proceeding, and will be deducted from the amount of money an individual creditor is calculated as having available to pay his or her creditors during the term of the arrangement.

Deputy Seán Ó Fearghail: I thank the Minister for his response. The first issue is that of cost. Will the Minister and his Department keep the cost of these operators under scrutiny? An *Irish Independent* survey indicated that the PIPs might charge anything from €5,000 to €20,000 to families suffering severe financial difficulties during the five to seven year period of their debt. We hope this regime will be successful, in the interests of the many hard-pressed families it is to serve. However, it got off to a somewhat shaky start earlier this month. We heard one PIP claiming that hospital consultants and solicitors, for example, would need bigger houses than other individuals. What sort of criteria has the Minister in place to ensure the performance of these professionals is monitored and reflects the type of model the Minister and his Department put before the House when this legislation was introduced?

Deputy Alan Shatter: In the first place, the Personal Insolvency Service has a regulatory function in respect of personal insolvency practitioners and I expect it to carry out that regulatory function properly. As to the Deputy's question, I do not wish to talk about individuals in this House as that is not appropriate. However, there is nothing in the legislation which suggests or provides for any different treatment of individuals in financial difficulties who require the service of a PIP in regard to the nature of the professions in which they may be engaged or the work they undertake. I found the matter that was reported in the newspapers somewhat extraordinary because what was said was completely at variance with the express provisions of the legislation.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Alan Shatter: There is, of course, an obligation on personal insolvency practitioners to perform their duties in accordance with the legislation, deal with debtors in a manner that accords with the legislation and engage with creditors in a manner that is appropriate to the legislation. There is important provision in the legislation, given the very nature of the personal insolvency arrangement, to seek where appropriate to protect an individual's home where that home is appropriate to his or her needs. There is no suggestion, nor could there be in any circumstances, nor do I believe creditors would countenance it, that some individuals should get special treatment by virtue of the nature of the profession in which they are engaged.

Deputy Seán Ó Fearghail: I appreciate the points the Minister has made but there continues to be some concern about the pricing arrangements in place. One hears reports, albeit anecdotal at this stage, that some PIPs are requiring upfront payment and that there is a vast variation in the charges applying. Will the Minister put a system in place to monitor this type of operation? He indicated to us that 47 PIPs are operational. Is the Minister satisfied there is an

even enough distribution of these personnel? Has he or his Department identified the optimum number of such practitioners for the system to work effectively?

Deputy Alan Shatter: It is a matter for the insolvency agency to license PIPs or individuals who are qualified to perform their functions as PIPs. There are very specific provisions in the legislation in regard to the fitness and probity requirements for PIPs. SI 209 of 2013 contains several provisions regarding fitness and probity of PIPs and states:

A personal insolvency practitioner shall be free from any undue influence, undue guidance or undue control of or by any other person which could prevent or hinder in any material respect the performance of his or her functions ... A personal insolvency practitioner [must] demonstrate to the satisfaction of the Insolvency [agency] that he or she ... is sufficiently competent, proficient and independent to undertake the role of a personal insolvency practitioner ... has the qualifications, skills, competence and capacity appropriate to the role ... has a clear ... understanding of the relevant legal, regulatory and financial environment applicable to the role ... has the organisational and financial competence, capacity and resources to undertake the role.

In the context of the financial issue raised by the Deputy, I wish to draw two matters to his attention and will try to do so with speed. The first is that a PIP “must be able to demonstrate to the satisfaction of the Insolvency [agency] that his or her ability to act as a [PIP] under the Act is not adversely affected to a material degree where the [PIP] is, or has been, in any jurisdiction ... issued a warning, censure, suspension, reprimand or other administrative or judicial sanction”. A PIP is required to “manage his or her financial affairs relating to his or her practice as a personal insolvency practitioner in a sound and prudent manner”.

The issue the Deputy raised about charges is one about which we had a great deal of discussion during the course of the legislation. Personal insolvency practitioners will not be able to charge what might be described as inappropriate or outlandish fees. When a proposal is made by a PIP on behalf of a debtor to creditors with a view to resolving an individual’s debt difficulties by the conclusion of a debt settlement arrangement or a personal insolvency arrangement, as the fees payable to the PIP will in essence come out of the pot that is there to meet the indebtedness to the creditors, the creditors will effectively be able to reject a fee proposed if they feel it is inappropriate. There is an inbuilt control in that respect and I am sure if any complaints or difficulties arise over the initial 12 months of the operation of the legislation, they will be brought to the attention of the insolvency agency.

Garda Síochána Ombudsman Commission Issues

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality his plans for the Garda Síochána Ombudsman Commission, GSOC, and the Garda Commissioner to meet with him to discuss GSOC’s publicly aired serious concerns. [40057/13]

Deputy Alan Shatter: The Garda Síochána Ombudsman Commission was established under the Garda Síochána Act 2005 to provide independent oversight of complaints made against members of the Garda Síochána. It has a hugely important role in ensuring public confidence in the Garda Síochána is safeguarded.

The 2005 Act also provides for protocols on the sharing of information between the Garda

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Síochána and the Garda Síochána Ombudsman Commission. Protocols were agreed in 2007 and set down time limits for the provision of information by the Garda Síochána to the ombudsman commission. The ombudsman commission, however, raised concerns regarding delays in concluding its investigations, in particular delays in receiving requested information from the Garda Síochána.

In response to these concerns, I convened a meeting with the Garda Commissioner and the chairperson of the ombudsman commission on 23 July. The aim of the meeting was to explore how best to ensure the highest level of practical co-operation between the Garda Síochána and the ombudsman commission in what can be complex and difficult investigations into alleged Garda misconduct. I am very pleased, therefore, to see that the Garda Commissioner and the chairperson of the ombudsman commission have signed new protocols providing for enhanced co-operation between the two organisations. The protocols are available on the website of the ombudsman commission. These new protocols will support the ombudsman commission in carrying out investigations in the most effective and timely manner possible, to the benefit of both complainants and members of the Garda Síochána alike. They also reflect the commitment of the Garda Commissioner to the full co-operation of the Garda Síochána in these investigations.

To facilitate early engagement for any emerging issues, I have established a committee chaired by a senior official in my Department, with senior representatives from the ombudsman commission and the Garda Síochána, to act as a forum where any such issues can be identified and appropriately addressed. I hope this will ensure there will be no further difficulties and that any previous issues that arose should not distract from the substantive work of the Garda Síochána and its successes. In this context, I refer to the latest official recorded crime figures from the CSO which cover the 12 month period to the end of the second quarter in 2013 and which show reductions in 12 out of the 14 categories. The total reduction is in excess of 20,000 offences, or 8% overall, and this builds on reductions recorded in the previous figures from the CSO. The overall picture presented in the latest CSO statistics show that, despite the budgetary constraints with which we are dealing, the Garda Síochána continues to deliver a first class policing service to the people of this country.

Deputy Pádraig Mac Lochlainn: There are some welcome developments in the Minister's reply. Whenever the Garda Síochána Ombudsman Commissioners came before the Joint Committee on Public Service Oversight and Petitions, not only did they talk about a protocol and exchanging information, but the gardaí were actually querying why the information sought was relevant. That was absolutely shocking. Can we imagine a garda investigating a crime being asked by the person being investigated why his questions were relevant? Would the force be happy about that? It is good that we have had some progress and I commend the Minister on pulling that together. Public confidence had to be restored in the ability of the Garda Síochána Ombudsman Commission to investigate quickly and efficiently complaints that had been brought to it.

There is a wider issue. At that time, the Garda Síochána Ombudsman Commission published a series of recommendations following its special investigation and a report was sent to the Minister about five months ago. I would like to know what has happened to the recommendations in respect of the process for handling informants and the retention of contemporaneous notes, which are issues we should have learned from following the Morris tribunal.

Deputy Alan Shatter: The Deputy is asking a completely separate question. Of course it

is important that the recommendations made by the ombudsman commission are implemented. In advance of the meeting that took place between the Garda Síochána Ombudsman Commission and Garda Síochána, I wrote to the Garda Commissioner to respond to me about areas of concern, and he did that. Work began on this before the meeting on 23 July. Very substantial engagements were undertaken between the Garda side and the ombudsman commission side to resolve once and for all the difficulties that existed. It is crucial that when an issue arises for investigation by the ombudsman commission, it is able to perform its statutory duties in that respect and that the Garda Síochána complies with its statutory obligations.

I thought it was important also that there would be transparency to the new protocols put in place. I welcome that the Garda Síochána Ombudsman Commission has put them on its website, and I believe it is the intention of the Garda Síochána to do the same. These protocols were finally signed off last Monday. I cannot refer to them in detail in reply to the question, but I can tell the Deputy that the protocols are substantial and address all the areas of difficulty that had been detailed in both the annual report of the ombudsman commission and in some of its more specific reports it published in recent months.

Deputy Pádraig Mac Lochlainn: With respect to the Minister, it is not a separate question. I asked whether the two sides met to address the concerns that were raised. The concerns raised also relate to the recommendations that have been made arising from that special report. I commend the Minister on taking the initiative as it was essential. Do the protocols which he mentioned deal with the recommendations made in respect of the handling of informants and the retention of contemporaneous notes?

Deputy Alan Shatter: It is my understanding that all of the issues raised by the Garda Síochána Ombudsman Commission in respect of dealing with informants and the retention of contemporaneous notes are addressed. Indeed, they were addressed some time ago. The reports of the Garda Síochána Ombudsman Commission on some of these matters deal with events which took place a number of years ago. I am advised that the issues relating to informants are fully addressed. The recent particular issue that arose was in respect of the ongoing difficulties, as alleged by the Commission, with regard to the receipt of information and co-operation from the Garda side in dealing with inquiries that were made. I hope the very comprehensive new protocols that have been put in place will put that issue to bed. There is now in place a very clear roadmap that has been agreed between both sides to ensure no confusion or difficulty can arise in the future. The arrangement I put in place seeks to ensure that if any difficulty emerges unexpectedly, it is dealt with immediately. There is a basis for it being resolved in order that it does not prove to be a continuous source of concern.

Prison Drug Treatment Services

3. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality the institutions that have drug-free units currently operating; the number of spaces in each drug-free unit; the number of prisoners currently in each drug-free unit; the number of vacancies in each drug-free unit; the type of treatment and programmes available to those in addiction in prison; the number entering prison drug-free that leave addicted; and if he will make a statement on the matter. [39935/13]

Deputy Alan Shatter: I must warn the Deputy that as substantial work has been done in this area, I have a very long reply that I was anxious to receive. There is no chance the Leas-

Cheann Comhairle will let me get to the end of it, so the Deputy will receive in written form what I have not been able to read out.

There are currently drug-free units operational in six closed prisons: Mountjoy, the Dóchas Centre, Wheatfield, Cloverhill, Limerick and Cork. There is an aggregate total of 472 spaces in these units, which currently house 421 prisoners, with 43 spaces currently available. The majority of units operate at or close to their capacity and prisoners are only accommodated in such units when they meet the strict criteria which apply, including evidence of drug-free status.

The breakdown of these aggregate figures is as follows. Mountjoy male prison has 34 spaces, with 34 prisoners currently in the unit and no spaces. The Dóchas Centre has 60 spaces, with 44 prisoners currently in the unit and 16 spaces available. Wheatfield Prison has 267 spaces, with 242 prisoners currently occupying the unit and 16 spaces available. Cloverhill Prison has 52 spaces, with 53 prisoners currently in the unit and no spaces. Limerick Prison has 45 spaces, with 45 prisoners currently in the unit and no spaces. Cork Prison has 14 spaces, with three prisoners currently in the unit and 11 spaces available. This unit was only recently established and opened. I expect that there will be more prisoners using the unit in the coming weeks and days.

The Deputy may be aware that as part of the Irish Prison Service Strategic Plan 2012-2015, drug-free units are to be established in all closed prisons with the exception of Arbour Hill Prison. The Irish Prison Service anticipates that the establishment of these units will be completed by the end of 2013. The Deputy may wish to note that in addition to the spaces available in the drug-free unit in Mountjoy male prison, there are up to 54 places available in the drug treatment programmes provided in the prison.

Additional information not given on the floor of the House

The Prison Service has no information to suggest that there are prisoners who enter prison drug free who leave addicted. However, the Prison Service continues to provide a comprehensive range of drug treatment services tiered to meet the needs of the prison population. At present, any person entering prison giving a history of opioid use and testing positive is offered a medically assisted symptomatic detoxification if clinically indicated. Patients can, as part of the assessment process, discuss with health care staff other treatment options. Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided by the Prison Service and visiting statutory and non-statutory organisations. Prisoners who on committal are engaged in an opioid substitution programme in the community will have their substitution treatment continued while in custody. Methadone substitution treatment is available in ten of the 14 prisons, accommodating more than 80% of the prison population.

Drug treatment pharmacist services are available in Mountjoy, Dóchas, Midlands and Portlaoise prisons. Pharmacists are responsible for all aspects of drug treatment, mainly methadone - dispensing, administration, recording, ordering, storage, etc. - in those prisons, thus ensuring that drug treatment is provided on an equivalent basis to that available in the community while meeting all legal and professional requirements in those particular prisons. The HSE provides consultant-led inreach addiction services to Cloverhill and Wheatfield prisons. Merchants Quay Ireland provides a national addiction counselling service for prisoners with drug and alcohol problems in prisons and places of detention where prisoners require such a service, with the exception of Arbour Hill Prison.

Mountjoy Prison currently has two addiction nurses assigned. A clinical addiction team comprising the primary care addiction specialist general practitioner, addiction nurses, chief nurse officers, Merchants Quay Ireland personnel and addiction pharmacists provides a comprehensive overview of addiction services, which has resulted in a more streamlined service, better assessment and through-care outcomes. These programmes seek to reduce the demand for drugs within the prison system through education, treatment and rehabilitation services for drug-addicted prisoners.

In line with action No. 43 of the national drug strategy, the Prison Service ensures the seamless transition of prisoners established on drug treatment into community drug treatment settings as agreed in the protocol developed with the HSE. If the prisoner is on a community programme prior to committal to prison, the maintenance programme is continued during the prison term. Prior to a patient being commenced on methadone maintenance in prison, a drug treatment place in the community must be secured to ensure continuation of treatment upon release.

The Prison Service has conducted a review of its existing drug treatment programmes and proposals have been developed to reorient and extend the treatment options. Recent trends across prisons indicate a significant number of prisoners self-detoxing from methadone and a marked reduction in the average dose of methadone.

The proposals that have been introduced by the Prison Service on foot of this review include the establishment of a therapeutic detoxification and rehabilitation treatment programme, DRTP, with the allocation of seven additional places from March 2013. The DRTP will also operate in the medical unit of Mountjoy Prison and will be in addition to the existing drug treatment programme, DTP, which has nine places. Circa 50 beds in the medical unit, Mountjoy Prison, have been dedicated exclusively for drug treatment programmes, DTP, including the introduction of an eight-week duration in a DTP, a six-week duration DRTP, a maximum six-month duration slow detoxification programme and a maximum six-month duration stabilisation programme.

The training unit has been designated as suitable for prisoners on methadone maintenance treatment. Loughan House and Shelton Abbey will be designated as facilities for the treatment of prisoners seeking to return to a drug-free lifestyle.

The proposals set out have provided an increased number of options for prisoners who demonstrate a commitment to addressing their substance misuse. Progression from these programmes will include access to drug-free units, open prisons and ultimately the community return scheme, subject to normal operational considerations. The Deputy will note that the Prison Service is adding to the range of programmes, support services and through-care options for prisoners demonstrating a commitment to addressing their substance misuse.

Deputy Maureen O’Sullivan: I will wait to get the additional information. When considering this matter, I arrived at three categories, the first being those who are in prison, are drug free and want to stay so. The drug-free unit is a way forward in this regard. I received that answer from the Minister previously. How far advanced is the plan? The Minister mentioned that there would be drug-free units in all prisons by the end of the year, but is he confident about that? There is overcapacity in some prisons.

Deputy Alan Shatter: The quick answer is “Yes”.

Deputy Maureen O’Sullivan: The second group are those in addiction who want to go into recovery. From people who work with such prisoners, addiction services, etc., my understanding is that they are advising prisoners to keep taking low dosages of methadone, as the services for those who want to come off drugs are minimal. If we wish to work with people who want to come off drugs, more services must be provided. Anyone who works with those in addiction must work with them where they are. If a prisoner who is in addiction wants to start the recovery process, it must start at that point.

Deputy Alan Shatter: The Irish Prison Service is providing a comprehensive range of drug treatment services, not just the units that I described. These are designed to meet the needs of the prison population as a whole. At present, any person entering prison giving a history of opioid use and testing positive is offered a medically assisted symptomatic detoxification if clinically indicated. Patients can, as part of the assessment process, discuss with health care staff other treatment options. Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Prison Service and visiting statutory and non-statutory organisations. Prisoners who on committal are engaged in an opioid substitution programme in the community will have their substitution treatment continued while in custody. Methadone substitution treatment is available in ten of the 14 prisons, accommodating over 80% of the prison population.

Drug treatment pharmacist services are available in Mountjoy, Dóchas, Midlands and Portlaoise prisons. Pharmacists are responsible for all aspects of drug treatment, mainly methadone - dispensing, administration, recording, ordering, storage, etc. - in those prisons, thus ensuring that drug treatment is provided on an equivalent basis to that available in the community. The HSE provides consultant-led inreach addiction services to both Cloverhill and Wheatfield prisons. Merchants Quay Ireland provides a national addiction counselling service for prisoners with drug and alcohol problems in prisons and places of detention where prisoners require such a service. There is a whole range of services available to prisoners who have drug addiction issues.

Deputy Maureen O’Sullivan: If all of those measures were in place, those who visited and who worked with them in prison would not supply me with the statistic that there is one counsellor for 550 prisoners in addiction in a single prison. The Minister’s reply does not correlate with reality.

The third category are those who are in addiction but who are not at a place yet to start their recovery programmes. What is the status of harm reduction interventions and the needle exchange programme in prisons?

Deputy Alan Shatter: To be brief, when the Deputy sees the written reply that she will get, she will see that I have covered all of the issues she is raising. If there is an issue that I have not adequately addressed, I am very happy to engage with the Deputy. She may write to me about the matter or table another question. If she would like a briefing from the head of the Prison Service, I would have no difficulty in arranging that for her. This is an issue that I take very seriously. There is very substantial reform and change being implemented within our prison system to do everything possible to tackle the issue of addiction - both drug and alcohol addiction - and to try to ensure, in so far as we can, that we have a comprehensive range of available services.

Dáil Éireann
Garda Recruitment

4. **Deputy Seán Ó Fearghaíl** asked the Minister for Justice and Equality the date on which recruitment for the Garda will open; the number of gardaí that will be recruited; and if he will make a statement on the matter. [39933/13]

(Interruptions).

Deputy Alan Shatter: I seem not to have switched off my telephone. Perhaps the Leas-Cheann Comhairle will give me a moment of extra time just to deal with that.

An Leas-Cheann Comhairle: Injury time.

Deputy Alan Shatter: I thought that I had switched it off.

As the Deputy is aware, I have secured the approval of my colleague, the Minister for Public Expenditure and Reform, for a recruitment competition for the Garda Síochána. There are a number of procedural issues that need to be finalised prior to the formal commencement of that competition and these are expected to conclude in the coming weeks.

The competition will be run by the Public Appointments Service, PAS, on behalf of the Garda Commissioner. An announcement will be issued as soon as recruitment starts, both on its website and directly to those who have registered an expression of interest in joining the Garda Síochána. Persons who would like to join An Garda Síochána and have not yet registered their interest in doing so may sign up on the PAS website, *www.publicjobs.ie*.

The first students are expected to enter the Garda College in Templemore, County Tipperary, in mid-2014. These recruits will complete the new Garda training programme before they are attested as sworn gardaí and assigned to stations to complete their training. The number of recruits to be drawn down from this new competition will be determined taking a number of factors into account, including the current and projected strength of the force, the projected retirement rate and, of course, the availability of resources.

I believe it is important for an organisation such as the Garda Síochána, particularly given the physical demands of policing, to have some regular intakes of new recruits even on a modest scale, and I was therefore very pleased to obtain the sanction of my colleague, the Minister for Public Expenditure and Reform, for this recruitment competition.

Deputy Seán Ó Fearghaíl: While we welcome the announcement of a recruitment campaign, this is perhaps the third time that reference has been made to it. It was delayed previously due to the Haddington Road agreement. Surely the Minister knows how many personnel it is intended to be recruited.

On a related matter, what has the Minister concluded is the minimum number of gardaí required? The Garda Commissioner, Martin Callinan, has alluded to a figure of 13,000. Is this the figure from which the Minister is working? Does he share the Commissioner's view that numbers should not be allowed to reduce to below 13,000?

Deputy Alan Shatter: The simple answer is that I share the Commissioner's view. The number in the Garda force as of today, based on retirements to date this year, is 13,190. I do not know how many further retirements we will have before the end of this year. From recollection, and I think I am right in this, the number of members of the force we had at the end of

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December 2012 was 13,430. If I am ten out in the number, I presume that the Deputy will not shoot me, but I think that it was 13,430. Based on the agreement that his party entered into in November-December 2010 with the troika, the Garda was to be reduced by 31 December 2012 to 13,350. I managed to maintain and provide for 80 more gardaí at the end of that year than his party intended to be in An Garda Síochána.

In the context of the numbers to be recruited, there is a series of factors that will impact on that.

3 o'clock

We obviously need to get some insight as to how many retirements there are by the end of this year. That will give us some indication of where we are, but that matter has yet to be finalised. There is a substantive administrative job to be done in the context of the recruitment process. An advertisement has been issued and in the region of 30,000 individuals have expressed an interest in joining An Garda Síochána. I am pleased therefore that we will be recruiting next year. In the Fianna Fáil Party's plans or financial figures, announced in 2010, no provision was made for any Garda recruitment between 2010 and 2015. I am pleased that I am in the current position. The numbers issue will be further addressed later this year.

Deputy Seán Ó Fearghail: I will resist becoming involved in what our plans were because the Minister is now responsible for implementing his plans. I welcome the fact that, perhaps for the first time, he has committed himself to a minimum number of 13,000 members in the Garda Síochána. That certainly is welcome but it poses a problem for the Minister, for us and more importantly for the public. In the interim - between the admission of these people to the Garda training college and their eventual qualification to function as full-time gardaí - what plans does the Minister have to bridge the gap and ensure that the numbers are maintained at 13,000 and that they will not fall below that? The Garda Commissioner has made it clear that in order to provide basic levels of Garda service, the figure of 13,000 is an absolute requirement.

Deputy Alan Shatter: Gardaí do a great deal more than providing a basic level of service. In the context of the current numbers in An Garda Síochána, they are providing an efficient and effective service which includes not just crime investigation but also crime prevention. If that was not the case we would not have seen a drop of over 20,000 in the number of offences that were recorded as being committed in the preceding 12 months. Rather than playing political games with Garda numbers in this House, it would be refreshing for the Deputy to acknowledge the substantial successes of the Garda Síochána, as well as the success of the more targeted approach that has been adopted in the past two or three years. Smart policing, which has been derided by the Opposition, has also brought about successes. It involves using intelligence proactively not only for crime investigation but also for crime prevention.

Deputy Seán Ó Fearghail: Will the Minister give us a smart answer on the numbers?

An Leas-Cheann Comhairle: The Minister's time is up.

Deputy Alan Shatter: It is that type of smart policing that has successfully resulted in the region of 6,500 individuals intent on, or engaged in, burglary being arrested. In the region of 3,500 charges have been brought against individuals. I pay tribute to the work of An Garda Síochána and we should not forget that we currently have in excess of 1,200 members of the Garda reserve. In addition we have 2,000 civilians employed in An Garda Síochána who ensure that well trained members of the force, who in the past were unnecessarily engaged in administra-

tive duties, are now available to engage in crime prevention and detection.

Deputy Seán Ó Fearghail: The Minister has not answered the question.

An Leas-Cheann Comhairle: I was just going to call the Deputy, who has a minute left. Please stick to the time.

Deputy Seán Ó Fearghail: I am happy to pay tribute to the gardaí and we all recognise their successes. However, I asked the Minister a simple question about what he was going to do to bridge the gap between when candidates enter the Garda training college and eventually graduate. I also asked about the potential difficulty of Garda numbers falling below 13,000 which is the minimum number the Garda Commissioner and the Minister have indicated is required.

Deputy Alan Shatter: Those issues will be dealt with in the context of where we are moving towards. The Deputy is labouring under an illusion as to where Garda numbers might be in 12 to 18 months time. I cannot predict with certainty where numbers may be then. It may well be that next year we will have 100 more than 13,000 or 50 fewer than 13,000. As regards overall Garda strength, however, the objective is that the strength should be at 13,000 and that we will recruit to An Garda Síochána.

The Deputy may not be aware that a new training programme is in place for new recruits. The Garda Síochána has prepared that programme but has not yet had an opportunity to use it. The new student probationer training programme will be radically different and will be restructured into three phases. Phase 1 is for 32 weeks at the Garda college at the end of which successful students will be attested, i.e. become members of the Garda Síochána with full police powers. Phase 2 is for 65 weeks based in Garda stations. Phase 3 consists of seven weeks of exam preparation, exams and assessment. The programmes will now result in the award of a Bachelor of Arts level 7 degree in police studies. This is a far more sophisticated and different approach to what was there previously. The main difference between it and the earlier programme is that it carries a greater emphasis on operational policing and focuses on real life scenarios which in turn prepare students better for the policing challenges they face.

The new programme will also instil a life-long learning philosophy for members of the Garda Síochána with a suite of mandatory and elective courses being made available. We are now in a different, more sophisticated and operationally-focused training programme.

Penalty Points System

5. **Deputy Mick Wallace** asked the Minister for Justice and Equality if he has implemented in full, in the identified timeframe of three months, the recommendations of the Garda Síochána Professional Standards Unit into the cancellation of penalty points; if not, the reason for same; when he will publish the review he asked the Garda Síochána Inspectorate to carry out on the GSPSU report; and if he will publish the response he has received from the Garda Ombudsman to whom he forwarded both reports into the penalty points controversy for review. [40058/13]

Deputy Alan Shatter: The report of April 2013 from the Garda Síochána Professional Standards Unit looked at the processes and systems which are in place concerning the cancellation of fixed charge processing notices. The report complements the report prepared by Assis-

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tant Commissioner John O'Mahoney of his examination into the allegations of irregularities in the operation of the fixed charge processing system. These two reports recommended a number of changes aimed at ensuring that administrative procedures are correctly followed throughout the force in relation to the cancellation of fixed charge notices.

The two reports were published on my Department's website on 15 May 2013. In publishing the reports, I welcomed their recommendations for enhanced safeguards to ensure integrity in the fixed charge processing system. In addition, in order to provide even further public reassurance as to the effectiveness of these changes, and with the agreement of the Garda Commissioner, I asked the independent Garda Síochána Inspectorate to validate the proposed changes prior to implementation, including making any necessary supplementary recommendations, and to review their implementation after 18 months. The inspectorate is making progress in its work in this regard and I await its report on the matter.

The inspectorate's assessment of the recommendations made in the two Garda reports, and any further recommendations in this area which the inspectorate feels are warranted, will be put in the public domain via the inspectorate's website.

I also provided the two reports to the Oireachtas Joint Committee on Justice, Defence and Equality for its consideration and advice on any further recommendations or procedural or legislative changes which are desirable in this area. I understand the Committee on Public Service Oversight and Petitions, in turn, forwarded the reports to the Garda Síochána Ombudsman Commission and that the ombudsman commission subsequently appeared before that committee on 3 July 2013.

GSOC informed the committee that it had previously decided against opening an investigation. It was conscious that the whistleblower was a serving garda and, therefore, under the Garda Act, they could not deem a complaint from him admissible. GSOC indicated to the committee that the decision was open-ended and it was reserving its position. I am somewhat surprised that Deputy Wallace does not seem to be aware of this position, as he was present at that meeting and, indeed, chaired part of the meeting himself. Neither of the reports was forwarded to the ombudsman commission by me or my Department.

There is an additional response here that is of relevance to the Deputy's question in regard to action that has been taken by the Garda Commissioner on foot of the reports. If I am allowed to give it to the Deputy by way of a supplementary reply, I will do so.

Deputy Mick Wallace: I wonder if the Minister will commit himself to incorporating the 12 recommendations of the GSPSU report, or will he stick to the seven weaker versions that he came up with himself at the time the report came out? As the Minister will be aware, the Garda Síochána Professional Standards Unit was very critical of the process. I would like to ask the Minister about some of the issues they raised. Has the fixed charge manual, which we were told would be in place and distributed to all gardaí within three months, been put in place? Another issue was the inclusion of humanitarian grounds as a grounds for cancellation. Despite the fact that this was being used wholesale it was not provided for in the 2005 guidelines. According to the Garda Síochána Professional Standards Unit, new guidelines for use by gardaí will include the humanitarian grounds aspect.

It was recommended by the GSPSU that district officers be stripped of their ability to cancel fixed charge notices on PULSE. Does the Minister believe this is a good idea and, also, that it

is important the system is centralised to ensure only people in the central authority in Thurles can cancel fixed charge notices? The GSPSU also recommended that district officers be only allowed to consider the cancellation of notices in respect of offences which occurred in their geographical area. These are important issues that must be addressed if we are to strengthen the process.

Deputy Alan Shatter: I do not disagree with the Deputy. I am advised by the Garda Commissioner that a circular with revised cancellation procedures in regard to fixed charge notices issued to all members of the Garda Síochána on 30 August last. This particular directive may be further advised on foot of any recommendations that may be received by the Garda Inspectorate.

In the context of the new procedures introduced, the cancelling authority for a fixed charge notice is a district officer or an inspector appointed to act as a district officer in the district where the alleged offence occurred and the superintendent, Dublin Metropolitan Region - Traffic, Dublin Castle, Dublin 2 with regard to offences detected by personnel attached to that unit. This authority also applies to the inspector in charge of the Fixed Charge Processing Office, FCPO, Thurles, County Tipperary and other staff attached to that office as authorised by the Chief Superintendent of the Garda National Traffic Bureau.

I must emphasise that the cancelling authority only has jurisdiction to cancel a fixed charge notice for an alleged offence which occurred in its respective district area of responsibility. The cancelling authority will no longer terminate a fixed charge notice on the local garda's PULSE systems. All decisions to cancel fixed charge notices must be immediately communicated to the central authority, which is the inspector in charge of the Fixed Charges Processing Office, who will have responsibility for terminating fixed charge notices on the FCPS.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Alan Shatter: In addition, humanitarian grounds may be included as a discretionary reason when considering cancellation of fixed charge notices.

An Leas-Cheann Comhairle: I must ask the Minister to conclude if Deputy Wallace is to get in again.

Deputy Alan Shatter: Special provisions have been put in place with regard to any conflict of interest that could arise concerning personnel, public figures, members of An Garda Síochána and immediate relatives of an applicant and in respect of a number of other matters of importance. Provision is also made for auditing.

An Leas-Cheann Comhairle: The Minister is way over time.

Deputy Alan Shatter: Unfortunately, it is not possible to give all the detail in response to the Deputy's question.

Deputy Mick Wallace: I welcome that some positive action is being taken in this area. Am I correct that cancellations will now only be carried out by the central authority in Thurles? The Minister stated an audit process has been put in place, which is welcome. It is important an independent body rather than the Garda Síochána is responsible for that audit.

One of the GSPSU recommendations is that cancellation requests should be in written form and filed with supporting documentation. This provision has been in place for some time but

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was not being implemented. Does the Minister agree with the GPSU recommendation that cancellation by gardaí of offences which occur outside their geographical area should not be permitted, as already provided for in the 2005 legislation? Many of these provisions are already in place but are not being implemented. It has been admitted that they are not being adhered to.

The Minister has thrown cold water on the whole process and the GPSU has highlighted that much was left to be desired in terms of the manner in which this process took place.

Deputy Alan Shatter: I did not pour cold water on anything. I merely made the point that in the context of the investigation conducted and the outcome of some some exotic decisions had been made. There were issues to be addressed and answered but some of the allegations made, such as in regard to fixed charge notices and road fatalities, were proved entirely untrue. Unfortunately, the individual who made those allegations is sticking by them without providing any evidence to substantiate them. It was important that the issues of concern were fully, properly and comprehensively addressed.

The new guidelines were circulated on 30 August last to all members of the Garda force. Detailed revised cancellation procedures, which are applicable to district officers and superintendents of the Dublin metropolitan region - traffic, state that on receipt of a cancellation request in writing - which is the manner in which these matters should and will be dealt with - the cancelling authority will apply the following revised cancellation procedures: acknowledge receipt by sending a letter to the applicant, including where the offences occurred outside his or her district; confirm the alleged offence occurred within his or her district area of responsibility; otherwise arrange for the cancellation request to be forwarded to the correct cancelling authority, with a copy of any acknowledgement letter; review and examine the cancellation request in accordance with FCPS policy and procedures; conduct stringent checks to identify if the applicant has made previous applications and scrutinise the reasons included therein; the cancelling authority must be satisfied on the basis of the evidence presented that the fixed charge notice can be cancelled for the reason set out-----

An Leas-Cheann Comhairle: The Minister is over time and must conclude.

Deputy Alan Shatter: -----they must sign and date the certified fixed charge notice cancellation form with the decision to cancel or reject the cancellation request and include a rationale for that decision; notify the applicant in writing when the application is rejected; forward the certified fixed charge notice cancellation letters form to the FCPO for termination via e-mail at *fcncancellationgarda.ie* when the application is approved; and retain a hard copy of the relevant documentation in the district office for auditing purposes, including the cancellation request, the certified FCN cancellation form, signed and dated by the district officer.

An Leas-Cheann Comhairle: The Minister must conclude.

Deputy Alan Shatter: There are now very clear and indisputable provisions set out in this regard.

An Leas-Cheann Comhairle: We will move on now to Other Questions. I must ask Members to stick to the time limits. Clocks indicating the time allocated are available. While many Members are using the words “Finally” and “In conclusion” they do not conclude.

Other Questions

Irish Prison Service

6. **Deputy John Browne** asked the Minister for Justice and Equality the steps he is taking to address concerns voiced by the Irish Penal Reform Trust regarding the over-use of solitary confinement in the prison system; and if he will make a statement on the matter. [39584/13]

Deputy Alan Shatter: There is no provision for solitary confinement in the Irish Prison Service. However, the Deputy will appreciate that, on occasion, it is necessary for vulnerable prisoners and others to be separated from the general prison population. The restriction of a prisoner's regime can occur due to a number of factors including, the protection of vulnerable prisoners. This is provided for under rule 63 of the Prison Rules 2007. A prisoner may, either at his or her own request or when the Governor considers it necessary, in so far as is practicable and subject to the maintenance and good order and safe and secure custody, be kept separate from other prisoners who are reasonably likely to cause significant harm to him or her.

In addition, the Governor may decide, for the maintenance of good order in the prison, to remove a prisoner from general association or structured activity to reduce the negative effect that a prisoner or prisoners may have on the general population. This is provided for under rule 62 of the Prison Rules 2007. There may also be a smaller number of prisoners who would be restricted for medical, rule 64 or discipline reasons, rule 67. The fact that prisoners seeking protection are immediately separated from the general population or from specific prisoners identified as presenting a threat, clearly demonstrates the commitment of the Irish Prison Service to ensure their safety and security. The status of each prisoner on restricted regime within the prison system is regularly reviewed and, if possible, prisoners can be transferred to other institutions where a restricted regime would not be necessary. The Director General of the Irish Prison Service has established a high level group to consider measures which could be introduced to reduce the number of prisoners currently held on restricted regimes, with a view to ensuring that all prisoners receive, as a minimum standard, out-of-cell time of three hours per day to engage in exercise or activity.

Deputy Seán Ó Fearghail: I am very interested in the Minister's response. The Director General of the Irish Prison Service, Mr. Michael Donellan, has expressed concern about the number of prisoners who are serving their term or part thereof in isolation. On 1 July 2013, we were informed that 114 prisoners at risk were being held in isolation for 23 hours per day and a further 61 inmates were being held behind bars for 22 hours per day. The position is inhumane by any stretch of the imagination. The Minister referred to prisoners at risk. Do any other categories of prisoners find themselves in the circumstances described? What would be an effective alternative to the current position?

Deputy Alan Shatter: I congratulate the Deputy on his party's newfound concern for prisoners. For 14 years, during which hardly a person moved in this country without the Deputy's party throwing money at them-----

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Deputy Seán Ó Fearghail: Is the Minister incapable of answering a question without making party political points?

Deputy Alan Shatter: -----the Government essentially ignored our prison system, left prisoners living in conditions that were indefensible and failed to build the additional prison places required or implement the reforms necessary in the prison system.

Deputy Seán Ó Fearghail: That is patently untrue.

Deputy Alan Shatter: Despite the current financial difficulties, in the past two and a half years a new wing has been built on Midlands Prison, construction is starting in Cork to provide a new prison, a new wing is being added to Limerick Prison and there has been a complete refurbishment of Mountjoy Prison. During the Deputy's party's time in government, we were told it was not possible, in any circumstances, to provide in-cell sanitation in Mountjoy Prison. We have provided in-cell sanitation in the majority of cells in Mountjoy Prison and it will be provided in cells in the prison by the middle of next year. An extraordinary prison reform agenda is being implemented and enormous changes, including the provision of an incentivised regime to encourage prisoners to behave well, have taken place over the past two and a half years. What the Government cannot do, however, is remedy instantly all the problems left behind by the failure of the Deputy's party during 14 years in government to ensure we had a modern and humane prison system.

Deputy Seán Ó Fearghail: My understanding of the parliamentary questions process is that Deputies ask questions of a Minister who responds and gives an account of how he or she manages his or her brief. I note the Minister cannot refrain from making blatantly political charges in responding to even the simplest of questions. The simple question I put was whether we are holding prisoners in isolation, to which the answer given was "Yes." I also asked if the Minister planned to address the issue of isolation but I am unsure from his response as to what his plan is.

Deputy Clare Daly: The Minister will agree that solitary confinement is incredibly damaging and difficult for prisoners and should be avoided at all costs. In that context, I propose to ask him about the case of Aidan Hulme, a prisoner in Portlaoise prison who has been placed in what is effectively solitary confinement as a result of issues related to his serious physical and mental ill health. As a result of the amount of medication he takes, Mr. Hulme accidentally caused a fire to be started in his cell. If he had finished his sentence in Britain, he would have been on early release at this stage. I ask the Minister to examine the case of Mr. Hulme and release him from solitary confinement in which he has been placed as a result of ill health.

Deputy Mick Wallace: The Minister will be aware that the Irish Penal Reform Trust is strongly opposed to solitary confinement. The trust points out that there may be a level of restriction which, rather than solving administrative problems, becomes a mental health issue and creates a further problem for prison administration. Surely solitary confinement is an inadequate response both in terms of the administration of prisons and the well-being of prisoners.

Deputy Clare Daly and I visited Portlaoise prison during the summer where we met the governor, Mr. Martin Mullen, with whom both of us were very impressed. Does the Minister intend to proceed with plans to install in-cell sanitation at the prison? I understand this badly needed work may have been shelved owing to a lack of funds.

Deputy Alan Shatter: I will look into the matter Deputy Clare Daly has raised.

On in-cell sanitation, we should provide in-cell sanitation in all prisons where it is currently absent. We are rolling out and completing an in-cell sanitation programme in Mountjoy Prison and, subject to the resources available to me, it is my objective to ensure we address this matter in all of our prisons. One of the reasons for building a new prison in Cork and providing a better facility is the impossibility of providing in-cell sanitation in Cork Prison. During a visit to Cork Prison shortly after my appointment I observed the very difficult conditions in the prison. While the prison is very well run by its governor and many programmes are available to prisoners, its structure is not adequate for the 21st century. We are addressing that issue.

We have different categories of prisoners, namely, prisoners who pose a threat to other prisoners and those who need to be protected from other individuals. Both types of circumstances give rise to individuals effectively being on their own in prison cells for extended periods. The Director General of the Irish Prison Service has established a high level group to look at measures to eliminate solitary confinement in the prison system. The group is giving priority to reducing the number of prisoners on rule 63. This is a voluntary procedure where a prisoner at risk asks to be moved into a cell on his or her own or where there is a requirement to do so, while ensuring that all such prisoners receive, as a minimum standard, exercise activity of three hours daily. The group will also seek to formulate a policy to reduce the number of prisoners on rule 63 where isolation is imposed, in other words, where the prisoner is placed in a cell on his or her own for the safety of others, and rule 62, with a view to improving the regime they face. I look forward to the completion of this work and doing what is possible within the current structure of our prisons. This issue is being factored into any construction that is taking place to improve the prison system or in the context of the construction of new prisons.

North-South Co-operation

7. **Deputy Michael Colreavy** asked the Minister for Justice and Equality his plans for greater co-operation in policing and justice here. [39763/13]

Deputy Alan Shatter: Co-operation in policing and criminal justice on this island is a matter in which I have taken a particular interest since taking office as Minister. This co-operation takes place across many strands and at many levels from frequent ministerial meetings to day-to-day operational interaction between the police services and other justice agencies.

I maintain very regular contact with the Northern Ireland Minister of Justice, David Ford, to address matters of shared interest and enhance co-operation on all criminal justice matters. Under the Intergovernmental Agreement on Co-operation on Criminal Justice Matters, we operate a structured framework for co-operation involving the range of criminal justice agencies on this island. The personnel from these agencies work together in bringing forward an annual work programme of co-operation. The officials from our Departments also meet regularly to assess and report to us on developments. I also meet regularly with the Secretary of State for Northern Ireland, Theresa Villiers, to address a range of matters of mutual concern, particularly with regard to the security situation. I met the Secretary of State during this week in one of our regular meetings.

There is close and ongoing co-operation between the Garda Síochána and the PSNI on all aspects of policing. The two police services operate a joint cross-Border policing strategy which has as its aims to improve public safety throughout Ireland, disrupt criminal activity and enhance the policing capability of both police services on the island. The strategy includes

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sections dealing with operations, cross-Border investigations, intelligence sharing and security, information and communications technology, training, human resources and emergency planning. The two police services are jointly engaged in implementing a number of initiatives in all these areas.

Combating the paramilitary threat is a continuing priority for both police services. The Garda works seamlessly with its Northern Ireland counterparts in actively bearing down on these criminal terrorists and on the organised crime gangs to which they are inextricably linked. The Garda Commissioner and the PSNI Chief Constable place strong emphasis on the close and high quality co-operation between the two police services and its importance in combating the shared threats which they must address.

Additional information not given on the floor of the House

The joint cross-Border policing strategy recognises the particular value of interagency co-operation in certain areas, for example, in ongoing efforts to combat organised crime. A cross-Border taskforce on fuel laundering and smuggling comprising representatives from the two police forces, the two customs services, the Criminal Assets Bureau and the Serious and Organised Crime Agency has underpinned successful actions to disrupt the activities of groups involved in laundering and distributing illegal fuels. A cross-Border tobacco enforcement group is also in place to support the fight against the activities of gangs engaged in tobacco fraud.

North-South co-operation in combating crime at the policy and operational levels is both positive and dynamic. The challenges that crime presents are shared ones and joint working will continue to support and enhance our efforts to improve community safety for all communities on this island.

Deputy Pádraig Mac Lochlainn: I thank the Minister for his response. I represent a Border constituency and we have a particular interest in co-operation between An Garda Síochána and the PSNI. I recently wrote to the chairperson of the Donegal joint policing committee and the three chairpersons of the Derry, Strabane and Fermanagh policing and community safety partnerships asking them to convene a meeting. Responsibility for policing does not stop with the police services on the island. It is the responsibility of the Minister for Justice and Equality and the local public representatives who sit on those bodies. It was an important development that followed the Good Friday Agreement. Does the Minister support the proposal that the joint policing committees, and policing and community safety partnerships along the Border corridor should meet regularly? Would he consider issuing some sort of encouragement to those bodies or doing anything else in his power to support it?

Deputy Alan Shatter: Of course I support any co-operation that is of relevance to ensuring we have effective and co-operative policing on a cross-Border basis. The policing committees are independent in their operation. It would be a bad precedent and is not appropriate for me, as Minister, to start making demands of them or issuing instructions to them. Obviously if a request has been made for them to have a joint meeting, it is a matter for those committees how they respond to that request and to consider the benefit of such a meeting in the context of its contribution to cross-Border policing.

The cross-Border policing strategy recognises the particular value of interagency co-operation in certain areas, for example, in ongoing efforts to combat organised crime. A cross-Border taskforce on fuel laundering and smuggling comprising representatives from the two police

forces, the two customs services, the Criminal Assets Bureau and the Serious and Organised Crime Agency has underpinned successful actions to disrupt the activities of groups involved in laundering and distributing illegal fuels. A cross-Border tobacco enforcement group is also in place to support the fight against the activities of gangs engaged in tobacco fraud. The agencies working in co-operation have had some substantial success in the confiscation of illegal fuel and tobacco.

Deputy Pádraig Mac Lochlainn: I welcome any progress in tackling the criminal gangs involved in diesel laundering and cigarette smuggling operating in the Border area. They are a plague on those communities and anything that can be done to confront them should be done.

Would the Minister consider having a dedicated justice stream within the North-South Ministerial Council? I know he has a good relationship with his counterpart in the North, the Minister, Mr. David Ford, MLA. There was a bit of focus recently on a particular matter and I have no problem with the decision the Minister made. On an operational basis it should have been the Chief Constable and the Garda Commissioner dealing with those matters at the two-day seminar - I have no criticism of that. In terms of the wider meetings involving himself, is that something he can consider?

Deputy Alan Shatter: The Minister, Mr. Ford, MLA, and I meet with some regularity and also talk on the phone with some regularity about particular issues when they arise. So there is no shortage of connectivity between us.

When the North-South Ministerial Council meetings were established, it was not envisaged, for reasons of which the Deputy is aware, that justice would be formally included within them. There was certainly at least one meeting if not more attended by the Minister, Mr. Ford, MLA, and me, at which there were issues of relevance to the justice area that may also have had overlapping impacts on other areas. We have informally attended meetings where necessary where there have been issues on the agenda. I am very happy to meet the Minister, Mr. Ford, MLA. We meet in Dublin and in Belfast. We have met at a variety of events. From example, from recollection the probation officers North and South have an annual seminar which alternates between North and South. We have met at those occasions. We met on separate occasions and there is no lack of connectivity between us in any respect or of any nature.

Organised Crime

8. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which criminal activity continues to be monitored with particular reference to the number and strength of such organisations; their modus operandi including the intimidation of witnesses, lawyers and jurors; if it is considered that such gangs have successfully circumnavigated the law on bail with consequent increased influence and power; if the targeting of such gangs requires further legislation and-or action in efforts to bring to an end the litany of shootings, killings and stabbings over the past number of years; and if he will make a statement on the matter. [39814/13]

Deputy Alan Shatter: The operation of organised crime groups in this jurisdiction is monitored on an ongoing basis by An Garda Síochána. I am informed by the Garda authorities that there are two categories of organised crime groups operating within the jurisdiction. The first consists of groups that are well established and tightly structured and are involved in drug traf-

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ficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland. Tackling these groups remains a key ongoing priority for both the Government and An Garda Síochána. This priority is clearly reflected in the Garda policing plan for 2013.

In targeting such activity An Garda Síochána continues to develop and implement strategies to dismantle and disrupt criminal networks, utilising advanced analytical and intelligence methods to facilitate targeted intelligence-led operations. Notwithstanding the challenges faced in tackling organised crime, An Garda Síochána is unceasing in bringing those involved in this type of criminality before the courts and securing convictions.

As referred to by the Deputy, the issue of intimidation is a challenge. However, all information or complaints relating to the alleged intimidation of those involved in criminal trials are thoroughly investigated by An Garda Síochána and appropriate action is taken.

The Deputy also raised the issue of our bail laws and questioned whether they are fit for purpose. As I have previously indicated to the House, I believe that bail law must be continually reviewed to ensure that all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by persons on bail.

Accordingly, my Department has been engaged in work to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and of the public. The intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I intend to bring proposals to Government on the matter as soon as possible, having regard to other legislative priorities.

Additional information not given on the floor of the House

I am also keeping under review the legislative provisions underpinning the State's response to organised crime, including the provisions of the Criminal Justice (Amendment) Act 2009, to ascertain whether any further improvements could be made in this area. A comprehensive review of the proceeds of crime legislation is also under way with a view to identifying possible improvements which would serve to strengthen the operation of the Criminal Assets Bureau.

I draw the Deputy's attention to the recently published Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013 which provides for the establishment of a DNA database. Enactment of this legislation will represent a major step forward in the fight against serious crime. I am committed to ensuring that all necessary legislative provisions are in place to support the operational actions of An Garda Síochána.

Following yesterday's publication of the CSO recorded-crime statistics, I again take this opportunity to commend An Garda Síochána on its work on behalf of our communities. The latest official recorded crime figures, which cover the 12-month period to the end of June 2013, show reductions in 12 out of the 14 categories for which figures are given, and an overall reduction of 8%, building on reductions recorded in the previous figures from the CSO.

Deputy Bernard J. Durkan: I thank the Minister for his reply. What studies have been carried out into the use by the organised criminal gangs of so-called "mules" in carrying out

their illegal activity? To what degree have such people been caught and prosecuted? How successful have follow-up operations to incriminate the gang leaders been? What documentary evidence has been retained relating to specific instances of the abuse of the bail laws by such criminal gangs and what action can be taken?

Deputy Alan Shatter: It is a matter for the courts to determine whether an individual be granted bail based on current legal provisions and if granted bail what the security for bail should be. There has been understandable concern that some individuals, who have been granted bail, commit further offences while on bail. There are certain constraints on the extent to which legislation can address that issue. That is one of the issues involved in the consideration of bringing new bail laws before this House as I mentioned earlier. That is a very particular issue and I hope it is one we can address in a particular manner when the legislation is published and enacted. Ultimately whether an individual should be granted bail or there are adequate grounds for refusing bail is a matter for the independent determination of the courts. It is a matter in which I cannot interfere.

Deputy Bernard J. Durkan: With regard to the last response, will the Minister indicate whether there is now evidence to suggest that perhaps the law in this country might be brought into line with the law in other European countries in so far as bail is concerned in regard to those involved in criminal gang activity?

Deputy Alan Shatter: One of the issues in determining whether an individual should be granted bail, based on the current applicable law, is whether they pose a threat to an alleged victim of a crime for which they are being prosecuted or whether there is an issue of intimidation of juries. There are different laws applicable with regard to bail in different countries. There are constitutional pronouncements made by the courts of relevance in this area and it is open to the courts where a person commits a crime when out on bail to impose consecutive as opposed to concurrent sentences if they are subsequently prosecuted in those circumstances. Other relevant criminal offences arise in this context as well.

Naturally there is a wide variety of provisions in place in other countries. One of the criticisms of some countries is that individuals are held in prison for far too long pending the hearing of a criminal prosecution. That can perpetrate a particular injustice if, when the prosecution takes place, they are found not guilty. It is important that we provide a considered and proportionate response to addressing the real issues of concern in this area and that there is protection for the general community against individuals intent on continuous offending. However, at the same time it is important that we do not find ourselves in a position where a significant number of persons are held in prison on bail who are found to be innocent of the offences for which they are being prosecuted subsequently.

Magdalen Laundries Report

9. **Deputy Barry Cowen** asked the Minister for Justice and Equality the timeframe for the implementation of the Quirke recommendations regarding the survivors of the Magdalen laundries; if he has had discussion with the religious congregations on the compensation fund; and if he will make a statement on the matter. [39588/13]

Deputy Alan Shatter: On 25 June 2013 the Government approved the immediate implementation of a cash lump sum payment scheme based on duration of stay in laundries as rec-

commended by Mr. Justice Quirke and tasked an interdepartmental group with giving further detailed consideration to the steps necessary to implement the other recommendations made by him, which are complicated. I have already established a special unit to process applications and determine whether applicants resided and worked in an institution covered by the scheme, the duration of their stay and the calculation of the capital sum due to be paid to them. Over 540 applications have been received to date and are being processed.

Payments cannot commence until decisions have been made on the other recommendations. I expect to receive the report of the interdepartmental group later this week and I will then bring the matter back before Government for final decision. I expect the first offers of payments of a lump sum to issue within four to six weeks of the Government decision.

I met representatives of the four religious congregations concerned in June 2013 together with my colleague, the Minister of State, Deputy Kathleen Lynch, to discuss a contribution from them to the scheme as recommended by Mr. Justice Quirke. Following reflection on the matter all four declined to make a contribution. The matter was discussed at government in July and after that discussion I wrote to the congregations expressing disappointment that they had decided not to make a financial contribution. I pointed out that the Government was of the view that the congregations have a moral obligation to do so and urged them to reconsider. Unfortunately, the congregations have since responded reaffirming their position.

Deputy Seán Ó Fearghail: The Government is to be commended on this initiative, on the priority it has given to the Magdalen survivors and the package of measures it has put in place. I welcome what the Minister has said today to the effect that he expects payments to issue in a four to six week period. Will the Minister explain the position of the enhanced medical cards to be made available to all the survivors? Has anything happened on that front? Given that the religious orders have declined, unfortunately, to make a contribution, will the money that is to form part of the compensation scheme come entirely from the Department's budget?

Deputy Maureen O'Sullivan: I dislike using clichés but the one about justice delayed being justice denied is apt in this case. Although considerable progress has been made in the recent past many women have been denied justice. A very human case has been brought to my attention. It involves a 79 year old lady in serious deteriorating health who is waiting on the payment. The payment, in the final years and months of her life, would give her financial independence. Her case was advocated in 2009. I realise that is only one case but it is one that I know about. As the Minister is aware, there are hundreds of cases like hers. I realise the Minister has received the applications but the matter will have to go to the Cabinet. When will it go to the Government? How long will it take the Government to make the decision? After that it will be a further two months.

Deputy Clare Daly: The attitude of the religious congregations is scandalous. Will the Minister indicate whether he has considered any legislative proposals which he could bring forward to compel funding from those organisations? What consideration has he given to that?

Deputy Mick Wallace: I was about to make the same point. If they are not prepared to give the money willingly then the State should consider ways of taking it from them. Many of the survivors waiting on money simply do not have much more time. Many of them are not financially independent and it would bring a great deal of dignity to them if they could establish some financial independence in their last days. Time is of the essence.

Deputy Alan Shatter: The Government dealt with this matter in as speedy a way as possible. The committee, under the chairmanship of the former Senator, Dr. McAleese, was established in July 2011. It carried out substantial work and published a detailed report. Within a short period of the committee publishing the report it was debated in the House. Mr. Justice Quirke was appointed to look at the making of an *ex gratia* compensation scheme and of making other provisions for the women who were in the laundries. On 25 June 2013 the Government approved the implementation of Mr. Justice Quirke's proposals in respect of the cash lump sum. There were other recommendations, including that mentioned with regard to medical cards, which had to be furnished to the group, from whom I expect to receive the report at the end of this week with regard to detailing the steps needed to be taken to implement those provisions. For example, it is inevitable that the medical card provision will require legislation, which we will then introduce as rapidly as possible. Certain legal steps must be taken to copper-fasten what we do in this context.

I share Deputy O'Sullivan's outrage that this issue was not addressed many years ago. I was one of the Members who had expressed the view that should have been addressed long before I became a Minister. We are dealing with this with the greatest possible speed. We have received over 500 applications and we must process them carefully. We must ensure that when we receive the report decisions are made in respect of individuals that are appropriate. It is likely that cash sums will be paid out in accordance with the scheme in advance of some of the other aspects of matters being formally in place. However, we should then be in a position at the very least to advise people what other benefits will accrue to them.

It is also particularly complicated in respect of addressing certain issues not fully teased out by Mr. Justice Quirke where there are individuals affected by this who do not live in this jurisdiction. These people live in the United Kingdom or outside the United Kingdom. We are looking at how best to implement the recommendations in a manner that does not detrimentally impact on their financial circumstances in the country in which they are resident by depriving them of benefits to which they would otherwise be entitled. That is a particular difficulty.

In fairness to Deputies Daly and Wallace, I regard it as a particular disappointment that the religious congregations have not agreed to contribute to this fund. The Minister of State, Deputy Lynch and I made very clear our views and the view of the Government in this regard. There is no legal mechanism to compel them to make such a contribution. This is why I said in my correspondence to them and in reply to today's question that it was the view of the Government and myself that they have a moral obligation to do so. I am conscious that the congregations currently care for over 100 women who were in the laundries. I am also conscious of and appreciate the full assistance and co-operation the Department is getting from them in checking records and authenticating and verifying lengths of time that individuals spent in laundries.

An Leas-Cheann Comhairle: Thank you Minister but we are over time.

Deputy Alan Shatter: However, many people find it surprising that the congregations have not contributed in an appropriate manner to the fund.

Finally, lest Deputy Ó Feargháil accuses me of avoiding a question, the necessary funding to meet the scheme will be provided by the Government. As for the amounts, that matter is being discussed at Government level and between the Minister, Deputy Howlin, and myself.

An Leas-Cheann Comhairle: Thank you Minister.

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Deputy Alan Shatter: Obviously, it cannot come out of the original Department of Justice and Equality Estimates and the Government is dealing with that in a financially appropriate manner. However, I assure the Deputy the payments will be made as soon as the Government is in a position to finalise matters following on from the report I expect to receive at the end of the week.

Written Answers follow Adjournment.

Topical Issue Debate

VAT Rate Reductions

Deputy Derek Nolan: One of the Government's early successes of which one can be proud - as I am - is the jobs initiative introduced in May 2011 comprising a €500 million stimulus package designed to get the economy moving again. At the time, it was accepted that it was limited and would have a targeted effect and it has done so. The measure particularly targeted at the tourism, hospitality and arts sector, which was to reduce the VAT rate on those products from 13.5% to 9%, had a strong effect in the hospitality and tourism sectors in particular. In many cases, it gave a lifeline and a breathing space to some businesses that were struggling in respect of their margin but it also allowed that sector to reduce its cost base in order that it could be more competitive abroad through a reduction in prices for hotels, and meals, in the arts and so on. The aim was to encourage more people to come to Ireland and support the tourism market, which is an export market. As a Galway Deputy, I am aware the city and county I represent are extremely tourism-dependent. In this context, numbers have increased both this year and last and I believe this job stimulus and the VAT rate have really contributed towards that increase.

Mr. Brendan O'Connor from the economics division of the Department of Finance has stated the 9% VAT rate has had the desired impact it was intended to have and as of the second quarter of 2012, had contributed to a minimum of 6,200 jobs. Both anecdotally and from other studies, one can discern that it has made an even greater contribution to job creation subsequently. There have been positive signs with regard to employment figures in the past year and there has been job creation which, after years of job losses, is to be welcomed. However, we still are at a very fragile state and the jobs in the tourism and hospitality sectors in Galway and nationwide are highly fragile and must be protected. Were the VAT rate to be increased from 9% to 13.5% at the end of the period in question, it would have a negative impact and would cost jobs. Having spoken to hoteliers and restaurateurs across my constituency, I know they simply will be obliged to let people go and that is not something that should be done if it can be avoided.

Deputy Ann Phelan: I thank the Ceann Comhairle for the opportunity to discuss this important issue that is critical to the constituency I represent, namely, Carlow-Kilkenny, which also is highly dependent on the tourism sector. The introduction of the reduction in the VAT rate in July 2011 from 13.5% to 9% to boost tourism and stimulate employment in the tourism and hospitality sectors has had a significant impact on all local economies. Based on a survey

I undertook in my constituency of Carlow-Kilkenny and based on the level of feedback I received on foot of my interaction with local businesses, the response has been overwhelmingly in favour of retaining the lower rate of VAT. This lower rate has helped businesses to remain open and continue trading. Moreover, in many cases it has helped to increase the workforce by creating jobs, and by increasing the general economic output in the tourism sector it has resulted in lower prices which, in turn, have been passed on to the consumer. It has renewed growth in the domestic and overseas tourism markets and has improved Ireland's international competitiveness in the sector. Figures from the Central Statistics Office indicate an 8% increase in employment in the hospitality sector in the past 12 months. I must state that while this issue may be more complicated from the perspective of the Department of Finance, it appears simple to me and this measure certainly is having the desired effect. People greatly welcome the reduction in the VAT rate locally. A recent report prepared by Fáilte Ireland indicates that domestic tourism figures have risen since 2011 as an increased number of Irish people have holidayed at home. In addition, while total overseas visitor numbers rose by 6% since 2010, more importantly, more than 650,000 domestic visitors were recorded by 2011.

Deputy Brendan Griffin: I welcome the Minister and thank him for attending in person to reply to this particular issue. I also commend my colleagues on raising this matter. As my colleagues mentioned, I also come from a constituency that is heavily dependent on the tourism industry and this matter is important. I acknowledge there was a good season both in Kerry and nationwide this year and I wish to see that continue into the future. While there were other factors, such as The Gathering and the good weather, the VAT rate of 9% also has been a factor in the performance of the tourism industry over the past two years. I commend the Minister highly on introducing this measure in the first place and I acknowledge he did mention it was a temporary measure at the time. However, if I may use a footballing analogy, I would compare this with a team that was performing quite poorly until a blood substitute was brought on as a temporary measure. As the aforementioned blood substitute has grabbed the game by the scruff of the neck, he now deserves to be left on the field and perhaps even to start in the next game.

This is how I perceive the issue. If at all possible, the Minister should reconsider the figures or examine the figures that have been presented by organisations such as the Irish Tourist Industry Confederation, ITIC, and other players in the industry and find some way to try to continue with this measure that is creating and sustaining jobs. It is allowing tourism-related businesses to grow, to make capital investments and to build for the future, which is what is needed. I always cite this move by the Government as being one of the positive, pro-jobs and proactive measures that have been taken since it came to office and I seek its continuation. I heard recently that apparently, lapdancing clubs are availing of this measure and perhaps there is scope to remove certain areas from its application. However, I believe businesses that are supporting many jobs, such as hotels and restaurants, really need to be supported and I ask the Minister to do everything he can to try to retain the 9% rate for as long as possible.

Minister for Finance (Deputy Michael Noonan): I thank Deputies Nolan, Ann Phelan and Griffin for giving me this opportunity to speak on the issue of the 9% VAT rate. The programme for Government included a proposal to reduce the 13.5% VAT rate by 1.5% until the end of 2013. However, as part of the Government jobs initiative, it subsequently was decided to introduce a more targeted VAT reduction measure by introducing the 9% VAT rate for the period from 1 July 2011 to 31 December 2013 in respect of tourism-related services, including hotel and holiday accommodation, various entertainment services, the use of sporting facilities, hairdressing services and various printed matter. The tourism sector is a key sector in the Irish

economy and the measure was aimed at reducing costs during a very challenging time for the sector. The objective was to boost tourism and create additional jobs and the measure has been successful in this regard. The 9% measure was introduced in the Finance (No. 2) Act 2011 on a temporary basis and is due to expire on 31 December 2013, at which point the rate is due to revert to 13.5%.

As with all tax measures, the decision to reduce the VAT rate by four and a half percentage points came at a significant cost to the Exchequer and the measure was estimated to cost €120 million in 2011, €350 million in 2012 and in 2013 and €60 million in 2014. As the rate was introduced for a defined period, failure to revert from the 9% rate to 13.5% would come at a cost to the Exchequer. As I outlined to the Restaurants Association of Ireland directly on this subject, this additional cost would have to be found elsewhere and I invited the industry to bring forward proposals. The House will recall that the cost of the VAT reduction was offset by a 0.6% levy on pension funds.

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With regard to the economic impact on the tourism sector due to the introduction of the 9% VAT rate, the most recent data available from the Central Statistics Office of economic growth broken down by sector relates to the year 2012, which shows that for the accommodation and food services sector there was a year on year growth, in gross value added, compared to 2011. Expenditure by overseas travellers to Ireland recorded an increase of 0.6% in 2012 compared with 2011. In addition, the first quarter of 2013 recorded an increase in expenditure of 12% compared with the same period last year. There is a clear impact in terms of employment in the accommodation and food service sector, which has increased by over 13% between the period from the second quarter in 2011 to the second quarter in 2013 - an increase of 15,000 jobs in the sector. In terms of the number of trips to Ireland for the period May to July 2013, the number of trips increased by 7.6% on the same period last year, while for the period January to July the number of trips to Ireland increased by 6%.

Since the introduction of the 9% VAT rate, a number of studies and reports have been undertaken and published as to its effectiveness and value for money. A research paper entitled "UK Tourists, the Great Recession and Irish Tourism Policy" by Richard Tol and Niamh Callaghan was published early in 2013 by the Economic and Social Review. This paper concludes that while the VAT rate reduction on tourism activity did increase visitor numbers, the financial benefit was far less than the cost to the Exchequer of the VAT reduction. A report undertaken by Deloitte on behalf of Fáilte Ireland published 1 July 2013, entitled "Analysis of the Impact of the VAT Reduction on Irish Tourism and Tourism Employment", concludes that the introduction of the 9% rate appears to have met its original aims of driving employment and stimulating activity in the sector, at a lower cost than originally estimated.

A commitment was made when the 9% VAT rate was introduced to evaluate the measure before the end of 2012 to determine its effectiveness in aiding the tourism industry. To this effect, my Department published a paper, as part of the medium-term fiscal statement in November 2012, entitled "Measuring the Impact of the Jobs Initiative: Was the VAT reduction passed on and were jobs created?" This evaluation concluded that the 9% rate appears to have had the desired effect both in terms of price pass-through to consumers and by contributing to an employment gain of 6,200 additional jobs in the second quarter of 2012 relative to the second quarter in 2011 in the accommodation and food services sector of the economy. As stated earlier, more recent CSO figures from the second quarter of 2013 show an increase of almost

15,000 persons employed in this sector since the second quarter of 2011.

It is clear that this measure was successful and the 9% rate produced growth in the sector and increased jobs. However, the revenues generated by the additional level of growth did not exceed the cost of the measure. In line with best international practice, the 9% VAT rate was introduced as a temporary measure and is due to expire at the end of December 2013, at which point it will revert to 13.5%. Reducing the VAT rate to the 9% rate would be very costly to the Exchequer and would require an increase in taxation or reduction in expenditure elsewhere. Any proposal to reduce the VAT rate from the 13.5% rate will be considered in the context of the budget.

Deputy Derek Nolan: There is a great deal in what the Minister said about the economic analyses, but all the analyses stated that jobs were created. I believe that is true. With the 9% rate we have created a stimulus for a sector that was doing very poorly and have created, as a result, a far more attractive tourism sector which is attracting people into the country because of our cost base. If the 9% rate created jobs, the corollary is that increasing the 9% rate will cost jobs. That is what the opposite of what is said in the studies means. We cannot exclude that.

Among the businesses I talked to in Galway yesterday, a major employer in the city told me that with rates, insurance and water as fixed costs, the only way he could pass on the increased rate would be through losing jobs. The increase in numbers has meant that he is paying more VAT due to the lower rate than he was when the higher rate was in place. It is generating business and he is paying more VAT. We must be very careful before we act on this. Certainly, a slashed increase from 9% to 13.5% would have a devastating impact on this sector.

Deputy Ann Phelan: I understand the constraints on the Minister, but I agree with my colleague that a return to the 13.5% rate will have a devastating effect at this stage. It is tantalising to see the growth in the sector. Throughout the summer I walked down High Street in Kilkenny and saw the number of people who were able to go into the local restaurants. The restaurants will not be thanked for having to pass on higher prices to consumers. Given our current economic situation, there is a certain confidence level here and if we return to the 13.5% rate, we will strike at the heart of that confidence. The businesses are beginning to gain confidence and it would be a retrograde step to return to the other rate. As one of the businesses said:

There is no consumer confidence in the marketplace and in its absence struggling ... businesses, regardless of how many people they employ, are not going to be thanked by the public for price increases. They are going to lose out and suffer further, maybe even closing. While the Government has no responsibility for helping me maintain a business, it does have a responsibility to create the environment in which we can create jobs.

Deputy Brendan Griffin: I again urge the Minister to see if there is any way to continue with this rate. It is very worthwhile. It has worked and is a beacon for other sectors of the economy. Seeing tourism-related and labour-intensive industries growing jobs gives hope to other areas, for example, construction, which accounts for 100,000 or one-quarter of the people on the live register. They could potentially benefit from something like this. I accept that something must pay for it, but there are other innovative ways of raising the revenue to do that. I was told recently that the €1 levy on wine has yielded €45 million in the first eight months of this year and will yield perhaps €70 million in the full 12 months. Consider other measures. A 1 cent levy on text messaging would apparently yield €120 million based on current usage patterns. If we had put a small levy on windfalls, such as EuroMillions jackpots, it would have

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yielded €20 million this year. There are choices to be made and I urge the Minister to explore every avenue to try to keep this rate in place to maintain and possibly create more jobs.

Deputy Michael Noonan: There is a misunderstanding about what the position is. The reduction was introduced as a temporary measure to pump-prime the industry. If Deputies ask me to leave the rate as it is, that means 13.5% from 1 January next year. Leaving it as it is means it reverts automatically to the higher rate because it was reduced for a temporary period. That is the reason it is so difficult to do it. It is not a question of leaving it as it is, but of making an independent decision now to cut the 13.5% to 9% for next year. That costs a great deal of money. I introduced it without being requested to do so by the industry. I was not lobbied to do it but I considered it a classic pump-priming exercise to create jobs and activity. It has done that.

It requires a new decision to keep the rate at 9%, and that costs a lot of money. Members will appreciate that the budget situation is quite tight and that getting that money from another sector or from another set of people to continue to provide the low VAT rate in this sector is a problem. However, no decision has been taken yet. The law provides that it automatically reverts to the higher rate with effect from 1 January next, and to change that requires a decision. Of course we will consider the Deputies' submissions and comments. The three of them represent constituencies that have very strong tourism industries.

The idea of pump-priming is that where something is weak, one gives it a break to make it stronger. However, when it is strong it should fend for itself. I do not agree with the argument that if the rate returns, jobs will be lost again. The point of pump-priming is that sectors should be strong enough to walk alone.

On Deputy Griffin's last point about other sectors of the economy, in parallel with the bailout programme we have another programme which deals with the economy on a sector-by-sector basis. If the Deputies examine the two most recent Finance Acts, they will encounter a series of measures geared towards repairing the damaged sectors of the economy and reinforcing the stronger ones. We will continue to use that approach. I will consider what the Deputies said in the context of the budget preparations, which have just commenced and which will conclude in the House on 15 October.

Local Authority Housing Issues

Deputy Catherine Byrne: I thank the Chair for allowing me to raise this matter and the Minister of State for coming before the House to take it. There are approximately 166 housing vacancies in the area in which I live. There are 70 in the south-west inner city, 70 plus between Ballyfermot and Inchicore and 27 in the Crumlin-Kimmage area. In Dublin city alone, approximately 16,000 people are on the housing list. Some 7,000 of these individuals live in Dublin South-Central. The majority of people who attend my clinics have problems with housing. They are not able to get houses and many of them have been on the list for more than ten years. Yesterday, the Simon Community announced that the number of people sleeping rough in the period July to September increased by 88% over the figure for the corresponding period last year. On one night its volunteers found 85 people sleeping rough on the streets.

At this point I must thank the Society of St. Vincent de Paul, the Simon Community and, above all, the Salvation Army. Were it not for those services, this city would be flooded with people sleeping rough at night. I visited Merchant's Quay in the company of the Taoiseach

during the summer. Roughly 300 people attend the services available there each day. They are able to obtain meals, wash themselves and do other important things such as seeing a doctor or a dentist. Those we met were mainly men between the ages of 30 and 50. Aside from their alcohol and drug addiction problems, their main reason for being there is because they are homeless. If they have places in hostels, they are obliged to leave by a certain time and then spend the day on the street. The Taoiseach indicated that he understood their plight and made a commitment to taking action in respect of the problems of homelessness in Dublin, particularly in the Merchant's Quay area where many men sleep rough at night.

I have been informed that Dublin City Council's budget does not allow for any further work on vacant units. Only one contractor is employed in respect of works in Dublin South-Central. All the other contractors have been let go. The average turnaround time for contractors is six weeks for a flat and longer for a house. If the matter goes through the maintenance department of Dublin City Council, it can take anything between six months to a year for work to be completed. This is extremely troubling. Maintenance crews, particularly craftsmen, have been redeployed and some have even lost their jobs. The latter makes it even more difficult for those who are left to do their ordinary work - carrying out everyday necessary maintenance on houses and flats - properly and they find it impossible to spend a fortnight making vacant houses and flats capable of habitation again. Furthermore, a large number of private landlords are abandoning the rent allowance scheme and this is leading increasing numbers of people into local authority housing. This is also troubling because many of those involved have been in private rented accommodation for up to 15 years. I understand that landlords may wish to move on and, given the times that are in it, sell their properties. However, this is placing a huge burden on the city council.

I grew up near Richmond Barracks, which later became Keogh Square and then St. Michael's Estate. It was not the best place in which to live but at least people had a roof over their heads. Anybody from the area will acknowledge that at least they had homes.

The actions of those in the voluntary housing sector are adding to the problem. Voluntary housing organisations have become very selective with regard to the tenants they choose. This means that the council is being obliged to house many of the most vulnerable and at-risk individuals in society. The needs of these people really need to be addressed. I request that the Minister of State seek a meeting with the new city manager to see what might be done in the context of making available some of the long-term voids that are in existence, particularly those in Dublin South-Central, in order that very young men there might avail of a bed-sit, even for the evening.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I thank Deputy Catherine Byrne for raising this issue and I know she is extremely concerned about it. On her final point, I intend to meet the new Dublin city manager as soon as possible. I will be addressing with him all the issues to which the Deputy refers.

The management and maintenance of local authority housing stock, including the carrying out of pre-letting repairs, is a matter for each individual local authority under section 58 of the Housing Act 1966. My Department is committed to supporting local authorities in maintaining and improving the quality of the national social housing stock through a range of measures, including large-scale urban regeneration programmes, improving the standard and energy efficiency of dwellings, pre-letting repairs and improvement and refurbishment works to vacant

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properties, in order to return them to productive use as quickly as possible. This year, my Department is providing funding of more than €62 million to Dublin City Council in respect of its 2013 social housing programme. This includes €31 million for regeneration projects in Ballymun and at a number of other locations in Dublin city. A further €9.8 million is being provided under the remedial works scheme for the refurbishment of tenanted and vacant units in Liberty House and Bunnratty.

Constraints on the public capital programme and the reduction in new social housing supply have added to the urgency of focusing on vacant stock. This is relevant both in terms of vacancies management and rent receipts. In this regard, the most recent value for money study on management and maintenance of vacant dwellings in local authorities, which was carried out by the Local Government Audit Service in 2011, contained a number of sound recommendations in respect of issues such as maintenance and repairs, allocation and refusals, tenant sustainability, etc. All of these should assist local authorities in implementing improvement works programmes. One of the recommendations was to the effect that Dublin city would pilot a term maintenance and refurbishment works contract in order to reduce significantly the re-letting time for vacant dwellings. This has been very successful in reducing the average turnaround time from 27.82 weeks to 6.4 weeks. In excess of 500 units have been completed under this programme to date. In addition, 107 units are being refurbished with direct labour.

Since 2011, a more target-driven, cost-effective and administratively efficient improvement programme is being implemented. Making vacant stock available for re-letting was a priority in 2011 and 2012 and, because of the decline in internal capital receipts, my Department increased the level of capital support to local authorities for improvement works and refurbishment of long-term voids. Over the course of these two years, my Department focused almost exclusively on refurbishing vacant properties with the objective of bringing as many as possible of these back into productive use. During that period, 4,700 units were improved at a cost of more than €52 million. A total of 2,659 units were refurbished in 2011 and a further 2,115 in 2012. Given the constraints on capital budgets for new stock and the concentration on vacant properties in recent years and in view of the substantial numbers of vacant properties which were improved, my Department is focusing attention on those occupied and older dwellings which lack adequate insulation and draught-proofing. Many tenants were concerned by the fact that vacant units were being refurbished while no works were being carried out on their properties. We were very conscious of that fact.

Local authorities are undertaking energy retrofitting works in conjunction with pre-letting repairs with the objective of getting best value for money and ensuring the existing stock will be available to meet housing need. A sum of €10 million is being provided for this purpose in 2013 as part of the social housing investment programme. On 5 June, I announced a new €50 million, three year jobs stimulus energy efficiency investment programme for local authority homes. This will target the 25,000 least energy-efficient properties and will result in warmer homes and lower energy bills for thousands of families. It will also create approximately 1,000 jobs in the sector. Over the next three years, a suite of works to include wall and roof-attic insulation as well as draught proofing of windows and doors will be carried out on each of these properties.

Deputy Catherine Byrne: I welcome the Minister of State's reply. It is great that 25,000 people will have their properties improved and made energy efficient. However, I am concerned about those who have no homes. I understand the huge commitment that has been made in respect of regeneration projects, particularly those in my area at St. Theresa's Gardens,

Fatima Mansions and Dolphin House. All that the Minister of State outlined will be of no use to people who are on the housing waiting list and who cannot get into houses or flats. As already stated, 166 units are vacant at present. I cannot understand the logic used by the city council and others in respect of this matter. Surely it would be better to return those units to the system because people would then be paying rent in respect of them. I accept that the amount involved would only be a drop in the ocean but at least 166 additional families would be housed. Like the Minister of State, I am lucky to have a roof over my head. I cannot imagine what it must be like not to be able to go home each evening and lie in one's own bed. That must be a terrible state of affairs. One can understand the dilemma faced by those who are homeless.

There is a major problem within Dublin City Council in the context of the recruitment of staff, particularly craftspeople. When people leave a maintenance section in Dublin City Council, they are not replaced. That is very bad not only for the vacant properties but also for other properties. The new letting arrangement will come into place in the next month or two in Dublin City Council. Will it make any difference when there are no units out there to give in? People will be judged on their length of tenure. What will happen is - I have spoken to many staff about this - that people in rented accommodation will go onto the priority list because most of them will have been living in rented accommodation for 15 years. They will go directly back into the system at the top. The ones who have no property within the Dublin City Council area, those who are homeless and others who are on the list, will not have an opportunity. I thank the Minister of State for her answer but radical changes must be made in Dublin City Council. I know she and the Minister, Deputy Hogan, will do their best. I hope the new city manager, Mr. Owen Keegan, will be given the opportunity to meet the Minister of State as soon as possible.

Deputy Jan O'Sullivan: I hope to meet the new city manager and the director of service for housing in the near future to address these issues. To add to what I said, we have also submitted a €100 million proposal under the Structural and Investment Funds to the European Union for deep retrofitting of 2,000 apartments and flats, and 1,500 of those are in Dublin city. We are fairly confident that we fulfil the requirements for the Structural Fund money, and we hope we will get information on that in the very near future. That is another measure we are taking.

There are a variety of ways in which we want to bring the units which are there back into use, which was the subject in the Deputy's Topical Issue. I am also very conscious of the need to increase supply in whatever way we can. In Dublin, in particular, there is a real issue around housing supply, both private and public, and there are real pressures in the private and public rented sectors, which we recognise. I have made a strong commitment to working as hard as we possibly can to maintain our budgets for homelessness, despite the pressures in the current times. These are all priorities and, as the Deputy requested, we will address them with the Dublin City Council manager and other colleagues on Dublin City Council.

Syrian Conflict

Deputy Brendan Smith: I thank the Office of the Ceann Comhairle for giving me the opportunity to raise once again in this House the very important issue of the very desperate situation in Syria. I have raised the matter in Topical Issue debates on a number of occasions. This is the first opportunity I have had in this House to congratulate the Minister of State, Deputy Donohoe, on his appointment and wish him every success in his important work as Minister of State with responsibility for European affairs.

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Everyone in this House will welcome the fact that Syria is about to become the 190th state party to the Chemical Weapons Convention, thanks to a US and Russia-brokered deal. This convention bans the acquisition and use of chemical weapons and requires state parties to destroy existing stocks and production facilities on joining. This is a significant development given the recent deadly chemical weapons attack on Ghouta, a rebel-held Damascus suburb on 21 August. The return of a team of UN chemical weapons inspectors today to the Syrian capital of Damascus to complete their investigation into “pending credible allegations” of chemical weapons use in Syria’s civil war is also to be welcomed.

It appears as though some parties are beginning to engage in constructive dialogue to stop what has been an international tragedy, resulting in the death of more than 100,000 Syrians. Some 2.5 million Syrians have been displaced from their own country and more than 4 million are displaced within their own country. Unfortunately, it is the humanitarian issue of this generation.

The situation remains very precarious. The fact that several Syrian rebel groups, including a powerful al-Qaeda-linked faction, said today that they reject the authority of the western-backed opposition coalition shows that a stable and settled peace is still far from secure. Further international engagement is, therefore, vital. Any progress that has been made must be consolidated by increasing pressure from international powers, including the European Union and the United Nations, whose Security Council has, to date, been totally ineffective in dealing with this issue. The lack of a coherent strategy coming from Brussels on this issue is disappointing and shows that despite many EU institutional changes, increased competencies and, indeed, increased staff in recent years in the European External Action Service, we still find ourselves searching for common cause when it comes to our approach for foreign affairs.

I very much welcome the Tánaiste’s announcement today that Ireland will help to facilitate the destruction of chemical weapons from Syria through the Organisation for the Prohibition of Chemical Weapons. This commitment is reflective of our long-standing opposition to the use of weapons of mass destruction. I have raised this matter to seek further clarification as to how this commitment will work in practice. Under what budget will this funding come from in the Department of Foreign Affairs and Trade? What commitments have been received from our international partners in regard to their participation in and support for this very worthy endeavour?

I put on record my concern that it appears it is the international community which will have to shoulder the full cost of these measures and that the Syrian regime will have to pay nothing towards the destruction of these weapons. Will Minister of State clarify this point or come back to me subsequently on it? Was the Syrian regime approached to fund the destruction of these weapons at all?

Minister of State at the Department of the Taoiseach (Deputy Paschal Donohoe): I thank the Deputy for the kind words at the start of his contribution, which I appreciate. I also thank him for the number of times he has raised this vital issue. What was a beautiful summer for many of us was haunted by those awful images we saw of the use of chemical weapons on those poor communities. Whether those weapons would be used was a fear many people had and it was truly horrific to see them being deployed by a state against its own people.

The Deputy touched on a number of areas which are very relevant to the scale of challenges we face. He very accurately said that this is the largest displacement of individuals in modern

times. I had a meeting with a delegation from Turkey today. It has almost 500,000 Syrians within its borders who have been displaced by the degree of violence and civil war to which the Deputy referred. The Deputy was correct to identify the scale of deaths which occurred before the terrible events we are discussing. He identified a deep complexity within this situation which is that it is a highly fragmented political situation. The Deputy also identified the great difficulty any outside groups have in regard to playing a role in it. As he noted, if any group in that environment is seen to get support from the outside, it can only lead to further instability.

The Deputy articulated concern regarding the inability of European institutions to play a firmer role in putting together a response in this regard. I point out that many members of the European Union have the same concerns we do regarding the delegation of sovereignty in the areas of foreign policy and defence policy to European institutions. Many of the issues on which we have touched are those which governments decide for themselves. They try to reach agreement. We would be sensitive to an outside body having a role in regard to the deployment of our armed forces elsewhere. It is understandable that other countries would feel the same.

I would like to respond to some of the particular points raised with me by the Deputy. The Organisation for the Prohibition of Chemical Weapons, OPCW, which was established under the Chemical Weapons Convention, will be playing a role in this regard. I think the Deputy referred to the convention. Ireland is currently a member of the executive council of the OPCW. Through that body, we will reach an understanding on how and when our funding will be deployed and what decision-making process will be used when these weapons are being destroyed and decommissioned. I understand that Ireland, along with other members of the executive council of the OPCW, is awaiting a draft decision from bodies that are involved in this negotiation. It is foreseen that the inspectors will inspect all chemical weapons storage and production facilities in Syria. This will begin very shortly as a first step. Subsequently, a detailed destruction plan will be developed. I cannot confirm for the Deputy the detail of the discussion with the Syrian authorities on the cost plan. I can confirm, however, on the basis of comments I have seen elsewhere, that the cost involved in this exercise will be truly gigantic. That is why countries like Ireland are playing a role in the hoped-for destruction of these weapons.

Deputy Brendan Smith: I thank the Minister of State for his response. His commitment to using every opportunity to highlight the huge humanitarian disaster that has taken place over the past two years is obvious. He will be aware that the Joint Committee on Foreign Affairs and Trade had a detailed discussion on this issue with the Tánaiste last week. Many non-governmental organisations and sister organisations of some of the Irish non-governmental organisations are doing outstanding work in exceptionally difficult circumstances.

Deputy Paschal Donohoe: Yes.

Deputy Brendan Smith: I appreciate the fact that significant funding from our overseas development aid budget has been allocated for this worthy humanitarian effort. In fairness to Europe, it has been the best contributor to the humanitarian effort. As I have said to the Tánaiste during previous debates on this matter during Question Time and Topical Issues, Europe needs to keep reminding the rest of the international community of its serious obligation to help out and try to alleviate the horror, suffering and nightmare that is so prevalent in Syria and, as the Minister of State mentioned, in adjoining countries. In particular, the EU must remind the UN Security Council of the need to fulfil its obligations. I thought Commissioner Ashton was extremely quiet on this issue during the summer months, so I was interested to read the statement she made about a week ago in which she quite rightly stated that the chemical attack

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was a blatant “violation of international law, a war crime, and a crime against humanity”. Her statement, which was issued after the Council of Ministers meetings, also called “on the UN Security Council to assume its responsibilities”. I think every parliament that is concerned with human rights and with the dignity of every individual must send a clear message to that effect.

Deputy Paschal Donohoe: I thank the Deputy again for raising this issue. I would like to make a point about our attitude towards European institutions. We should not criticise European institutions for not deploying powers which member states have chosen not to give them. While the Deputy did not make such a criticism, the point is worth making all the same. Many of the areas which are most sensitive to us are still matters of national competence and decision-making. The Deputy rightly picked up on the role of Commissioner Ashton and her organisation, the European External Action Service. It is worthwhile to make the point that Commissioner Ashton and her colleagues in the service were the first people to have the ability to meet very important individuals in Egypt in the aftermath of the difficulty that happened there. The centrality of the Commissioner and her body in the work that is taking place in the Middle East is also worth pointing out. Indeed, I remind the House that they orchestrated and delivered the recent massive breakthrough in the Balkans. The service is dealing with the aftermath of terrible tragedy there as well. The Deputy referenced very well the outstanding work of many Irish organisations in that area. I suggest this is the clearest example of the huge value of neutrality to a country like Ireland. Neutrality is not just a policy choice of pragmatism, it is a principle of absolute value. One of the reasons our organisations can do this kind of work is that they are associated with the neutrality of this country. This is also the reason we hope to be in a position to be able to deploy troops to an area adjacent to this terrible difficulty and protect vulnerable people who need help to ensure they can live their lives safely. I thank the Deputy again for his remarks. He referred to the fact that the Government has contributed €200,000 to this. Ireland has now contributed a total of €11 million to this tragedy. The Deputy can be assured of our continued focus on doing all we can in this regard.

Ambulance Service Provision

Deputy Michael Healy-Rae: I thank the Ceann Comhairle’s office for allowing me to raise this important matter as a Topical Issue. I wish the Minister of State, Deputy Donohoe, well in his new position. I understand why the Minister for Health and the Minister of State at the Department of Health, Deputy Kathleen Lynch, are not here today. I would like to send the Minister of State my best wishes. I understand perfectly why nobody from the Department of Health is able to be here today. I am not giving out about it. I am saying I understand it.

Deputy Paschal Donohoe: Sure.

Deputy Michael Healy-Rae: This is a very important issue. The great town of Killarney has been served by two ambulances for 36 years. Unfortunately, it has been decided as part of a reconfiguration - a wonderful word that is used by the HSE - to take away one of the ambulances that serve the town. This ridiculous decision will have a detrimental knock-on effect on the ambulance service in places like Kenmare. While I am grateful that the town will retain its 24 hour, seven day emergency ambulance service, it is obvious that the Kenmare ambulance will be called on when a second ambulance is required in Killarney. That, in turn, will mean that Kenmare and its massive hinterland, which includes places like Cuhig, Lauragh, Sneem, Bunane and Kilgarvan, will have no ambulance service.

It is wrong that this measure is being taken. It was highlighted recently by people like Councillor Niall 'Botty' O'Callaghan and my brother, Councillor Danny Healy-Rae, when we met HSE officials at a controversial briefing. While we have been fighting vigorously against what the HSE is doing, we have to be realistic at this stage and accept it is going ahead. We need to decide what this situation will mean for us. I have resigned myself to having to make certain requests. Confidence in the ambulance service in Kerry has been lost because of this move. At the very least, the HSE should make provision for busy times. Everybody knows the population of Killarney explodes during the summer, at Christmas and when Munster finals take place. Provision should be made for a second emergency ambulance service to be provided at those times. That is a reasonable request. It is also reasonable to ask for the situation to be reviewed in three months time. There should be an examination of how the new system that has been put in place by the HSE is working. It should involve all of the stakeholders, including the local GPs in Killarney, who provide an excellent service, and the local town councillors, who are unfortunately about to be abolished. While they are still in place, there should be another meeting involving people like Councillor O'Callaghan at which the manner in which the service has unfolded - how it is working out on the ground - could be discussed.

I would like to mention another aspect of this issue before I conclude. As the Minister of State knows, the emergency call-out centre has been taken from County Kerry and centralised up here in Townsend Street. I was totally and absolutely against this move because I did not think the Townsend Street facility was fit for purpose. No external safety audit of it was carried out while an internal safety audit was carried out by the HSE itself, which was totally inadequate. Situations have arisen since that has happened and I will give one example. Rock Street in Tralee is five minutes from Kerry General Hospital. A man suffered a serious stroke recently. It was 45 minutes before the ambulance arrived for him and that was a direct result of taking our call-out centre away from County Kerry where we had local knowledge and centralising it in Townsend Street.

Deputy Paschal Donohoe: I thank the Deputy for raising the issue and for acknowledging why I am taking this on behalf of the Department of Health. During the summer, I had opportunity to spend a wonderful week in many of the areas to which the Deputy referred. I have some small appreciation of some of the difficulties to which he has referred.

I would make the point to the Deputy that he is very strong in opposing so much of the work the Government is doing when a tax increase is put forward or a spending cut put in place. All the Government is trying to do is put in place reforms to ensure that out of the many billions of euro of taxpayers' money that are still being spent, it can provide a level of service to the Deputy's constituents that he wants to see them provided with and the Government wants to see maintained. If I have a look at what has happened here in respect of the national ambulance service and the measures being proposed there, I hope that despite the Deputy's caution, it will be seen as a way in which our front-line professionals can make the best possible use of what they have at their disposal.

It is a new region-wide service, as the Deputy is aware, that looks to put in place a better way of working to replace the current local delivery systems. It comes directly from an analysis of the needs of the south Kerry area and the best use of emergency resources, including paramedics and advanced paramedics. This plan was agreed by HSE management, union representatives and staff within the HSE so it is a model that went through consultation with all of the people who will be involved in delivering the service and puts in place a number of benefits for patients and the people on whose behalf the Deputy is raising this issue.

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It replaces on-call work practices with on-duty rostering to bring south Kerry into line with most of the region. This means that during a shift, paramedic staff are at their bases or in their vehicles ready to be dispatched immediately to 112 or 999 calls as opposed to waiting for notification to come through to them. It looks to put in place the best possible use of emergency vehicles and personnel. It allows for the introduction of an intermediate care vehicle for routine transfers of patients between acute and community hospitals. It permits the retention of the ambulance stations in Killarney, Cahersiveen and Kenmare as locations for deployment in the south Kerry area.

In a modern emergency service, treatment, as the Deputy is aware, begins at the scene of an incident. The patients are assessed, treated and stabilised before being transported to the most appropriate facility. The national ambulance service has highly trained health professionals in south Kerry at paramedic and advanced paramedic level who can and will perform life-saving interventions and other advanced treatment at the scene of an emergency before moving the patient safely to an acute facility for further treatment. The Minister has been assured that many of the concerns raised by the Deputy will be dealt with in the new arrangements that are being put in place.

Under the new arrangements, an extra 126 resource hours are now in place in the three stations I mentioned earlier and the move to on-duty services also means that the entire region of south Kerry will have a 24-hour day, seven-day week emergency ambulance service. This means that the people have timely access to highly skilled paramedic and advanced paramedic staff day and night.

Deputy Michael Healy-Rae: I thank the Minister of State for his reply. He talks about saving money and reconfiguring and reforming the delivery of our services on the ground but all places are not the same. Save Our Ambulance Kenmare under the chairmanship of Michael Hayes was formed to retain our 24-hour, seven-day week ambulance service for the town and did excellent work in highlighting how important it was to have a full ambulance service in the town. It highlighted a situation that could arise as a result of taking the ambulance out of Kenmare to cover Killarney because there will be only one basic ambulance serving that big town. Its work has been successful but when that ambulance goes, situations could arise. The town is a very busy place in the summer. There are road accidents and an elderly population. If a person does not have the service of a proper ambulance and if a first responder or some other vehicle goes back to Kenmare, which is a good two hours from Kerry General Hospital, the delay incurred by first sending a first responder, stabilising the patient and then having to wait for an ambulance to come from God only knows where at that stage - Tralee, Cork or Bantry - would be enormous. One would be talking about many hours before that person would finish up in an acute hospital. That would ultimately lead to the loss of lives, which is why I am grateful to have the opportunity to have this Topical Issues debate today, but the Minister of State's response does not deal with the problem we are facing on the ground.

Deputy Paschal Donohoe: I thank the Deputy for his response. I would emphasise a number of points in response to him while understanding completely the concerns of the people he represents. In no way did I mean to suggest that my small amount of time spent there is equal to the knowledge the Deputy and other representatives would have regarding the concerns people are articulating. That said, I emphasise some points we discussed earlier.

The first is that due to the change that has taken place, an additional 126 hours will be rostered every week. Due to the changes in work practices to which staff and unions have agreed,

more work hours will be available. I again confirm that no ambulance stations will be closed as a result of this change and emphasise that due to this, not only will an extra 126 hours be available, there will be 96 more on-duty emergency hours available per week in the region. Due to the changes to which staff have agreed, on-duty and response times will improve. I have been informed that the reason for that is because emergency ambulances will be available straight-away and where necessary, ambulances from adjacent stations will provide dynamic and direct cover.

I understand very well because I have had to deal with these issues in my own constituency in respect of changes in front-line services. Whenever any change is made in a service that is so sensitive, people are obviously deeply concerned. All I can do is conclude by emphasising that more hours will be made available as a result of these changes which have been brokered and delivered by the staff, unions and management who are involved in the very provision of the service about which the Deputy is so understandably concerned.

**Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013:
Second Stage (Resumed)**

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

Deputy Tom Barry: I will continue my contribution to the debate on the Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013. This is an opportunity to avail of the skills in the public service. I also feel we should incentivise the public service, as is the case with the private sector, because it is very important that people feel they are contributing and that their contribution is valued. It incentivises them to provide more.

I would encourage the Minister not to forget the SMEs and to use this as an opportunity to become familiar and engage with them. We have often heard about the public sector that its members will have their wages at the end of the week while an SME owner will not. I have heard people in SMEs say that the people concerned do not “get” this and are putting obstacles in their way. It is time the Government got it. We will get it by letting people in the public sector who have the aptitudes and skills move into areas where they can contribute in a meaningful fashion. Matching people to their interests is essential. Such people exist within the public sector. I believe this arrangement can merge seamlessly and that it will encourage small businesses to expand.

I diverge slightly to point out that such skills do not disappear on retirement. Another angle here is the experience of retired people whose voluntary contributions are valuable. As we move people around we should also recognise there are such people who can contribute. We must not forget this. This happens in the agricultural sector, an area where I am involved to a large degree. It is no surprise that this sector produces more than €10 billion in exports because there is liaison of the skills of all concerned. It is very important to recognise that.

This is just another small step along the way. I congratulate the Minister for sticking to his guns on many of these issues and making this happen. It is not easy to implement change in any

organisation. Some people would like us to believe that no change is occurring - it is easy to stand up and say that. However, I applaud the effort made by all the people concerned. Change is occurring and great strides have been made. There is enormous opportunity and the fruits of it all will be seen in time. It may take some years for all of this to bed down but if one were doing this to gain immediate thanks that would not happen. This country will be a better place as a result of this Bill and others that have been implemented.

Acting Chairman (Deputy Jerry Buttimer): I call Deputy Heather Humphreys who is sharing time with other Members.

Deputy Heather Humphreys: Yes, with Deputy Patrick O'Donovan, and others. I welcome the opportunity to speak on this Bill which will amend the Public Service Management Act 2004, removing the legislative barriers to redeployment and overall mobility within the public service. This is a positive development as it is important there be a greater degree of flexibility in terms of redeployment within our public service. It is particularly significant in the current economic climate, where there is a moratorium on recruitment. We must ensure that sufficient resources and manpower are provided to those areas of our public service which most need them. Redeployment and the ability to transfer within organisations are factors every business and organisation treat as a priority. Every corporate organisation needs flexibility which, in turn, can lead to a more satisfied and better workforce that will generate improved productivity levels. Every employee wants to see a clear career path and to know there are opportunities for promotion and career development. It is important to have flexibility within the public service so that people can move into other areas in which they may be interested.

The Bill creates opportunities for public service staff so that they need not be stuck in the same area or Department for the rest of their lives and for whom there will be other career opportunities. This is important because we are living in a changing world and are no longer in the one where there is a job for life, where one stays in the same place forever. That is a good thing because people can get stale doing the same job for years. They become demotivated which is reflected in their work and their attitude towards their job and their employers. It is important, therefore, that employees have the opportunity to transfer easily within different areas of the public service. I have no doubt that greater flexibility will lead to increased job satisfaction.

Recently I tabled a parliamentary question to the Minister on the issue of certified and un-certified sick leave within our public service. It is worth noting that in 2012, €447 million was spent on sick leave in the public service. Although that figure is significantly reduced from the figure of €490 million in 2010 it still remains very high, at a cost of almost €500 million - by any standards a huge amount of money. There are many reasons for sick leave but it would be fair to say, particularly in regard to uncertified sick leave, that it may indicate a lack of job satisfaction for some staff. It is important that staff feel valued and that they can believe a better career path can be there for them, with flexibility to work in other areas in which they may have an interest.

While the core objective of the Bill is to ensure that the various areas within the public service are adequately staffed, there are benefits also for employees who are looking for a change. This type of flexibility will benefit the public service and I commend the Minister for introducing the Bill. He is obviously looking for savings - we all know there is a very difficult budget ahead. I believe there are substantial further savings to be made in the area of sick leave. Giving staff flexibility and the opportunity to start afresh in a new area will help to motivate them and alleviate some of the dissatisfaction problems.

This legislation will allow managers to identify within the entire public service people who might be better suited to jobs in other areas. I am sure there are other staff who may wish to transfer to different areas of the country for personal or family reasons; the flexibility allowed in this Bill will allow this type of movement to occur more freely. This Bill is a very positive move and I commend the Minister for introducing it.

Acting Chairman (Deputy Jerry Buttimer): Deputy Áine Collins has six minutes and 40 seconds.

Deputy Áine Collins: I may not be that long. A recruitment ban in the public service has been in place for some time. The cost of running the public service was one of the many issues identified by the troika as an area that must be tackled. For years, there was anecdotal evidence of surplus staff in certain Departments and shortages in others. This situation developed over the years as functions and responsibilities were transferred from one Department to another without corresponding mobility of staff. A key objective of this legislation is to ensure that the right staff are in the right place at the right time. Cross-sectoral mobility is intended to support this objective and the passage of this Bill is required to facilitate definitive cross-sectoral transfers. The Croke Park agreement provided, for the first time, a basis for movement within the Civil Service, the health service and the local authority and educational sectors. This was crucial to allow redeployment between the public service and non-commercial semi-State bodies. The Haddington Road agreement, together with the Croke Park agreement, played a key role in the reassignment of, to date, more than 10,000 staff. This flexibility is essential to ensure the best use of staff resources and to protect front-line services.

Currently, definitive redeployment from one sector of the public service to another is not legally possible. Any progress made up to now has been made possible only by secondment arrangements. This Bill will provide certainty of assignment both for those on secondment and those who will move in the future. It will also provide certainty for the sending and receiving organisations. In accepting the Croke Park and Haddington Road agreements, the public service has stepped up to the mark and recognised that antiquated rules that defied common sense were no longer acceptable.

As a consequence of the agreements the Government has agreed that compulsory redundancy will not apply to public servants where there is continued agreement of flexibility and redeployment. Other important provisions contained in the Bill include section 57, which provides that when a person is designated by the PAS for redeployment he or she shall be appointed to that new position; section 57C which provides that redeployment will be made on no less favourable conditions of basic pay and provisions; and section 57E which sets out details of those who are precluded from redeployment by the PAS. These include holders of political, judicial and constitutional posts, presidential and Government appointees, special advisers, members of the Permanent Defence Forces, officers of the Houses of the Oireachtas and those employed by the Central Bank and the NTMA. This section also provides that the Minister may, by order, add further bodies to this list.

This is a short technical Bill but it adds important clarity to what has been achieved to date in the Croke Park and Haddington Road agreements. It recognises there has been a sea-change in public service administration and clearly states that the Government must deploy its resources to best serve the community. There is a clear recognition that the public service as a whole must accept that its first obligation is service to the general public in whatever role is necessary at any particular time. The significance of this change should not be underestimated. It became clear

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during the Presidential election what great work the public service does as we saw what was achieved during that time. I commend the Minister for his initiative in introducing this Bill. Although it is a short technical Bill it is a very important one and I commend it to the House.

5 o'clock

Deputy Patrick O'Donovan: The Minister has responsibility for public sector reform. We have had a lot of huffing and puffing, hot air and windbag statements from Members of the Opposition on Dáil reform. There are four Whips on the Opposition benches and they are all drawing a substantial amount of money every year from the Department of Public Expenditure and Reform, yet between the four of them they cannot arrange to have one single Deputy from the Opposition in the Chamber to hear the debate on the Bill. They talk about Dáil reform, yet they do not want to be in the Dáil and they are doing a massive disservice to their own positions when they parade themselves in the media and talk about Dáil reform, criticising the Minister and everybody else-----

Acting Chairman (Deputy Jerry Buttimer): Please stick to the Bill.

Deputy Patrick O'Donovan: This is part of the Bill, because it has reform emblazoned all over it. Yet when push comes to shove, they will not attend the Chamber. They are doing the Oireachtas a huge disservice with the charade that goes on here every day about so-called opposition.

While this Bill is small and relatively technical, it has an impact on people's lives and that might be lost in some of the discourse. When we talk about public servants, about trying to achieve more with less, about money and redeployment, people are always at the back of that. As a public servant myself before I came in here, we need to be very conscious and very careful in the use of language during debate on public services and the restructuring that needs to take place. It is not a case of the private sector versus the public sector when we try to heal the economic woes in the country. Everybody needs to shoulder the burden evenly and proportionately.

Embracing new technologies and an improved transport system has led to a situation where by 2015 we will have 37,500 fewer public servants than what we had when Fianna Fáil, the Green Party and the Progressive Democrats were at their height, recruiting everybody and anybody into the public services. That recruitment into the public service under the last Government not only added hugely to the Exchequer costs of maintaining public services but it also ran down the value, reputation and the good work of the public service. We had agencies, talking shops and quangos for everything and anything under the sun when Bertie Ahern was running the country. We were then left with the situation where the current Government has to untangle, unravel and remove quangos from the country. If I had a criticism of the current Administration, it is that the "dequangoisation" of Ireland is not happening fast enough for many people-----

Deputy Brendan Howlin: I will send the Deputy the report I got yesterday.

Deputy Patrick O'Donovan: I look forward to that. We need to see a more aggressive "dequangoisation" of Ireland. They were left grow out of proportion at every crossroads in the country and they were given made up roles and responsibilities. Those organisations debased the real public servants, who are the people at the coalface whose sole responsibility is to deliver a public service to the customers. When we talk about public services, there is a temptation

to forget that the service user is actually a customer. He or she pays for the service by way of taxation or by charge. Much effort has been made over the last few years by local authorities to measure how services are being rolled out across communities, but more can be done to communicate how the services are being rolled out and the effectiveness of them.

My own county of Limerick is a test case for much of what is contained in this Bill in terms of redeployment. The role of Shannon Development and Shannon Airport has been changed. Limerick City Council and Limerick County Council are to be merged, we will see changes within the enterprise boards, the development boards are gone and we will probably see changes in Leader companies as well.

Deputy Brendan Howlin: That is a lot of quangos gone.

Deputy Patrick O'Donovan: Absolutely. Some of them are quangos and others are public services. There is a body of work that needs to be done to improve the morale of those organisations and to translate how that work is carried out on the ground. When we remove the quangos and layers from the country, we must ensure that we do not add cost to the customer who is a service user, be it a small business, a pensioner or whatever. We must not add costs by virtue of the fact that we are reducing the number of people in there.

I know it is not in the scope of the Bill, but our commercial semi-State companies have got off scot free. A perfect example over the last few years has been CIE, which has required a huge cash injection from the State. While semi-State companies like to work at arm's length from the Government during the good days and we cannot go in and ask for redeployment, salary cuts and so on, when things go wrong they turn to the Government to inject the cash. The Government should be demanding more from the leadership in those organisations. CEOs of public utilities that are running up huge losses are being paid multiples of the Minister's salary and the Taoiseach's salary, both of whom are ultimately responsible for the running of the country, and there is something seriously wrong with that. They have three or four times the salary of the Taoiseach, and a pension pot to boot, yet they know that there is an insurance policy in the guise of the Department of Public Expenditure and Reform, so that when the cash injection is needed, it will be provided. Much more needs to be done in that area in respect of salaries for those at the top, the structures in place and the services that are offered. These services must be offered at a competitive rate that reflects the commercial reality that many of these companies still monopolise.

There has been much work done in a short period of time by the current Government on public expenditure and on how we deliver public services. We have been very lucky that we have managed to do that with industrial peace. It is very important to acknowledge the role of people in the public services over the last few years who have accepted serious changes to their terms and conditions of employment, their salaries and their take-home pay, and all this has had an impact on their families as well. The same has happened in the private sector. We have made these changes by maintaining industrial peace. That is critical to how Ireland Inc. is portrayed abroad. How would this country be perceived internationally if we had, on top of everything else, the type of scenes that have taken place in some of the Mediterranean countries where public services might or might not function on any given day? Our public services have never let us down. They function. Our airports are always open, people always turn up to work, our children are being taught and our patients are being seen in hospitals. We need to acknowledge and, where possible, reward that. The structure in which to do that is in the framework that was set out by the Government under the Haddington Road agreement, when the Government and

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trade union representatives came to an agreement, albeit after an initial speed ramp. We have managed to do that and maintain public services at the level to which we have become accustomed. I would like to have that acknowledged.

The initial remarks that I made have not yet filtered into the halls of Leinster House. The record should show that not a single representative of the Opposition has come in here, but they will appear on “The Week in Politics” and will talk about reform. They should be in here, but they are not and they are notable by their absence. If they want real Dáil reform like they claim, the first place they should look for it is in the Chamber of the Dáil.

Deputy Bernard J. Durkan: I echo the sentiments expressed by Deputy O’Donovan. We hear much about democracy and the need for democratic systems and institutions. It behoves those of us who have been democratically elected to this or any other House to use its procedures to the best of our ability. Not doing so is a failure to do so on the part of those elected for that purpose. I have heard calls for a people’s assembly, but this is the people’s assembly. The Upper House is another part of it. For those who wish to debate and express their views, this is the place to do it.

Like Deputy O’Donovan, I congratulate the Minister for Public Expenditure and Reform on his achievements in an appalling situation. Last night, I attended a meeting called by the INTO at which it discussed the various cuts affecting the teaching profession and schools. Those present acknowledged the fact that significant difficulties were facing all Ministers, none more so than the Minister for Education and Skills, and that certain actions needed to be taken in light of the prevailing situation.

I compliment the Minister, Deputy Howlin. Along with his colleague, the Minister for Finance, he has been willing to deal with the difficult task they were handed in what seemed like impossible circumstances. There was denigration from all quarters inside and beyond this country to such an extent that lesser people would have folded. Full recognition and congratulations should be afforded the Ministers. This is not an empty compliment; it is fully intended.

Public service recruitment and appointments have taken up some of our time previously. We last had a major review in 2004, when I spoke against the proposal on the basis that it politicised the public sector. The public appointments commission had prevailed to that point. It was “reformed” - that was the allegation - in a way that politicised it. That did not work.

The Bill before us is reforming, important and useful, and we should not forget its intention, that being, to create a certain amount of mobility. In our current circumstances, it is necessary that deployment be facilitated within the public sector. I acknowledge the significant work undertaken by the public sector. I am not a public sector basher, as the Acting Chairman knows. I have believed for years that, without a good, strong public service, we would not be able to survive. It is due to the strength of the public service that important strides have been made in recent years. For example, it is necessary that the Department of Social Protection be in a position to recruit people from within the public sector to meet the workload thrust upon it as a result of high unemployment levels. Otherwise, the entire system would have come to a halt, as 400,000 unemployed people could not be dealt with by the Department had it the same number of staff as previously. This situation did not result from anything that the incoming Government did but from what unfolded before it entered into office. The situation needed to be addressed.

The Minister for Social Protection, Deputy Burton, has done a good job in appalling and

challenging circumstances. Every effort has been made to deliver services to a public that has been under increasing pressure. Congratulations are merited.

The public sector is being caused a problem by the ever-increasing magnitude of bureaucracy. This is challenging. An application form for anything consists of reams of questions, which are computerised at a later stage. Various boxes must be ticked and someone must be paid to assess them. For example, a local authority housing application consists of approximately 25 pages. It takes six months to evaluate whether the applicant is entitled to be put on the housing list. Notwithstanding that, the person in question has an entitlement under the Housing Act 1966 to have his or her housing need predominate other considerations. This is not a matter for the Minister for Public Expenditure and Reform. Rather, it is an example of how the bureaucracy has developed to such an extent that hordes of people must be detailed to determine outcomes.

I remember the 1980s, when two officials in my local authority handled up to 400 loans and the building of 400 houses per annum. This puts what happens today in perspective. They did their work quickly and without computers or other modern technologies. They used old typewriters, made carbon copies, etc. They were very effective and met the challenges of the time. They administered their office in a way that was community friendly.

Bureaucracy has evolved to such an extent that the process is almost impossible. It takes approximately six months to make a determination on an application for a local authority loan. It must be assessed locally, reams of correspondence must be submitted to the local authority and various boxes must be ticked, placing a burden and cost on the public sector. The application is then referred to a credit committee of the local authority, then to a credit authority at a central location. This level of bureaucracy is unnecessary. The process can be simplified. This point must be borne in mind.

Regarding public administration generally, my colleague, Deputy Catherine Murphy, referred to the need for greater deployments of public sector employees to handle larger populations. This is usually, but not always, the case. We all remember an example from the early 1980s. Comparisons used to be made with Greater Manchester, which had a similar population to Ireland. It was deemed that a single health authority was the ideal method of health administration for a population of that size, including in this country. That was wrong. There is a significant difference between the two areas' geographical spread. Administering services in an area that is 200 miles by 150 miles or whatever the case may be differs from administering services in an area that is 20 miles by 20 miles. If I travelled 100 miles west from the part of the country where I was born in north-east Mayo by the Sligo border, I would still be in County Mayo. If I travelled more than 100 miles east, I would be here. One cannot necessarily compare the two. One must have due regard for and balance geography and demographics.

We have all dealt with situations in this House whereby public servants wish to be redeployed, but due to the archaic system that was previously applied they could not be. I have come across situations where some public sector employees have had to travel up to 150 miles a day to and from work. They could fill similar positions in their own local areas which were filled by others who were anxious to be redeployed elsewhere. I sincerely hope that under this legislation it will be possible for those kinds of issues to be resolved seamlessly and without contention. That would ensure the requirements of individual public servants are borne in mind, and met, to the greatest extent possible. It should not be impossible to achieve that and it would not involve an abuse of the system. It simply recognises and acknowledges that it may

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be possible to provide a more efficient and effective service by creating less stress and trauma for those involved in the public sector.

That is particularly important at this juncture when people may have many competing demands, including mortgages and other increased costs. Those are the demands facing families at present. The proposed legislation will hopefully address those issues.

Arguments have been already advanced on the merits of the public service versus the private sector. As the Minister will know, there is a great opportunity for us to recognise the merits of both sectors. In the current climate, we must rely on both sectors in their respective major roles. From past experience, we know there are horses for courses. In some areas, services are better delivered by the public sector while others are not. In other areas, such as transport, competition between public and private sectors is useful and constructive. It can result in a better deal for the public. All in all, however, our public services have done us proud over the years and have worked extremely hard. Perhaps the odd branch of the public sector does not live up to expectations, but the odd private sector enterprise may not shape up either.

By and large, we have a dedicated public sector which has had to bear a fairly substantial burden following cost cutting and general cutbacks. We must also recognise that this situation is not permanent and I believe that, at the end of the day, the public sector's contribution will be recognised. In the course of this debate I hope there will be a recognition by all of the necessity to have an efficient and cost-effective public sector, which we do have. It is also important to recognise the need for change through redeployment and adapting to new circumstances. That is already being done, however. By regularly re-examining the current situation we can modernise and adapt accordingly.

I reject the notion that in the modern era we must increase the level of bureaucracy to implement controls. In the past, centralised control mechanisms have not worked worldwide. When they should have reacted they did not do so. When controls were allegedly in place that should have ensured the safety of our economic situation - not only in this country but globally - they did not work. People were charged with such responsibilities, yet they did not fulfil them. Sadly, the rest of our population, and the international community, paid the price for it.

When the system fails we should ask whether it was those involved or the system itself that failed. Modernisation and new rules are required where new challenges present themselves. We must be prepared to respond to such situations for the greater good as well as achieving greater efficiency and operating within the guidelines laid down by the troika and international financiers.

As time goes by, we must show that we have become more effective and efficient in achieving targets. We have all been charged with the responsibility of working longer hours for less. We have all accepted that as public representatives and public servants. As public representatives we represent the public and private sectors and have duties to both. Public servants also have a duty to the general public, albeit in a different context but contributing to the same thing - the effective and efficient delivery of services.

Our role and performance have a huge impact on what it costs to run the country in terms of borrowings. The issue that will be borne in mind, when these aspects are viewed from outside, is the degree to which we have managed to achieve an efficient delivery of services in line with democratic principles. If we recognise and observe those principles we will have achieved a

great deal.

I hope this legislation will be effective in doing the job it was intended to do. I also hope it will continue the work that has been undertaken already by the Minister in difficult circumstances, and that it will achieve the success it deserves.

Deputy Jerry Buttimer: How does one follow Deputy Durkan? I wish to sincerely congratulate the Minister, Deputy Howlin, on his achievements during his tenure in office, particularly in the past six months. He has had the vision, courage and skill to bring about change through the Croke Park and Haddington Road agreements, which was no easy achievement. As a public servant who spent many years teaching, I recognise the major changes that have taken place, not just in education but in the public service as a whole. The Minister deserves credit for what he has done, not in terms of reducing the pay and conditions of public servants, but in the way, by and large, he has brought everybody with him. It was not easy and although members of the public service often found it unpalatable it was necessary. As stated by Deputy Durkan, none of us who work in the public service and are public representatives want to have to work longer hours and be paid for less. However, we are in difficult economic times.

We all recall the budget in which decentralisation was proposed and the promise of the pot of gold in that regard in terms of redeployment and the mobility of public servants to the four provinces of the country. What we now have is reconfiguration, flexibility and greater mobility within the public service, all of which are necessary. Despite what the naysayers of this House have to say, who, despite Deputy O'Donovan's commentary, remain conspicuous by their absence, there has been a reduction of 12% in public service numbers since 2008.

The next task for the Minister, which will be an even bigger challenge for him, the Government and all of us, is to re-energise and re-enthuse the public servants who continue to work for us and with us. These are dedicated, committed people. It is easy for some of the fourth estate in particular to write about public servants. One publication in particular makes an almost weekly attack on them. However, much good work is being done. During the hearings on the heads of the Protection of Life During Pregnancy Bill 2013, the subsequent hearings following its publication and on Committee Stage members of the public service employed in the Houses of the Oireachtas, including the clerk to the committee and staff of the secretariat worked morning to night, at weekends and during Christmas holidays and bank holiday weekends. They were contactable at 12 midnight and 7.30 a.m. and were often at work at 7.30 a.m. preparing and organising for meetings and debates, but were not seen. That is just a small example of public service delivery.

I engage regularly with nurses, doctors, health care workers and teachers who go above and beyond the call of duty in serving the patient, student or person requiring their assistance. I often receive telephone calls from staff of Cork city or county council or the HSE long after the supposed finishing time of 5 p.m. or 6 p.m. Again, this is not known by many. We must now enthuse those who remain about the new journey we are on as a country. We have all had to incur hits and losses. I accept that the income levels and quality of life for many people in our public service have dropped.

I attended a public meeting of the INTO last Monday night in Cork, at which a great deal of frustration, anger and hurt was expressed. There was also huge positivity. I got into trouble for making that comment on Twitter following the meeting. Despite the frustration, what I heard that night was the commitment of professionals to those under their care, which is commend-

able. I hope that we can find a way of incentivising the public service. It is important we look at how can once again provide employment at different levels within the public service. It is important we provide people with opportunities to work.

I was struck today by the remarks of David Begg in the Seanad. It would be remiss of me not to commend him and Jack O'Connor on the role they played in what happened subsequent to the Croke Park and Haddington Road agreements. It was not easy for the trade unionists to accept there would be pain for their members in leading a new type of Ireland. Again, the nay-sayers will complain and give out but both of those gentlemen deserve credit, as do members of the unions for recognising we are in a difficult economic situation. It gives none us in Government any pleasure to support cuts to different budgetary elements. However, it is time to pause. Deputy O'Donovan spoke about the manner in which classes are being taught and about how people in the health care system are being cared for. I know that the Minister, Deputy Howlin, and the Minister for Finance, Deputy Noonan, are looking to post-January when Ireland finally exits its bailout agreement. However, there comes a time when it is necessary to call a halt. As a member of Government who canvasses, engages and meets regularly with people in his office, I believe we have reached that point because people do not have a lot more, if anything, to give. We must be conscious of that. I do not propose to get into the budgetary arithmetic today.

During the decommissioning last Friday of the *L.E. Emer* I was struck by the remarks made by Commodore Mark Mellet, a fine person and commander, about the benefits of the Naval Service. I was not aware until Commodore Mellet mentioned it in his short speech that the Naval Service, as well as defending our nation, fishing grounds and island territory, is responsible for defending our communication lines in the oceans surrounding us, particularly the Atlantic Ocean. As he said, we tend to forget that the Naval Service is responsible for defending vast amounts of communication lines. Those of us of a certain generation who have a romantic view of Ireland did not understand the dangers and risks for our Garda Síochána and Army personnel patrolling and protecting the Border and now protecting our nation. They, too, are public servants. While for many this work is a vocation or career, others, in particular community gardaí, wish only to work with and assist people.

We must always find ways to encourage redeployment, mobility and flexibility. Like Deputy O'Donovan I am baffled by the salaries paid to some CEOs, many of which are in excess of those paid to the Minister or Taoiseach. It makes no sense. The argument in support of this is always that they are responsible for making huge profits, employing large numbers of people and running huge organisations and so on which bring in huge revenues for those organisations and the State.

Another bug-bear of mine, which I mentioned previously in this House, is the rising cost of energy. While this issue does not necessarily come within the remit of this Bill there will come a point when we will have to address the issue of energy. I am not sure if the Minister heard the remarks made yesterday in England by Ed Miliband in regard to the freezing of gas and electricity prices.

Deputy Brendan Howlin: I did.

Deputy Jerry Buttimer: While it may not be possible for us to do so we must find ways, in conjunction with the regulator, of making energy less expensive. Many people are afraid to put on their heating and small and medium enterprises, restaurants, bars and so on are finding the cost of energy prohibitive. This must be addressed.

I am acutely conscious of the enormous change brought about by the HSE and Department of Health in terms of reconfiguration and the resultant loss in personnel. We have new ways of doing business in the health system which, although contentious in some areas, will benefit patients and others who need access to health care services.

The Ministers for Public Expenditure and Reform and Finance must tell the troika that the health service is demand led. I hope the officials in charge of the Health Service Executive will treat health as more than a budgetary exercise. If I may reminisce with Deputy Calleary, Charlie Haughey once described the budget as a cold, calculated computer printout. Health is not about pounds and pence but people in need of care and assistance and for this reason, the State must provide a health care system. This message must not be lost. To their credit, the Minister for Health, Deputy Reilly, and the Ministers of State at his Department, Deputies Alex White and Kathleen Lynch, are very conscious of the position in this regard.

We must strike the right balance and continue, in the current reconfiguration programme, to make health about patients, rather than allowing the troika to decide that too many people have medical cards and so forth. More than 2 million people, or 44% of the population, require a medical card. Compassion must be shown in considering who needs a medical card. By the same token, the medical card system was abused in the past when political patronage and clientelism were rife. The old adage that if one gives, one cannot take away is becoming increasingly relevant as people who should not have been given a medical card in the first instance find their applications to have their medical card renewed refused. Medical cards should be renewed only where applicants require them.

Reform and change are never easy. Those who view the public service from outside the prism of the public sector should consider the changes that are being implemented and the way in which public servants have bought into change and accepted the task of delivering services in a new way. The area in which I am predominately involved is the health sector. Those in the health sector who do not work in the public eye and are constantly pilloried deserve credit because they perform a service and ensure the system functions. Those on the front line of the health service also deserve our thanks and consideration. We must incentivise young physiotherapists, speech and language therapists, non-consultant hospital doctors and other young graduates to enter the health system. I welcome the decision by the Irish Medical Organisation to postpone industrial action and the commencement of negotiations between the IMO and HSE. The Joint Committee on Health and Children, which I chair, has held many meetings on the issue of non-consultant hospital doctors. We need to find a solution, not for political reasons or to appease vested interests but for future generations of young doctors and the people who will need their care. For too long, we have allowed our young medical graduates to travel the world because the Irish health system does not offer a clear career pathway or progression. Remedying this problem will require a new model of thinking and a new way of doing business. I hope such a model will emerge from the current talks.

The Minister and Deputy Patrick O'Donovan referred to the "quangoisation" of the public service. I look forward to the publication of the forthcoming report on this issue. I concur with the Minister that we have too many quangos and support the Government's decision to eliminate many of them. Government must be streamlined and made more efficient, flexible and people centred. It behoves all of us, whether commentators, politicians and public or private sector workers, to avoid driving a wedge between the private and public sectors because we need both of them and all of us will benefit from a more efficient and streamlined public service.

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One cannot compare apples and oranges. I hope those who comment on and write about the public service will reflect on the work that is done by public servants. If we did not have public servants, our schools and hospitals would not open, our streets would not be patrolled and our borders would not be marshalled by our Naval Service and Defence Forces. The public realm, in other words, would descend into chaos. While there is no doubt the ship of State is in choppy waters, the position would be worse were it not for our public servants. I return to the example of the Houses of the Oireachtas where we have fine, decent public servants who work hard and do unsociable hours to serve citizens. While I accept they are paid for their work, I also regret that this message is lost in most of the commentary on the public service. All of the public servants I have met in my career as a public representative and teacher care about what they do. They are concerned about the patient for whom they care or the child they educate and they want this country to become a better place. Public servants have made major sacrifices for the mistakes of the past.

Redeployment places certain people under pressure. While I accept that people have been forced to emigrate and others must commute to London, Paris, Manchester and Scotland to find work, it should also be possible to redeploy public servants from Castlebar to Cork or Dublin to Leitrim to enable them to be with their families. I hope the Bill will achieve this.

I also hope it will be possible to go after the high pensions and remuneration of former officeholders. I accept the Government has pursued these individuals to a degree. It drives people berserk to see some of those who caused our economic decline and the deterioration in living conditions sail off into the sunset with golden handshakes and massive pensions. Some may argue that I am engaging in political populism but this issue is raised with me daily by people I meet on the street and in my office. I would be failing in my duty, therefore, if I did not raise the issue.

I compliment the Minister, his officials and Mr. Kieran Mulvey, who I have neglected to mention thus far, on the work they have done on the Haddington Road agreement. I hope we will be rid of the troika by the end of the year. I ask the Minister to consider the points I have raised, especially regarding the demand-led nature of the health system and the requirement that the State assist, protect and look after its citizens.

The public service is operating with fewer resources and staff. We are truly fortunate to have the staff we have in the public service because they do tremendous work. I do not say this to curry favour but because I work in the public service and see every day the work that is being done by our public servants.

This is important legislation. I believe the Minister will come to be recognised as a reforming Minister who helped to steady the ship of state and improve the quality of life of our citizens. That view may not be widespread now because so many people - some more than others - are feeling pain. In time, however, future generations will look back on this Government and accept that it put the people and country before vested interests.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I thank all Deputies for a wide ranging debate on a narrow Bill which nonetheless goes to the heart of the reform agenda in the public service. I thank, in particular, Deputy Calleary for returning to the House. Many Deputies leave the Chamber once they have made their contribution, which is understandable because we are all busy. In many ways, Deputy Calleary started the process which led to the establishment of the Department of Public Expenditure and Reform. He was

a pathfinder who tried to make substantial changes, even though he did not have levers to pull. I acknowledge his recognition of the complexity of the public service. It is an extraordinarily complicated machine which operates 24 hours per day, seven days per week, 365 days of the year servicing every conceivable need of the public. I often attend fora where I listen to private sector commentators talk as if I were running a business. At the World Economic Forum a very prominent international businesswoman told me that during the downturn her organisation got rid of thousands of workers and it is now in a position to re-employ them. It is not possible to shut down the public service. We need our hospitals, schools, the Garda and the panoply of services upon which the quality of people's lives depend. In times of recession the pressure on the public service is even greater. The challenges of recent years - not just the two and a half years of this Government but also the dying days of the previous Government - have been a collapsing income stream where the tax income fell by 30% and a growing demand where the demographic is, thankfully, very good with 80,000 more pupils and 65,500 more pensioners, 500,000 more medical cards, all putting pressure on a system that has had fewer resources and people.

The simple task that fell to me was to steer the ship on as clear a path as I can. I acknowledge and welcome the extraordinary support from the vast majority of public servants who are stakeholders in this enterprise because they are stakeholders in the success of our country. They do not want to endure a diminution in their living standards, to work more or to be under that sort of pressure. However, by and large they have accepted that there is a path to recovery that must be trodden and the alternative, despite some of the grandiose grandstanding speeches of some, is an unsustainable path.

Some Deputies mentioned the OECD report which gave an important snapshot of where we were. In terms of mobility, we need an integrated public service, which we have been building. We are building all the disparate parts, which had different terms and conditions, different hours of work, different holiday arrangements and different sick leave arrangements, into an integrated system. We started having a senior Civil Service allowing mobility across the public service in order that people are not confined to silos. In the past, people often entered a Department or agency and stayed there for life. We need to expose people to different work patterns and have different influences from the private sector and public sector complementing each other. More than 10,000 people have moved already. For example, surplus staff from the Department of Agriculture, Food and the Marine have moved to the Garda central vetting unit and there are hundreds of other examples.

I will respond to some of the specific questions. There is an appeals process as set out in the Haddington Road agreement. Although training is outside the scope of the Bill, it is very much part of my agenda. There is no point in asking people to do a task if they are not prepared for it. If Deputy Calleary has not had a chance to visit PeoplePoint in Clonskeagh, the first shared service, I invite him to do so and I would be happy to accompany him. We brought all the human resource management from across the public service into one system and we are training the staff as we go. Some of the staff there have told me that it was the first time they went into a job fully conversant with the job. They knew what they were about. It is a good example and we will have more shared services as we roll out the programme.

Deputy McDonald welcomed the Bill and indicated her support for it. She spoke about last year's incentivised redundancy scheme. There was no incentivised redundancy scheme in the Civil Service. There was a date by which the reduced pay rates impacted on people's pensions and people made a rational decision to go before their pension was impacted by the reduced

pay rate. We had no control over that; it was not an incentivised redundancy package. We had no control over who left; people made rational decisions on the basis of their own economic circumstances. I have said that repeatedly but it does not seem to sink in.

The Deputy talked about services and specialised staff. Obviously there are specialised staff and we need more of them in the public service. We need generalists too. However, we are now recruiting again, particularly in the economic sphere. As Deputies will know, we established the Irish Government Economic and Evaluation Service in my Department last year and we are now farming out across the public service trained economists with an analytical ability. Deputy McDonald also mentioned staff in organisations that will change, for example, the national lottery. Obviously, all of that is subject to the law and will involve detailed negotiations with their representatives.

Deputy Catherine Murphy claimed that this was a limited Bill. She said many positive things with which I agree. I listened to her comments very carefully because by and large she speaks considerable sense. I say that in her absence and I hope it filters back to her. However, I do not believe she understands the reform agenda, which is fairly monumental. We published it in 2011 with timelines for its implementation. We have a reform and delivery office to which we have now recruited many more elements, including a new chief information officer for the public service to have a new linked-up delivery system using technology as best we can. We have recruited people with expertise from outside the service on short-term, five year contracts to do specific jobs of work in shared services, change management and all of these things. It might be useful to make a presentation at a committee detailing all that is happening so that everybody is up to speed on it.

The Deputy spoke about a traditional view of the public service that we need a particular number of staff to deliver a service. There is obviously an irreducible number, but the notion of having a yardstick that better services will be delivered with 500 staff than with 400 staff is inappropriate. She outlined a local government comparison on that basis. Clearly, certain population changes impacted very quickly on some parts of the country. In my county of Wexford, in the six years between censuses the population increased by 12% and a further 12% in the following six years, which is an extraordinary bulge. The traditional infrastructures of county hall and everything else did not mushroom to meet that. However, I strongly agree with her on the use of technology, which is why we are considering an integrated public service system with everybody linked to the same systems and having more services delivered online. More than 300 services are currently delivered online.

Deputy Boyd Barrett bristled. He is one of the most conservative people in this House and is completely resistant to change. He thinks he is progressive and advocates radicalism, but is extraordinarily resistant to any change. His idea of the public sector is more of everything - more spending and more staff - but without measuring outcomes. I have brought about budgetary changes whereby we not only measure inputs but also measure outputs and what we are getting for what we are putting in. The Deputy's notion is that we have a particular number of people which is grand. He suggests that by definition it is good to have more people as opposed to asking what services we are getting for that.

The Deputy talked about employment and investment. Some people do not want things to improve so he refuses to acknowledge the improvement in employment and the improvement in investment, particularly in the past year. The normal thing for Deputy Boyd Barrett is to prepare a speech without listening to any of the facts.

Deputy Finian McGrath spoke about the value of public service, which I strongly endorse. The quality of our lives is determined by the quality of our public service. It is hugely important to the quality of our lives to know we have clean streets, safe streets, proper education systems and the security of knowing that when we are ill, we can have access to decent health care. In particular he talked about the disadvantaged in education.

6 o'clock

It is an interesting fact that we spend €1.3 billion now on disability in education annually, almost as much as we spend on the university sector, which, I understand, is €1.5 billion. It is certainly not an area that we have sought to minimise in any way. The integration of education is one of the success stories of which we are proud.

In his commentary, Deputy McGrath referred to people wishing to put the boot in to the Association of Secondary Teachers Ireland, ASTI. I am most appreciative of the decision of the overwhelming majority of public servants to accept the Haddington Road agreement because they had never before been asked to make such a profound decision or such profound changes in their work practices and to do more for less. It is the most transformative productivity deal ever negotiated in the public service. In normal deals one is voting for some additionality as opposed to voting for less. The fact that every union, bar the ASTI, has voted for it is a remarkable compliment to the understanding of the public servants of the need for their contribution to the path to recovery. I call on the ASTI to reflect again on this because we cannot unravel the deal that is done, accepted and that has been in place since last July. I hope we do not have to go through a disruption of education, which is so important because our children only get one go at it. Normally people get one go at education and I call on people to reflect on that. I do so not in a hectoring or bullying way but genuinely. We cannot undo the Haddington Road agreement; it is in place. We need the money desperately and we need the changes in work practices. I call on everyone to accept it and then let us move on to the next phase of our recovery.

Deputy Kyne referred to the structure of the Civil Service. I mentioned the senior Civil Service. He made an important point about performance management. This is an area that we are working on and we will be bringing proposals in this regard into the public domain shortly.

I thank Deputy Feighan for his kind comments about me and about the Government and for his welcome for the Bill. He made a strong personal appeal to the House in respect of bullying in politics. I know what he endured. I know that people have been broken by some of the commentary and vitriol poured upon public servants and politicians in the teeth of the crisis we are going through. It is very difficult, particularly for families. I am unsure what we can do about that but if it was any other sphere of life, bullying in the workplace would be absolutely resisted. However, bullying in the political sphere seems to be something that is almost lauded. Certainly, it is very damaging to people and I note what he said in particular.

Deputy Clare Daly recognised the contribution of civil servants and that is important. However, she referred to the notion that bin men are now privatised and that there are no savings in the public service because if we get rid of bin men then we privatise the service. There is a glaring irony in the fact that it was her party campaigning against bin charges which ensured that the local authority could not run the public service. The authority determined that it could not run a public service following her anti-bin charges campaign and therefore it was privatised. People seem to be able to pay for a private service but somehow if it was to be provided by the public sphere, it was not to be paid for.

Deputy Halligan talked about the Haddington Road agreement. The Haddington Road terms apply to this legislation and it will be voluntary. He made an interesting point and it was picked up by other Deputies subsequently. This related to the staff required in the Department of Social Protection. People may be surprised to know how many staff work in the Department. Some 6,500 staff now work in the Department of Social Protection, an extraordinarily high number given that some Departments have only a few hundred staff. That is an indication of the volume of work and the fact that the Department is spending €20.2 billion this year. It is critical to the maintenance of basic standards of living throughout the economy.

Deputy Dara Murphy referred to the exclusion of the commercial semi-State bodies. The semi-State companies are commercial by nature. One does not look for mobility between companies in the same way as one would with organisations in the public sphere. Deputy Murphy mentioned Irish Water in particular. There will be a public service agreement negotiated between the local authority staff who will be contracted to Irish Water when it becomes a legal entity from 1 January next.

Deputy Barry referred to upskilling the public service and made a strong plea for SME development, which I endorse.

Deputy Heather Humphreys referred to sick leave. I have indicated that I will be introducing an amendment on Report Stage to incorporate the agreement on sick leave arrangements that have been negotiated with the unions and endorsed by the Labour Court.

Deputy Áine Collins referred to the recruitment ban. We are suppressing recruitment but there have been significant exceptions. The numbers supplied by one Deputy surprised many. We are recruiting 900 teachers this year and we are recruiting nurses and in areas where there are real requirements.

Deputy O'Donovan referred to growth of public services in the boom time. It is true that there was almost a time when it was seen that the Government could inflate numbers in the public service as an employment measure without proper analysis, but we have left all of that behind. Deputy O'Donovan and Deputy Buttimer subsequently raised the matter of quangos. I am very jaundiced when talking about quangos. I have gone through the list of quangos forensically. The biggest so-called quangos are the most important agencies in the State, including IDA Ireland, Enterprise Ireland, the Environmental Protection Agency, the National Roads Authority, the Road Safety Authority and various other important agencies. These are the big employers. There is a long list and I went through them all. I can show the House that we are abolishing 43 of them, but what is the great saving from these? It is not enormous, in truth. I indicated that €20 million would be saved.

Deputy Dara Calleary: The Minister should tell that to the people behind him.

Deputy Brendan Howlin: We must be realistic about it. Let us forensically examine them to ensure there is no organisation that is not fit for purpose. That forensic examination is being brought to ourselves and that is why we have a referendum on the future of the Seanad. The question should not be whether we can think of a purpose for a body. The question should be whether there is a compelling reason for a body to exist and to do work that cannot be done by anyone else. I am straying from the direct issues.

Deputy Durkan referred to the pressure on the Government in the economic crisis. He said some kind things and I thank him for those. He also referred to the great increase in pressure on

the Department of Social Protection and the fact that staff have been deployed to deal with that.

I thank Deputy Buttimer for his kind personal comments. He said something important about morale in the public service. This is something we need to pay attention to at all levels. We can only keep pushing people so far. We need an understanding that this is a process we are all in together. It goes to the point in respect of the perception that some people are excluded from it. We need to ensure no one is excluded from carrying their fair share of the burden. That has proven difficult in some instances and it is easier to make a speech about it than actually achieve it. His comments about ensuring we address the issue of morale and where we are going in the public service are valid. We need a clear vision of a quality public service of which people will be proud. This applies not only to public servants themselves but to the people who depend on the public services. They too should be uniformly proud of the service and we cannot have the throwaway silly remarks that are anti-public service in nature and that are issued without fear of contradiction. I believe that is fundamentally wrong.

Deputy Buttimer made some other points in respect of health funding. I am conscious of health funding and I am a former Minister for Health. However, one must apply a clear notion of value for money to everything, including health expenditure, as well as every other level of expenditure. While health has become extraordinarily more complicated since my time in the Department of Health, the number of staff has increased from 60,000 to 100,000, if one adds together all the different elements. Although a huge range of new services, particularly for children, was put in place, because it is such a big chunk - one third of all public servants are in the health sphere - one must ensure we are getting value for money, that morale is good and there is a good-quality outcome. The majority of public servants do just that.

I have expressed my hope that the Haddington Road agreement was the last ask of public servants. However, we must now look to the future, to beyond the troika and beyond being dependent on the kindness of strangers for funding. We must look to what kind of public service we want, that is, one that is responsive to the needs of a modern 21st century Ireland, that is demonstrably efficient, that can deliver services that people need, that is adaptive to change - because the pace of change has never been quicker - and that is modern in its use of technologies. I believe that such a public service is absolutely achievable and that within my Department and across all Departments and agencies of the State, the capacity exists to put that in place in the coming years. This Bill is a small step in putting in place the jigsaw to ensure this objective is achieved.

Question put and agreed to.

Public Service Management (Recruitment and Appointments) (Amendment) Bill 2013
[Seanad]: Referral to Select Committee

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move:

That the Bill be referred to the Select Sub-Committee on Public Expenditure and Reform pursuant to Standing Orders 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Fines (Payment and Recovery) Bill 2013: Order for Second Stage

Bill entitled an Act to provide for the payment and recovery of fines imposed on persons convicted of offences; to provide that the court imposing any such fine on such a person shall take into account the person's financial circumstances; to provide for the making of community service orders in respect of such persons, or the commitment to imprisonment of such persons, in certain circumstances where such fines imposed on them are not paid; to consequentially repeal or amend other enactments; and to provide for related matters.

Minister for Justice and Equality (Deputy Alan Shatter): I move: "That Second Stage be taken now."

Question put and agreed to.

Fines (Payment and Recovery) Bill 2013: Second Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: "That the Bill be now read a Second Time."

The Fines (Payment and Recovery) Bill 2013 is very important legislation with three main objectives, namely, restoring confidence in the administration of justice where fines have been imposed by the courts, ensuring that the fines imposed by the courts are collected and reducing to the minimum possible extent the number of people committed to prison each year for the non-payment of a fine. Fines are the most widely used sanction in the legal system and for them to work, there are three key ingredients. The first is that the fine must be set at an amount that the fined person can reasonably afford to pay. The second is that, with the busy lives people lead and with their expectations as to how business is done in the 21st century, the methods of payment of a fine should be as simple and convenient as possible. One must not put hurdles in the way of people paying moneys due to the State and, where staged payments or instalments would help a person to meet his or her obligations, one must facilitate these. Finally, there must be an expectation on the part of the person on whom a fine is imposed that it will be collected, whether in cash or in kind. Fines imposed must be enforced if the system is not to fall into disrepute.

Our current system, which has been largely in place since the foundation of the State, fails on two of these three grounds. The requirement to take a person's financial circumstances into account in setting a fine was provided for in section 14 of the Fines Act 2010. The same provision is contained in section 5 of the Bill before the House today. As for the other elements, neither is in place in any meaningful way. In explaining this I wish to go back to the 2010 Act and its provisions regarding the payment and recovery of fines, most of which have not been commenced, and I will start with the payment of fines. At present, when the court imposes a fine on a person, the judge decides that the fine must be paid by some specified date in the

future. At the same time, he or she signs a warrant for the person's arrest and imprisonment in the event that the latter does not pay the fine. This warrant is executed automatically without further recourse to the courts. Section 15 of the 2010 Act, which has not been commenced, was intended to improve the situation by providing for the payment of fines by instalments. However, the provision is very limited and could be described as begrudging. To qualify to be allowed to pay by instalments, a person on whom a fine has been imposed must apply to the court and convince the court that the payment of the fine in full by the due date would cause him or her undue hardship. If the court is so convinced, it then decides on the period over which the fine must be paid. There also is provision in the Act for a person to return to court to seek an extension of the payment period of up to two years.

In framing this Bill, I took into account the approach the Oireachtas has taken in legislating for the local property tax and its predecessor, the household charge. In both those cases, it is left to the liable person to decide whether to pay the charge in full by the due date or to pay by instalments. There are people who can pay bills when they fall due and others who cannot. There are some who, even if they can afford it, prefer to discharge bills over a period of time. This Bill provides for some flexibility in the method of discharging a fine, while seeking to ensure that fines imposed are paid. Where a fine remains unpaid, a meaningful sanction applies without imposing an unnecessary administrative burden on an already overloaded legal system and unnecessary expense on the taxpayer. In this Bill I am providing for a much more accessible and less administratively burdensome instalment payment option. Anyone who wishes to pay a fine in instalments can do so and those instalments will be paid over 12 months. The making available of payment by instalments to all has been counterbalanced by the removal of the extension provisions in the 2010 Act and the imposition of an administrative charge of up to a maximum of 10% where a person chooses to pay by instalments. The Bill also contains provisions to deal with the issue of a person failing to pay the fine in full by instalments over the 12 months. In all of this, one must remember that half of all fines imposed are for less than €200 and the average fine is just over €300. It also should be recalled that the fine imposed in the first instance will have been set having regard to the person's financial circumstances. As no-one should have a fine fixed at an amount that clearly is unaffordable, fines will be set at levels that are reflective of the person's means and such fines can be paid over 12 months. I am certain that this is a major advance on both the current situation and that intended by the 2010 Act.

The next element is the follow-up for non-payment of a fine. As it stands, if a person fails to pay a fine by the due date, the warrant is executed and the person is arrested and committed to prison for the requisite period. While that period currently is up to 90 days, of course the reality in practice is nothing like that. Leaving aside the question of unexecuted warrants, even where warrants are executed, the person is processed through the prison with little or no expectation on the part of either the individual or the officers concerned that the full prison sentence will be served. Indeed, the Prison Service has stated that of the 242 people imprisoned in 2012 in connection with the non-payment of a television licence fee, 236 were released within hours of their detention. It is common knowledge that imprisonment, in any real sense, for the non-payment of fines is now a rarity and only the unlucky spend even a night in prison. The criminal justice system requires that, as far as possible, crime is prevented, that where it occurs it is detected, that, where it is detected, prosecution and conviction follow and finally, that whatever sanction the court imposes is enforced. One must ensure that decisions made in the courts are respected and fully complied with. It is to the credit of the vast majority of the Irish people that the payment rate for fines is as high as it is, given the problems with the current system.

As for what is different about this Bill, the landmark innovation being introduced therein is the attachment of earnings for unpaid fines. Attachment orders will be made only where it is appropriate to do so but where they are made, the fined person's employer will be required to deduct the amount of the fine from the fined person's earnings and pay it to the Courts Service. This provision will address those "strategic defaulters", if I might borrow a phrase from another arena, who despite being employed and having sufficient resources to pay a fine, do not do so in the hope there will be no consequence to their non-payment. Underpinning the approach in the Bill is the principle that if one has the income, cash or other assets to pay the fine, then the courts will recover the fine. The second major change pertains to recovery orders. These were provided for in the 2010 Act, albeit in an almost completely unworkable form. Recovery orders allow for the recovery of the fine, including by the seizure of assets that can be converted into cash. Rather than making recovery orders automatically when a fine is imposed as provided for by the 2010 Act, which would undoubtedly have led to their being made in wholly inappropriate cases, the making of a recovery order will now be one of the options open to court when a person defaults. A recovery order will only be made after a court has determined that the fined person has the means to pay the fine or has assets that can be seized by the receiver and disposed of to discharge both the fine and the expenses of the receiver. If this is not the case, the court will not impose a recovery order.

Finally, under the 2010 Act, community service was only considered after a person had failed to pay a fine and a receiver had failed to recover it. In this Bill, community service is available to the court in all cases of default, where the court determines that it would not be appropriate to make either an attachment or recovery order.

I will now take the Members through the various steps that will be involved with the payment and collection of fines if this Bill is enacted. As I said, the first step will be the setting of a fine by the court that takes into account the financial circumstances of the fined person. He or she will have the option to pay that fine in one payment by the due date or in equal instalments over 12 months. Where the person chooses to pay the fine by instalments, an administration charge of up to 10% may be applied. If the fine is not paid in full, irrespective of the payment option chosen, the recovery provisions in the Bill will then apply.

The fined person will be required to appear again before the court and to provide a statement of their financial circumstances. The court will then decide, in the first instance, whether to impose an attachment order or a recovery order. It is to be expected that where the person is in employment and has earnings sufficient to pay the fine, an attachment order will be made. On the other hand, if the person is either self-employed or unemployed, the court may make an attachment order if the person has funds or assets that can be used to pay the fine. Where the court determines that it would be inappropriate to make either an attachment order or a recovery order, it may impose a community service order. The rules for the making of such orders are the same as for community service generally. It is only where a fined person is not prepared to do community service or is deemed unsuitable for such service by the Probation Service that the court must consider sending the him or her to prison. This is a more streamlined approach that is tailored to the specific circumstances of each case of default.

Turning to the contents of the Bill, section 1 provides for the Short Title and commencement. Section 2 defines terms used in the Bill. Among the terms defined are "due date for payment", which is either the date set by the court or, where a person opts to pay the fine by instalments, 42 days from the date the fine is imposed. In the case of instalments, this due date refers to the date that each instalment falls due to be paid. Section 3 is a standard provision

dealing with the making of orders and regulations under the Bill and the laying of said orders and regulations before the Houses of the Oireachtas.

Section 4 deals with repeals. The intention is to repeal section 43(2) of the Criminal Justice Administration Act 1914, which deals with the taking into account of a person's means when fixing a fine, section 195 of the Criminal Justice Act 2006, which deals with the recovery of fines imposed on indictment and fines imposed on companies; and Part 3 of the Fines Act 2010 which deals with the payment and recovery of fines.

Section 5 is an almost identical provision to section 14 of the Fines Act 2010. It obliges the court to take into account the defendant's financial circumstances in determining the amount of the fine, if any, to impose. Section 14 has already been commenced and will remain the law up until the commencement of this section. The only change being introduced in this section is to make the offences summary only.

Section 6 provides that a fined person has the option of either paying the fine in full by the due date for payment - the date set by the court - or by instalments of amounts or percentages of the total fine at a frequency which will be contained in regulations to be made by the Minister under section 3. The section also sets out the methods by which payment may be made and allows for payment to be made to persons other than the court, where regulations to this effect are made. Where a person chooses to pay by instalments, the first instalment must be made within 42 days and the last instalment within 12 months from that date. Subsection (3) requires a person who chooses to pay by instalments and who is in employment or in receipt of an occupational pension to provide the court with details regarding their employment that may be used in the event that they fail to pay the fine in full by the due date and the court has to consider whether to make an attachment order. Subsection (5) provides for the application of an administration fee of up to 10% where a person chooses to pay a fine by instalments. Subsection (6) provides that the option of instalments is only available where a fine of at least €100 is imposed, although where more than one fine is imposed and the total value of all the fines imposed is €100 or more, the person may pay the fines by instalments.

Section 7 sets out what is to happen where a person fails to pay a fine by the due date. Subsection (1) provides that the court fixes a date for a hearing at which it shall make a recovery order or an attachment order or, if neither is appropriate, a community service order where the necessary conditions for the making of such an order are met. Subsection (2) provides that where a person fails to pay an instalment by the due date for payment, the court may decline to take action under this section for the time being. Without the flexibility provided by this subsection, the court would be required to set in train the processes under this section, even where a person who had failed to make an instalment payment had subsequently resumed payment and had paid any outstanding instalment. Subsection (3) provides that the person is required to provide the court with a statement of income and assets in such format as the court may decide. Subsection (4) provides that where the court decides that none of the three orders mentioned is appropriate, it may commit the person to prison. Subsection (8) makes it a summary offence to knowingly or recklessly provide an inaccurate, incorrect or incomplete statement of income and assets.

Section 8 deals with the appointment of receivers and the making of recovery orders to recover unpaid fines, including by the seizure and sale of property belonging to the fined person. The main difference between this section and section 16 of the 2010 Act relates to the making of recovery orders. In the 2010 Act, this is done automatically whereas this is not the case in

the Bill. Otherwise, the sections are almost identical. One change is in subsection (5), which allows the receiver to delegate such of his or her functions to his or her employees, servants, bailiffs or agents as he or she thinks appropriate. This is to clarify that the receiver does not personally have to carry out all of the functions.

Section 9 provides for the issuing of notices in electronic format. This is a new provision that is not contained in the 2010 Act.

Section 10 provides for the appointment of receivers by the Government on the nomination of the Minister for Justice and Equality and with the consent of the Minister for Public Expenditure and Reform. Section 20 of the 2010 Act contains a similar provision.

Section 11 deals with the situation where a fine has not been recovered by the receiver. Subsection (1) says that where the receiver has been unable to recover the fine or the outstanding balance of the fine where the person has opted to pay by instalments, he or she shall inform the court and, under subsection (2), the court, on being so notified, will require the person to appear before the court. Subsections (3) to (5), inclusive, set out the process by which a person may be brought before the court. Subsection (6) provides that, at the hearing, the court has the option of making a community service order or committing the person to prison.

Section 12 provides for the cesser of a recovery order. Subsection (1) provides that a person may elect to pay the remaining balance of the fine at any time, and if the payment is made other than to the receiver, the recovery order is deemed to have been revoked and the Courts Service will advise the receiver accordingly. Subsection (2) says that the recovery order will cease to have effect on payment into court of the fine and to the receiver of his or her fees and expenses or on the receiver notifying the court that he or she has been unable to recover the full fine under section 11(1). Subsection (3) provides that where the receiver has notified the court under section 11(1), the recovery order will continue in force in relation to any part of the fine recovered but not paid into court before the notice was given, any property seized but not sold before the notice was given, and any proceeds from the sale of property not paid into the court when the notice was given.

Section 13 provides that moneys paid into court by a receiver are to be paid to the Minister for Finance. Subsection (2) provides that where the fine is properly due to another body, for example, a local authority, the moneys are to be paid to that body.

Section 14 deals with the making of an attachment order. Subsection (1) states that where the fined person is in employment or in receipt of an occupational pension, the court may make an order directing the person's employer to deduct the fine from the person's earnings and to pay the sums deducted in the manner specified in the order. Subsection (2) provides that the amounts deducted must be sufficient to ensure the fine is paid within 12 months of the date the order was made, but gives the court discretion to require a shorter period, for example, where a considerable portion of the fine has already been paid by instalments. Subsection (3) sets out the information to be included in the attachment order, including the amounts to be deducted and the frequency at which deductions are to be paid over to the Courts Service.

Section 15 deals with compliance with an attachment order. It provides in subsections (1) and (2) for the service of the attachment order on the person's employer, or on any person who subsequently becomes the person's employer, at his or her residence or place of business or by sending the order or a copy of it by registered prepaid post to either. Subsection (3) requires

the employer to comply with the order but says that he or she is not liable for non-compliance during the first ten working days. This is to allow for a situation where the employer is not the person's employer, in which case, under subsection (4), the employer is required to notify the court accordingly. Subsection (5) requires an employer who ceases to be the person's employer to notify the court of this fact within ten working days. The employer is also required to pay over to the court any moneys already deducted from the employee under the attachment order. Subsection (6) requires the employer to give the person a statement of the total amount of every deduction made in compliance with the order. Subsection (7) makes it an offence for an employer, without reasonable cause, to fail to comply with an attachment order.

Section 16 deals with notification of changes in employment and employment status. Where a person ceases to be in the employment of the employer to whom an attachment order is directed, he or she must, under subsection (1)(a), notify the court within ten working days. The person must advise the court whether he or she is in new employment or is no longer in employment. Where the person has changed employer, a new attachment order is to be issued to the new employer. Subsection (1)(b) provides that where the court has been advised that the person has a new employer, the court shall issue the attachment order to that new employer. To take account of time lost in the process of issuing the order to the new employer, the court is given discretion to increase the period over which the remainder of the fine may be recovered. Subsection (2) provides that where the court is advised by either the person or their employer that he or she is no longer in employment and he or she does not pay off the balance of the fine, the court shall, unless it decides otherwise, fix a date for a hearing. Subsection (3) provides for the issuing of a notice requiring the person to attend court in order to determine if a community service order should be made. Subsection (4) provides that the notice is to set out the options open to the court at the hearing, namely, imposition of a community service order or imprisonment. The summons will also state that the person may be arrested if he or she fails to appear before the court. Subsection (7) provides that, at the hearing, the court will either make a community service order or commit the person to prison.

Section 17 states that an attachment order will cease to have effect on payment in full of the fine. Subsection (2) provides that where a person ceases to be in the employment of an employer, the order shall be revoked. The employer remains bound by the order in so far as any deductions are made after the order is revoked and any deductions made at any time by the employer.

Section 18 provides that moneys paid into court on foot of an attachment order are to be paid to the Minister for Finance. Subsection (2) provides that where the fine is properly due to another body, for example, a local authority, the moneys should be paid to that body.

Section 19 amends the Criminal Justice (Community Service) Act 1983 in subsection (1)(c) (i) to provide that a court may make a community service order where the provisions of section 4 of the Act have been complied with, that is, where the person is willing to comply with the order and is considered suitable by the Probation Service. A community service order may be made under section 7 where the court does not consider that it would be appropriate to make either a recovery order or an attachment order in the event of default. Alternatively, a community service order may be made where the fine has not been recovered in full following the making of an attachment order or a recovery order. Subsection (1)(c)(ii) amends section 3(2) of the Criminal Justice (Community Service) Act to provide that where a fine is in respect of a conviction on indictment, the order may provide for between 40 and 240 hours of work, whereas in the case of a summary conviction, between 30 and 100 hours may be prescribed.

Subsection (1)(d) amends the Criminal Justice (Community Service) Act to provide that the hours of work specified in respect of the non-payment of a fine are additional to any other hours which the court has already imposed on the person. In determining the number of hours to be worked, the court is to take into account any sums already paid by the person, for example, where he or she has availed of the option to pay by instalments and has paid one or more of these, or any amounts recovered on foot of a recovery order or an attachment order. Subsection (1)(e) amends the Criminal Justice (Community Service) Act to provide that whereas in the normal course it is an offence to fail to comply with a community service order, this is not the case where the order is made in respect of the failure to pay a fine.

Section 20 amends the Courts (No. 2) Act 1986 to provide that a court may commit a person to prison where he or she has failed to pay a fine in full or where the fine or part thereof remains outstanding following the appointment of a receiver or the making of an attachment order. The court may also commit a person to prison where it is not possible to make a community service order because either the person does not consent or the Probation Service does not consider the person suitable for community service. The Act is also amended to provide that the court shall commit a person to prison where he or she has failed to comply with the terms of a community service order. The Bill makes different provisions depending on whether the fine was imposed summarily or on indictment. A table, which will be inserted into the 1986 Act, sets out the different numbers of days - ranging from five to 30 - to be served depending on the amount of the fine outstanding. Where a fine is imposed on indictment, a prison sentence of up to 12 months may be imposed.

Section 21 deals with the method by which notices referred to elsewhere in the Bill are to be served. Section 22 amends the Courts (No. 2) Act 1991 to provide that in so far as section 1 of that Act or section 23 of the Petty Sessions (Ireland) Act 1851 are concerned, penal sums are to be dealt with in accordance with the Bill once section 7 has been commenced.

Section 23 provides for data sharing and exchange for the purposes of assisting the courts in the collection of fines. The Revenue Commissioners, the Minister for Social Protection and any other person prescribed by the Minister under section 3 shall provide the courts with any information in their possession or control which the court may require in order to fulfil its functions in respect of the payment and recovery of fines.

Fine defaulters could traditionally have been divided into two categories: those who cannot pay and those who will not pay. For the most part, the provisions requiring that a judge take a person's financial circumstances into account should ensure that fines which are too big to be paid by the offender will not be imposed. For those who will not pay, the provisions in the Bill will ensure the courts will have the power to recover a fine in cash or in kind, including by the performance of community service. That is as it should be. We owe it to society in general to ensure the sanctions imposed by the courts are enforced. We also owe it to those people who pay the fines imposed on them that we ensure others who can afford to pay but who choose not to do so will not get away with their disrespect for the law, the State and their fellow citizens. Respect for the law is a cornerstone of any democratic state. That respect extends to compliance with the sanctions imposed by such a state where its laws are broken. Failure by a state to ensure such compliance leads progressively to an erosion in respect for the laws of the state and ultimately for that state itself. This Bill will go some way towards ensuring the disrespect shown by some to the law is neither ignored nor rewarded but is instead challenged and defeated. Our citizens deserve no less.

I commend the Bill to the House.

Deputy Charlie McConalogue: Fianna Fáil welcomes the thrust of the Bill, which draws on the 2010 Act passed by the former Minister for Justice and Law Reform, Dermot Ahern. However, we have a number of specific concerns which we would like the current Minister to address. We are of the view that there should be an extension of payment instalments period beyond the 12 month timeframe to accommodate large fines and those who may struggle to pay. Imprisonment costs the State money, with 7,500 people imprisoned annually for not paying fines. That represents a significant cost upon the State and is a personal trauma for the individuals involved. The administrative surcharge on fines should be the instalment method and should not be added to by a punitive interest rate, which is mean spirited and which hits those who are least able to pay fines hardest. Attachment of earnings orders, which involve fines being deducted directly from wages, should be a last resort. These orders place an unfair administrative burden on employers and will damage the working relationship between employers and the recipients of fines. They may have the perverse and unfair effect of undermining the employment prospects of the recipient of a fine with his or her firm.

Community service should be used in circumstances where people do not have the means to pay fines and should be used to replace the imprisonment mechanism. Statistics show that there has been a slow but progressive increase in the prison population and a sharp rise in the daily average number of persons in custody during the past decade. This appears to show a slow increase in prison numbers, which has been exacerbated by an increase in the number of people imprisoned for minor offences but which has been held back by overcrowding. For example, in 2009, there were 10,865 committals under sentence. This represented an increase of 35% on 2008. Of those 10,865 committals, 9,216, or 85%, were for sentences of 12 months or less. By comparison, 1,667 individuals were issued with community service orders in 2009.

It is clear that prison does not always act as a deterrent and that it has a negative impact on prisoners. Research appears to indicate that short prison sentences act neither as a deterrent nor as a means of rehabilitating offenders. An article by UCD academics, entitled *Recidivism in the Republic of Ireland*, concludes that offenders sentenced to prison terms of less than six months have high rates of reoffending. Utilising alternative methods to reduce the prison population and administrative burden are important in the context of tackling the pressure under which the Prison Service is operating and addressing the issue of recidivism.

Paying fines by instalments is provided for in section 6. The broad effect of this is to introduce a much more comprehensive system and set of details relating to the fines process along with allowing for an administrative fee. The provisions of the Bill would give the choice to the person fined and the court has to inform such a person of his or her options. This would apply to fines of more than €100 and fines would have to be paid in full within one year. The Minister can fix an administration fee generally to fines but this fee cannot exceed 10% of the total fine. This administrative fee should not be placed as a further burden to fine levels which inflict a further punishment on recipients. This is the duty of the courts and not the Minister. The fee should reflect a realistic costs analysis of how much the new instalment system will cost to implement.

The Bill adds the new option of an attachment of earnings order. Recovery orders and community service were provided for under the 2010 Act, but the sections allowing for this have not yet been commenced. The key issue is that these alternatives are employed to avoid a jail sentence. The Bill changes the system of community service to provide that failure to pay a fine

can merit a court sentence of community service. This was envisioned in the Fines Act 2010, although section 18 of that Act was never commenced. The level of community service will be based on the scale of the fine and how much has been paid to date.

It is an important part of rebalancing our justice system towards rehabilitation and making a contribution towards communities that we utilise community service rather than imprisonment. Increasing the use of community service delivers financial savings, diverts from the prison system offenders who would otherwise be imprisoned, and provides reparation in the form of unpaid work to the benefit of the community.

The Irish Penal Reform Trust has estimated that imprisoning fine defaulters costs the State more than €2 million per year in courts, Garda and prison service resources compared with the costs of making the necessary upgrades to the courts IT system to process payments by instalment, estimated at €400,000. It is vital that the Government accelerates the IT upgrades necessary to facilitate the new payments structure.

Fianna Fáil welcomes the Bill and asks that the Minister takes into account the issues we have raised. The Bill makes much more sense and is a sensible approach to addressing the issue and avoiding situations where people face draconian prison sentences and must serve short terms in prison which are totally disproportionate to the offences committed.

Deputy Pádraig Mac Lochlainn: The Minister is on a bit of a roll. Before the summer recess, I commended him on many good innovations in the Bill we were debating at that time. This is also a very welcome Bill and, as Deputy McConalogue said, there is much common sense contained in it. On balance, we very much welcome it. I cannot help noticing the amount of legislation which comes through this portfolio and other legislation which amends existing legislation, such as the Fines Act 2010, which has never been fully implemented. I wonder how this process can take so long. The original Act came into being in 2010 and here we are three years later amending it. Why has it only ever been partially commenced? Surely there is a better way to legislate than this.

That aside, I welcome this Bill which strives to modernise the courts fines system and offer alternatives to imprisonment to those who have been found guilty for failure to pay a fine. I was pleased to hear the Minister, when he launched this Bill in July of this year, reiterate his commitment to keeping to a minimum the number of people committed to prison for the non-payment of fines. In effect, the Bill will ensure there are substantially fewer prisoners in our jails serving short sentences for non-payment of fines. This is something about which I feel very strongly given that prisoners are hugely costly to the State. We know that each prisoner costs us more than €60,000 per year. If one breaks the figure down in respect of short sentences, one can see that we really need to think about our whole imprisonment strategy.

My office undertook an exercise and spent some time attempting to cost the difference between imprisoning people who were guilty of minor offences, in particular those sentenced to fewer than six months, versus imposing community service on them. The results were quite striking. The saving that can be made from this change alone is potentially tens of millions of euro. I would be happy to share that finding with the Minister.

The Irish Penal Reform Trust has told us there were 8,304 committals to prison for fines default in 2012, which we can all agree is a very significant figure. However, the more significant statistic here is that more than 85% of people imprisoned for non-payment of fines return

to prison within four years. Unfortunately, this highlights that for some people, they would prefer to serve time in prison than pay a fine, in particular, as the statistics show, if they have previously spent time in prison. For some who have already spent some time in prison, being sentenced to a day or, as the Minister demonstrated, in most cases, a couple of hours in prison is really no deterrent at all when it comes to the non-payment of fines. The system in its current form is not working and needs reform, so I am glad we are finally moving towards this.

I take the opportunity to speak briefly about the important work undertaken by the Joint Committee on Justice, Defence and Equality in its report on penal reform in March of this year. I fully support all the recommendations contained in the report and look forward to working towards implementing them. The first recommendation of the report was a reduction in prison numbers via a decarceration strategy, reducing the prison population by one third over a ten year period. The second recommendation was to commute prison sentences of fewer than six months, recommending that all sentences for fewer than six months imprisonment imposed in respect of non-violent offences should be commuted and replaced with community service orders. As I said, that is not only desirable in terms of wanting fewer people in prison but it would save a lot of money for our taxpayers. It is preferable having people working in community service and giving something back to their communities than being in prison for short periods of time.

According to the Irish Prison Service, 272 people were jailed for non-payment of television licence fines in 2012. This is a prime example of where community service should be used as a real alternative and an opportunity to make people give something back or do something positive for society. In this Bill, there is the option of instalment payments or attachment orders. The whole process makes sense. We do not want a situation where people, in particular elderly people, face prison sentences for non-payment of the likes of television licences.

I welcome section 5 which ensures the court will impose a fine based on the person's ability to pay it and the effect it may have on that person's dependants. The system should take into account a person's ability to pay a fine when it is being set as this is fair. However, I have some reservations around how the financial circumstances are defined in terms of a person's property. I would like it clarified as to whether there is a possibility that debt may be recovered via repossession of the family home. This may be something on which I will seek to submit amendments on Committee Stage, but we can discuss it further on that Stage.

Section 6(2) has made a change to the Fines Act 2010 with which I do not agree. I appeal to the Minister to retain the 24 month period as opposed to changing it to 12 months. This makes sense given the current financial climate. There is also a suggestion from the Irish Penal Reform Trust and some other non-governmental organisations that a flat administration fee or a cap be put on fines as opposed to the 10% charge set out in the Bill. I would like to hear the Minister's reasoning behind this 10% charge. Obviously, it is an administrative fee but why is it 10%? Again, this may be something I will seek to amend on Committee Stage.

In regard section 6(6), it is regrettable that there is no instalment option for fines of less than €100. For many individuals and families in the Ireland of 2013, €100 is still a significant amount of money and could make a very significant impact on a family. I will seek to amend this section to remove this.

Regarding section 8, the IPRT has recommended that consideration should be given to setting out a maximum level or proportion of receivers' fees where property is seized. I would

have to agree with them on this aspect of the matter. In terms of section 11, it is worth querying if it may be beneficial to provide for community service or attachment of earnings rather than imprisonment to be pursued as the next option in cases where there has been a failure to recover assets.

I would like to conclude by reiterating my overall support for this Bill. I commend the Minister on introducing it. As I believe it marks a step in the right direction, I do not want to be overly negative about it. However, I have some concerns around some aspects of it. As I have indicated throughout my speech, I intend to submit amendments on Committee Stage to strengthen the Bill where I feel it could be strengthened.

Deputy Mick Wallace: I would like to share time with Deputy Clare Daly.

Acting Chairman (Deputy Peter Mathews): Is that agreed? Agreed.

Deputy Mick Wallace: It is clear from many perspectives that imprisonment for non-payment of relatively minor fines, or unwillingness to pay such fines, should be seen as a measure of last resort. In that context, the revised legislation before the House, the Fines (Payment and Recovery) Bill 2013, is welcome in so far as a serious discussion on this vexed and complicated issue needs to take place. Some of the details of the Bill represent a move or a number of moves towards a policy that may be damaging to Irish society in the long term. Most worryingly, the design of the legislation means it is likely to have a more negative effect on the less well-off.

The role, intended purpose and function of the fines system itself must be put up for discussion before we begin to debate the contents of the Bill. Does one receive a fine as punishment for wrong-doing to discourage one from recidivism? Does one receive a fine as punishment, while at the same time making a little revenue for the State? As a direct result of the failures of this Government and its predecessor to look objectively at our failed banking system, the fiscal affairs of the State are in a dire state. It is misguided to see the fines system as a credible method of generating much-needed revenue, as the Bill before the House, by its own internal logic, appears to do. Such an approach has the potential to lead to all kinds of problems at a future stage.

I accept that the imposition of short prison terms for non-payment of fines should be seen as a last alternative. Imprisonment is costly to the State and, arguably, has very little merit in and of itself. The emphasis on extending powers and expanding the recovery orders system as outlined in section 3, in addition to the application of attachment orders as covered in sections 14 to 18, seems unwarrantedly aggressive and, in the overall scheme of things, potentially counter-productive. We could take a more fruitful, valuable and effective approach to this subject by placing a renewed emphasis on the establishment of a more wide-ranging community service programme and by devoting our energies to the instalment payments service in a way that is sensitive to the means of the offender and, importantly, easy to use.

It may be the case that a community service system would be difficult to run effectively. If it received the co-operation of local communities and councils, it could be a real option to be encouraged. It could have numerous productive offshoots, including the regeneration of shared public spaces. It could give people an opportunity to learn new skills and to make reparations to the community. It could be used to integrate offenders into the community. Importantly, as an alternative to imprisonment it could be a cost-effective punishment. I should add that if we could provide for a really good community service structure, we should consider making some forms of community service compulsory in these cases, especially for those who can afford to

buy their way out of their problems.

It is clear that the proposed Bill favours the use of recovery orders and attachment orders and views community service as a last alternative to imprisonment. Admittedly, the continuous downgrading of our local authorities does not help matters. This position clearly fails to engage with the real long-term benefits of community service and the potential long-term negatives that may result from the more repressive approach that is proposed. It could also be argued that this position regards capital as more important than the public good. There is a worry that the decision to put in place a system of receivers will amount to the creation of a new private industry that will, in the main, target the less well-off. It is plain to see that those who engage in public order, theft and drugs offences will be on the receiving end of this treatment. The Probation Service's research report of November 2012 states that "the three most common offences for which offenders were reconvicted were the same as the three most common original offences: Public Order, Theft and Drugs". The citizens who commit such offences are primarily those who find themselves economically at the fringes of society.

It is politically suspect, to say the least, to widen the scope and encourage the activities of debt collectors, who have the authority to forcibly enter and confiscate the property of citizens and who operate in a system that is tailor-made for abuse. Judging by a recent RTE programme, "The Sheriff and Me", one could be forgiven for suspecting that the ethical conduct of the office of the sheriff leaves much to be desired. Few, if any, members of the public welcome the possibility of a mob of State-sanctioned debt collectors entering their homes by force and extracting their possessions. It may be fair to presume that those who can afford to pay their fines will do so. In effect, this means we will help to create a two-tier system in this area, just as we are increasingly doing in many sectors of society under today's version of capitalism. Under the system to which I refer, the rich are rewarded for their ability to pay and the poor are punished for their inability to pay.

Aristotle said that "democracy is when the indigent, and not the men of property, are the rulers". We are currently failing to live up to that definition. In a properly functioning democracy, the State would at least see its role as protecting the weak from the strong rather than erecting buttresses under the structure of inequality that is prevalent in Ireland today. This Bill in its essence represents the groupthink of those who do not give a damn about democracy or anything resembling it. This is libertarianism, with State repression thrown in for good measure. If one can afford to pay one's way, that is fine - off one goes. If not, one will be crushed. Time and again, the Government fails to appreciate that it has colluded in the largest increase in inequality this country has seen for many generations. A recent EU Anti-Poverty Network document on wealth distribution calculated that in Ireland, 1% of the population holds 20% of the wealth, 2% of the population controls 30% of the wealth, and the top 5% of the population disposes of 40% of private assets.

This legislation may help to keep some people out of prison, which is to be commended, but it will also manage to hurt those at the bottom of the ladder who are in that position because of the failure of successive Governments to understand a concept of value that has a human being built into it. Our useless, failed and corrupt banking sector has been propped up at untold human cost to this country and with little tangible return. Our schools and hospitals are overcrowded. This country's youth unemployment rate is astronomical. The Government and some right-wing Members of this Parliament think that economic growth is the answer to all our problems. In the first instance, it should deal with the huge issue of unemployment, which affects so many people in this country today.

25 September 2013

Deputy Alan Shatter: Could the Deputy explain how to provide employment without economic growth?

Deputy Mick Wallace: The point I am making is that we should not think economic growth alone will solve all our problems. We are actually showing some economic growth - approximately 1% - but the majority of the population is witnessing a decline in living standards. An unbelievable number of young people are out of work. The fact that we have some economic growth, which is driven by multinationals that pay very little tax here, does not solve the problems of the people who live here. Does the Minister not agree with that? Too much of the Government's thinking is driven by the idea that it is all about money and not people. We are prepared to go to the ends of the earth, and the ends of human decency, to make those who cannot afford to do so pay what amounts to a paltry sum in the overall scheme of things. At the same time, billionaires and multinational corporations are remaining untouchable and doing as they please.

Deputy Alan Shatter: This is unbelievable stuff.

Deputy Mick Wallace: Our society has probably never been as unequal as it is today.

7 o'clock

The austerity measures have added to that. It is unsustainable and it is not just here. In most of the developed world, the direction society is going is unsustainable. Those at the top are accumulating more wealth than they ever did - way more than they or generations after them could possibly dream of spending - and those at the bottom are in a more difficult place and life is getting tougher for them. I would love to see this Government introduce a serious drive towards tackling the level of inequality we have.

When the debate over the household charge was taking place, we held many public meetings. The thing that annoyed people the most was the level of inequality they were witnessing. They find it soul-destroying. Maybe I am living in a fantasy world but I believe a Government's priority should be to take the best care of those who most need its help. I do not believe this is happening. If the Minister was to try to argue that this is the case, he would find it difficult. This Government has made life very difficult for many people. The previous Government was no better. In February 2011, the people really thought they were voting for change but things have not changed for them. They are getting much the same style of government and cannot distinguish between this Government and the previous one in terms of how policies are implemented. It is little wonder that people are sick to the back teeth of politics and politicians. We are scorned, which is understandable because they do not believe anything we say any more. During the election in 2011, I really felt that people believed that they were at last getting rid of the previous Government. They made a huge mistake in 2007 by putting it back in because they were almost bribed to do so and they realised afterwards what a mistake it was. When it came to February 2011, they said "great, at last something different" but they got the same. I do not see any difference between them and neither do the people.

Deputy Clare Daly: The Bill is obviously being presented by the Minister as a positive measure and a progressive move. That viewpoint was accepted by the spokespeople for the main Opposition parties. If one can end up in jail for not paying a fine, an alternative that involves not being in jail can sound progressive. It is reprehensible that people should end up in jail for this. However, this move would be supported by even the most devout advocates of

law and order because on closer examination, it is not an humanitarian move. It is not even a change in social policy. This move is primarily an economic decision.

When one looks at the figures regarding the amount of people who spend time in jail for fine defaults, with over 8,000 people being jailed in 2012 representing a whopping 48% of all committals, one can see a very solid economic logic for why the State would move away from this. There was a 10% increase in committals for non-payment of fines last year so already there is a substantial problem in this regard. By removing the possibility of jail for non-payment of a fine, one could potentially almost halve one's prison intake overnight so in that sense, it is sensible economically.

However, there is much more to this than meets the eye and we must dig deeper. I would like the Minister to expand on and deal with some of the issues posed by Deputy Wallace. The issue here should not be about whether people should have fines deducted from their wages as an alternative to jail. The discussion should really be about whether it is appropriate to have monetary penalties or fines as a mechanism for dealing with breaking the law. Is it appropriate? Is it a deterrent? Does it reduce wrongdoing or does it make citizens behave better and correct them in their law-breaking? All of the evidence would say that it does not. It is a fundamentally wrong way of looking at it and sends a totally wrong signal. In essence, it is saying that if one is wealthy, one can buy one's way out of anything and the more money one has, the more wrongdoing one can carry out and the higher the fines one can pay but if one is poor, one will be penalised for that and the State will end up making one poorer. This is a Bill for the poor and people of limited means. In that sense, it is inherently discriminatory because if one is wealthy, this Bill will never apply to one because one has paid one's fine so they will not need to come in and deduct the money from one's wages. We need to take stock of the implications of that message to people.

In the majority of cases, fines are for road and traffic offences, theft and public order and drug offences. Relatively few fines would appear in the area of sexual assault but I want to use sexual assault as an example because it shows how inappropriate it is to put monetary penalties on crimes and because it demonstrates where this approach can lead. Deputies will be aware of the controversy surrounding Judge Desmond Hogan who suspended five and a half years of a six-year sentence given to an individual found guilty of rape. The judge controversially decided that the perpetrator of this appalling crime could get out of it if he paid his victim €75,000, something which was abhorrent to the victim and her family. Less than 12 months later, the same judge ordered another guilty party to pay €10,000 in compensation to a woman he was guilty of sexually assaulting. The message is that one is putting a monetary value on crime. It sends out a message that if one can afford to, one can get away with any violation one likes. In effect, a fines system does the same and penalises poorer people. A very significant number of fines are fines for poverty anyway. They relate to non-payment of the television licence, bus fares, credit cards and so on so inflicting and imposing a fine on somebody who is enduring economic hardship will only make their financial distress even worse and could bring about a scenario whereby the only way out of it is for them to engage in crime to get the money to pay the fine in the first place. This is lunacy.

Other Deputies have dealt with the fact that the Bill offers less flexibility in terms of the instalments system which, again, is a joke, particularly in this time of economic hardship. The instalment system would have to be flexible if it was really to take into account an individual's ability to pay and let us be clear, not just an individual but their family because there are other victims when the State imposes fines because further financial hardship is imposed on poorer

families if the person is the breadwinner. We need to look at what has happened in that regard. There were 242 committals for fines relating to the non-payment of a television licence. Deputies will be aware of a recent controversy which hit the headlines regarding the case of John and Angela Young, an elderly retired couple who were brought before the court because they could not afford to buy a television licence and did not have one. That licence was subsequently paid for by a benefactor but because they had been to court and fined, they could not afford the fine so the gardaí ended up on their doorstep with a warrant for them. This was absolutely ludicrous. On the same weekend, there was a stabbing in the same area so the gardaí would have had better things to do. It is this type of lunacy that is at the root and heart of the fines system.

Even taking a cursory glance at what happens in the US shows that fining people for crime can spiral for people who cannot cope with the financial burden. There is much statistical analysis which means further penalties are imposed later on and in many cases, people end up in jail anyway because their debts run away with them and they cannot catch up. There are many individual stories that I will not touch upon but they replicate and reflect the justice system which, in the United States, criminalises poverty. The director of the justice programme and centre of law in New York University notes that nationally this is a growing programme, in particular because of the economic crisis. There is no reason for it to be different in this country. Today, roughly one third of US states imprison people for not paying off their debts, in particular those related to court-related fines, fees and so on. The American Civil Liberties Association has pointed out that this is in contravention of the United States Supreme Court and of egalitarian principles. In addition, built into the system of many states is a scheme of what might be called “poverty penalties”, extra fees for people who cannot afford to pay in the first place, with interest, etc, being charged. Alabama charges a 30% collection fee while Florida allows private debt collectors to go in and add 40% surcharge in pursuing court debt. This is reprehensible. There is the ridiculous situation in North Carolina whereby people are charged if they use a public defender so poor people who cannot afford such costs do not have any legal representation.

There is a clause in this Bill - which I find to be mad - which provides for a 10% administration charge for people who require to have the fee paid off in instalments. If one is poor where one cannot pay in full and is therefore required to pay in instalments, one is penalised with an extra charge of 10%. That is a joke, but not a very funny one. It highlights the fact that this could potentially be a money-making racket for the State, putting it in the role of a debt-collection agency rather than having the courts do what they should do, overseeing justice. To reiterate, these penalties penalise. When a person is fined his or her family is also fined. It is totally unfair for poor families with young children from deprived backgrounds, or people whose parents or brothers and sisters may have to help to find the money to pay the fine. This would not affect or impact upon wealthy citizens. We must take these measures into account.

There is an area that needs to be explored further because it is a dangerous measure, one this Government is getting very fond of using, namely, seeking to make deductions, or enabling the State to pass legislation to make deductions from people’s wages. The Government made a great fist out of that in pursuit of the hated home tax and gave the State considerable powers in that regard. That legislation also provides for very substantial fines for people who do not comply with it. Again, this is ridiculous, proceeding along the lines that if people cannot afford to pay the State will fine them. Guess what - now they really cannot pay. The Government is giving powers to bodies to deduct from people’s wages. I note that does not apply to the Minister’s court fine legislation in respect of social welfare wages, which is a good thing because people

on social welfare are already on the breadline. It raises issues, however, of confidentiality and privacy. I do not believe it is acceptable that employers should be aware their employee has a court fine. This is a breach of data protection and an interference that should not be tolerated. I agree with and echo the points made by Deputy Wallace in regard to some of the concerns about the newly enhanced bailiff's or sheriff's role. It is a little ironic that we are giving extra powers to the sheriff to pursue court fines when that officer has been to the forefront in recent tragic eviction cases, and when that whole area is under the spotlight.

People should not go to prison for not paying fines. We should not have that situation. As long as the Minister has a system that allows fines to be a method of punishment for law-breaking, inevitably people who are poor will end up in prison and people who are wealthy can buy their way out of it. That is not just, transparent or even. If the Minister wants to make people correct their behaviour everybody should be treated the same way, which means money must come out of the equation. If we say that, and say also that prison is not an option - as I believe it not to be - the best method of dealing with these offences is through the area of community service. Fines are completely wrong and allowing the Minister to deduct them from people's wages is not a progressive step. We would be far better served to look at the root causes for people being fined in the first place and the offences which lead them in this direction. Many relate to theft, poverty, drugs and so on. The Minister would be far better off tackling the root cause of these offences rather than bring in this double-standard legislation which favours the wealthy.

Acting Chairman (Deputy Peter Mathews): I call Deputy Peter Fitzpatrick, who is sharing time with Deputies Tony McLoughlin and Noel Harrington. The division is for two sets of five minutes and one of ten minutes.

Deputy Peter Fitzpatrick: The Fines Payment and Recovery Bill 2013 will give courts the ability to attach a fine to earnings and directly recover the fine from a person's pay cheque. Courts will have to consider the financial circumstances of an offender in determining the level of a fine. The Bill will also put in place a system of receivers who will seize and sell property in order to recover the value of a fine, as well as a sliding scale of sentences for those who cannot or will not pay a court order fine. Community service is to be considered ahead of imprisonment. The purpose of the Bill is to assist towards the means of paying fines and in extending the means for recovering unpaid fines. It proposes to amend the system of fines and complete the process started under the Fines Act 2010. That Act created a modern, standardised system where all fines fall into one of five distinct classes, depending on value. This should be easily adjustable over time. It was also designed to provide a more flexible system of payment and recovery of fines, and to provide for alternatives where a person cannot pay a fine. This Bill allows for attachment of fines to earnings so that a fine will come out of a person's wage. If a person fails to pay a fine within a year options can be enforced by the courts but only after he or she has been summoned to a court meeting to determine the appropriate court action. Such options should provide for a recovery order, an attachment order or community service before imprisonment is considered. If effective, the Bill should greatly reduce the number of persons imprisoned for non-payment of a fine, along with the associated costs, and should increase State revenue through greater collection rates for fines.

This Government is committed to keeping the number of people committed to prison for non-payment of fines to the absolute minimum. We are also determined to ensure that court decisions are respected and complied with. Allowing everybody to pay a fine by instalment and the introduction of attachment of earnings are important new reforms to the fine collection

system and will lead to improved collection rates for fines. The most recent statistics on fines are from the Courts Service annual report 2012 which show that in 2012, €14.177 million was collected, with 29% of fines being paid on-line. The compliance rate was 82%.

The courts will take into account a person's financial circumstances when determining the level of a fine so that the effect of the fine on that person or on his or her dependants will not be made significantly more severe by reason of his or her financial circumstances. While this system has been used in the past, the Bill provides for a more detailed legislative system to be put in place in respect of how judges will determine these matters. Financial circumstances are defined by the amount of the person's annual income; the aggregate value of all property, real and personal, belonging to the person; the aggregate amount of all liabilities of the person, including any duty, moral or legal, to provide financially for members of his or her family, or other persons; the aggregate of all moneys owing to the person, the dates upon which these fall due for payment, the likelihood of their being paid; and such other circumstances as the court considers appropriate.

When the Bill is enacted it will be easier for people to pay a fine. If they fail to do so there will be sufficient alternatives available to the courts that will all but eliminate the necessity to commit any person to prison for the non-payment of fines. That option will, however, remain. The Bill also contains a number of administrative changes that will improve the capacity of the courts to ensure that fines are paid.

Deputy Tony McLoughlin: I am pleased to have the opportunity to speak on this important Bill introduced by the Minister for Justice and Equality. Since being appointed Minister, Deputy Shatter has brought some important Bills before us and has been the most reforming Minister to occupy this portfolio in a generation.

Since the intervention of the troika in our affairs, law reform in many areas such as personal insolvency was required to bring our legal system up to date and deal with the bust following the boom. This Bill is straightforward in many respects and aims to modernise our court fines system to allow the authorities to collect them and enforce them. The Bill is part of the programme for Government and I want to commend the Minister for fulfilling his legislative programme so far.

For those of us who often listen to RTE Radio 1 and the reports by Paddy O'Gorman from outside some of our courts, especially in the main urban areas, it is easy to understand why this legislation is long overdue. It would seem from Mr O'Gorman's reports that there is a large number of people who are fined in the District Court and are then before the judge again for non-payment. The contempt some of them have for the legal system is quiet amazing. They just seem to ignore it. Some prefer custodial sentences and have admitted to the reporter that they do not pay fines deliberately so that they can be committed for a week or a month.

Apart from the tragedy that is the reality that these people have so little in life that they seek admittance to a prison for comfort, it reinforces the view that the system of fines and enforcement requires a review. The main reforms as indicated are worthwhile and allow persons on whom a fine is imposed to be able to opt to pay the fine by instalments over 12 months.

If a person fails to pay a fine, the court may make an attachment order or a recovery order. In a case where it is not possible to make either order, the court may make a community service order. Failure to comply with an attachment order will attract on conviction a fine of up to

€2,500, and-or up to 12 months in prison.

The Minister informs us that 8,300 people experienced prison on the basis of non-payment of fines last year. There has been a 25% increase in two years, which is unacceptable. This Bill, when enacted, will reduce this number on the basis of the above proposals and the fact the judge will take into account the ability of the defendants to pay. If a person fails to pay a fine in full, including the offer to pay by instalments, he or she will be required to return to court to explain themselves to the judge, and depending on the person's circumstances, the judge can place an attachment of earnings order, which has the result of deducting the fine from the person's earnings, and is a recovery order. In a case where a self-employed person is involved, a receiver can be appointed to recover assets to the value of the fine or a community service order. It is estimated that it costs in excess of €65,000 per year to accommodate the average low security prisoner. The jailing of small time offenders for non-payment of fines or minor offences is costing the State huge money that we can ill afford. Many groups, including the Irish Penal Reform Trust, have long campaigned against the jailing of people for the non-payment of fines, and argue that the figures show that the system held no fear for people who were clearly choosing a few hours in prison over paying a fine.

I wish to record my disappointment that the collection of fines or the placement of an attachment of earnings cannot be extended to social welfare recipients under this Bill. I understand that reports from the Department of Justice and Equality indicate that administration costs and payment limits meant it was not possible to deduct unpaid court fines from social welfare benefits. I would like the Minister to examine this again. There is a perception that the working person always gets hit and that some social welfare recipients can escape under the radar or the complications of paper work and administration. It was clear that many of those interviewed by Mr. O'Gorman outside the courthouses were on social welfare payments, had no notion of paying their fines and generally were fined for alcohol or substance abuse related incidents. Fines paid in these cases would mean less money for alcohol or drugs.

On the one hand it is clear that as a society we must do what we can to help these individuals who suffer from drug abuse or alcoholism, but is it right that they have no respect for the justice system and continue to abuse others and suffer no consequences to their State payments? Personally I do not agree and I urge the Government to consider this point in any future proposals on this issue.

Deputy Noel Harrington: I am pleased to have the opportunity to speak on this Bill. The main provision of this Bill is to allow the courts - not the Government, the Dáil or any Department - to attach a fine handed down to the convicted person's pay cheque. Typically, that should be a wage. It will also provide more accountability to the fines process. We have listened for years about how we continue to incarcerate people for non-payment of fines. It is not appropriate. It is intolerable and in many cases it creates a liability to the State far in excess of the fine imposed. It may even surpass the financial impact of the initial offence for which the person is convicted in the first place. It simply should not be allowed to continue, and I believe that liberty should be taken from someone only as a last resort when the person is clearly a danger to the public or the crime is so grave that a strong fine is insufficient.

This Bill proposes to amend the fines system and complete a process that started with the Fines Act 2010. The imposition of a fine makes sense as appropriate for a variety of crimes committed. It still represents a punishment to the perpetrator and allows the State to recoup funds as a direct compensation as a result of the original crime. The imposition of a custodial

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sentence inevitably results in the State becoming exposed to inordinate costs and the prisons inevitably become overcrowded. This is just not appropriate. However, there was a difficulty with this system, which was the non-payment of fines. The previous speaker outlined how some people regard non-payment of fines as almost an investment. They will take the prison sentence, knowing full well that the revolving door system will have them out within a matter of hours. That simply just cannot continue.

This Bill and the Fines Act 2010 are significant legislation that change the way the courts deal with fines. These changes include the indexation of fines, the introduction of a five tier system, improved means of assessment, payment of fines by instalments and alternatives to prison where people default. The improved indexation and the introduction of the five classes of fines - from €5,000 to €500 - give the Judiciary discretion and this is appropriate. Indexing those fines is also a welcome development. It is possibly overemphasised in the media how somebody might be convicted and fined, but then the fine was based on outdated legislation and the fine bears no relation to the crime committed. It is welcome to link the fines to the consumer price index and make them real for the day the fine is imposed.

The assessment of a person's ability to pay a fine is extremely important in the case of imposing a financial liability on a person. It is appropriate to punish people and hit them in the pocket, if that is where it needs to be done, but it is not appropriate to impoverish people. It is not appropriate to impoverish their families or to hurt innocent people unduly, and I urge the courts to take that assessment into account. However, it is appropriate that the person who committed the crime pay. If he or she must pay over an extended period, so be it.

This brings me to my next point on the instalment system. It is a welcome development.

Acting Chairman (Deputy Peter Mathews): As we have reached 7.30 p.m., I must apologise to the Deputy. I cannot manage the passing of time, only acknowledge it. The Deputy will be in possession for the resumption of the debate.

Debate adjourned.

Cuts in Education: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Jonathan O'Brien on Tuesday, 24 September 2013:

“That Dáil Éireann:

affirms that the right to education is an internationally recognised human right, enshrined in Article 26 of the Universal Declaration of Human Rights, Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, reaffirmed by the 1960 UNESCO Convention Against Discrimination in Education, Article 2 of the first Protocol to the European Convention on Human Rights and Article 28 of the United Nations Convention on the Rights of the Child;

notes that the Proclamation of the Irish Republic in 1916 pledges to “cherish all the children of the nation equally” and recognises their right to a decent education;

notes that access to education provisions in internationally recognised human rights law include the obligation to eliminate discrimination at all levels of the education system;

recognises that Article 42 of the Constitution of Ireland commits the State to ensuring children receive a certain minimum education;

notes that the commitment to ensuring a citizen's right to education has been undermined by the failure of successive governments to adequately invest in education and that even during the height of the Celtic tiger the 2007 Organisation for Economic Co-operation and Development's annual Education at a Glance survey reported that the State was spending 4.7% of its income on education compared to an OECD average for that year of 5.7%, while current spending on third level education in Ireland amounts to 1.2% of GDP compared to the OECD average of 1.5%;

notes that, since coming to power in 2011, the Fine Gael-Labour Party Government has continued the slash and burn policies of its Fianna Fáil-Green Party predecessors through the implementation of successive cuts to the State's education system that resulted in an adjustment of €132.3 million in 2012 and €77 million in 2013, with further cuts to come in October 2014, which are expected to be as high as €100 million; and the punitive cuts to education are being made when the school population is projected to rise significantly over the next decade and at a time when the Government has imposed an employment control framework that limits the numbers who can be employed in the education sector;

deplores the current class sizes of primary schools in Ireland which average 26 pupils per teacher, the second largest in the EU, and that a further increase in the pupil-teacher ratio, PTR, would mean 30 plus class sizes in many primary schools;

acknowledges that the State's failure to invest properly in education has resulted in a significant decline in literacy and numeracy rates in Irish schools, as reflected in tests carried out by the OECD between 2000 and 2009 which saw a fall from 15th to 25th in maths and from 5th to 17th in reading;

believes that, during a recession, it is important to prioritise and ring-fence funding for education in order to produce a highly skilled and flexible workforce that is necessary for our future economic growth and prosperity;

challenges Government's policies that target higher and further education and greatly undermine the objective of incentivising people from upskilling and re-training in order to enhance their employment prospects;

recognises that the millions cut from the education budget will greatly impact on the implementation of progressive measures such as the reform of the junior certificate cycle and improving literacy and numeracy standards that are essential for improving standards in Irish schools;

recognises that instead of guaranteeing equal access to the highest standard of education, current Government policy has entrenched educational inequalities and a two-tier system;

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acknowledges that more than one in four primary school pupils are being taught in overcrowded classrooms and many are taught in run-down facilities;

further acknowledges that almost one quarter of children of working-class parents do not sit the leaving certificate and the numbers leaving school without qualifications have remained unchanged since the 1990s, and an estimated 1,000 students per year cannot even make the transition from primary to secondary education;

notes that approximately one quarter of the adult population has literacy and numeracy problems while taxpayers pay €80 million per annum to subsidise the private education system, even though the children of the majority will never have a chance to attend these exclusive fee-paying schools;

acknowledges that teachers who are proficient in the Irish language play an essential role in helping to ensure the future viability of our native tongue as a vibrant, working, living language;

further acknowledges that Gaelscoileanna are struggling because of changes to staffing schedules as well as the ending of the preferential PTR and that this is likely to lead to the forced closure of many Irish language schools; and agrees that back to school costs for parents are unacceptably high;

calls on the Government to set out a timetable to:

- adopt a similar strategic approach to that taken by Northern Ireland's Education Minister, John O'Dowd, who has redirected almost £400 million back into schools that has led to a rise in standards which have been recognised by the findings of the TIMSS and PIRLS, Trends in International Mathematics and Science Study and Progress in International Reading Literacy, that showed primary schools in Northern Ireland are world leaders in terms of literacy and numeracy - a trend that has also been matched by encouraging improvements in the post-primary sector;

- reverse the loss of an estimated 700 plus career guidance counsellors in second level schools resulting from the decision in budget 2013 not to provide these posts on an ex-quota basis that will seriously reduce the level of support for children experiencing a range of emotional and learning difficulties;

- ring-fence funding for Delivering Equality of Opportunity in Schools bands 1 and 2 schools; increase the number of teaching resource hours and bring to an end the cap on special needs assistants in order to match the needs of a rising school population and break the cycle of deprivation, marginalisation and educational disadvantage through the promotion of fairness and equality;

- reverse the decision to increase the PTR from 17:1 to 19:1 for post leaving certificate programmes which unfairly impacts on marginalised learners and the loss of an estimated 400 teachers with expertise in specialised subjects who will be impossible to replace in the further education and training sector;

- reinstate resource teachers and supports for Traveller children to pre-2011 levels;

- reverse the cut to the back to education allowance which will further compound

and restrict student opportunities to access further education and will act as a barrier to creating job opportunities for the unemployed;

- introduce mandatory regulations that will ensure parents have greater choice when buying school uniforms and paying for school text books; and

- place on a statutory footing the voluntary code of practice to regulate the printers responsible for producing school text books; and

further calls on the Government to:

- make a commitment not to increase the PTR in the State's primary and secondary school sector;

- ensure that, before its proposed budget cuts to the education sector are implemented, a comprehensive equality and social impact study is undertaken to first determine the implications for teachers and students;

- increase supports for Irish language learning and ensure Gaeltacht schools retain a preferential PTR in recognition of the challenges of teaching in Irish medium schools;

- publish a timetable for the delivery and construction of school buildings and other educational facilities and bring an end to the use of prefab buildings with at least a minimum of 150 school building projects to enter the architectural and planning stage each year so that schools are ready to proceed as quickly as possible to the construction phases;

- protect the maintenance grant and end the annual increase to student contribution fees;

- increase resources for adult literacy, and deliver a progressive national strategy on lifelong and work-based learning focused at those most in need of training, re-training and up-skilling;

- spend at least 6% of GDP on education, in keeping with best international practice;

- set a target to eliminate the need for the subsidy of educational provisions by charitable organisations, in the form of school books and school breakfasts and lunches, and ensure that every child can avail of a book rental scheme and free school meals;

- immediately extend the early start preschool project to all schools with pupils from disadvantaged areas, with a maximum child to adult ratio of 12:1;

- introduce a universal preschool session of 3.5 hours per day, five days a week for all children aged three to five years;

- invest towards implementation of a PTR of 15:1 in all post-primary schools and immediately reduce all class sizes for children under nine years of age to a maximum of 20 pupils;

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- invest to progressively reduce class sizes at post-primary level;
- keep funding for schools fully public and under democratic control;
- ensure adequate provision of special needs assistants where required;
- set targets to increase the number of students in further and higher education, especially part-time and adult students and other groups, including people with disabilities and Travellers, and provide third level access programmes for schools with a low take-up of places;
- provide adequate financial assistance and support for students from disadvantaged backgrounds to complete their courses;
- establish a book lending scheme across all primary and secondary schools; and
- end the system where schools are reliant on voluntary contributions from parents by raising the capitation grants to cover the real cost of running a school.”

Debate resumed on amendment No. 2:

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

“recognises that:

- the latest Organisation for Economic Co-operation and Development, OECD, Education at a Glance survey from 2013, relating to the 2010 year, reports that the State was investing 6.4% of GDP in education, compared to an OECD average of 6.3%, while current spending on third-level education in Ireland amounts to 1.6% of GDP, equal to the OECD average of 1.6%; and
- education services have been protected despite the immense challenges posed to the financial sustainability of our nation;

welcomes:

- the fact that the 2012 Report on Retention Rates of Pupils in Second Level Schools, published by the Department of Education and Skills, found that over 90% of all students in Ireland now stay in school to sit the Leaving Certificate;
- that this shows that the proportion of early school leavers in Ireland is considerably below the EU average of 14 per cent;
- the fact that retention rates in delivering equality of opportunity in schools, DEIS, schools have particularly improved, rising from 68% to over 80% over a five-year period, and that studies from the Department’s inspectorate and from the Educational Research Centre have shown improvements in pupils’ literacy in DEIS primary schools; and
- the fact that Irish fourth class pupils were placed among the countries performing significantly above the international average in the 2011 Trends in International Mathematics and Science Study tests conducted by the International Association for the Evaluation of Educational Achievement, and that the Irish fourth class pupils

were among the top performers in Progress in International Reading Literacy 2011 tests;

notes that under the current Government a range of new initiatives have been introduced to protect the quality of our education system and the well-being of our young people, which include:

- reform of the junior cycle;
- an action plan to combat bullying in schools;
- the implementation of a major restructuring of initial teacher education provision;
- the creation and report of a Forum on Patronage and Pluralism in the Primary Sector;
- a review of the system of apprenticeships in Ireland;
- significant reform of school inspection and the introduction of school self-evaluation;
- the roll-out of new guidelines for schools on mental health promotion and suicide prevention;
- a new landscape for the higher education sector, and implementation of the national higher education strategy to 2030; and
- the publication of the draft general scheme of an education (admission to schools) Bill 2013 which will ensure fairness and transparency in school admissions;

further welcomes:

- the fact that €12 million has been set aside by this Government since 2011 for the roll-out of a new national literacy and numeracy strategy, which is designed to help ensure that every child who leaves school has the literacy and numeracy skills they will need for the rest of their lives, and that a further €9 million has been invested in the same period for other related activities including standardised testing and the junior certificate schools programme;
- the provision of free high-speed broadband to every post-primary school in Ireland by September 2014, at a cost of up to €40 million by 2015, paid for by the Department of Education and Skills and the Department of Communications, Energy and Natural Resources;
- the protection by this Government of the standard pupil-teacher ratio in primary schools and free post-primary schools since taking office;
- the ring-fencing of an investment of €1.3 billion to support children with special educational needs in the education sector;
- the consolidation of the vocational education committees sector as local education and training boards, and the replacement of FÁS with SOLAS, an agency that

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will be empowered to lead a coherent, high-quality further education and training sector in Ireland;

- the inclusion in the Further Education and Training Act 2013 of a requirement for SOLAS to develop a strategy for the promotion and development of adult literacy and numeracy;

- the investment of over €2 billion during the lifetime of this Government in school building projects, creating an estimated 15,000 direct and 3,000 indirect jobs over the period of the programme;

- in particular, the investment by this Government of €57 million to date to replace prefabricated structures with permanent school classrooms, which will reduce the prefab rental bill by 25% each year; and

- the creation of new training, further and higher education programmes, such as Springboard and Momentum, which have so far provided over 23,000 unemployed people with educational opportunities closely linked to areas where employment opportunities exist.”

- (Minister for Education and Skills).

Acting Chairman (Deputy Peter Mathews): Deputy Ross is sharing a ten-minute slot with Deputies Joan Collins, Finian McGrath, Luke ‘Ming’ Flanagan and Clare Daly, with two minutes each.

Deputy Finian McGrath: Correct.

Deputy Joan Collins: There is no Minister present. We will wait for him.

Deputy Helen McEntee: He is on his way.

Deputy Finian McGrath: Extra time.

Deputy Shane Ross: I welcome this motion. As it is so long and detailed, it would be difficult not to find elements with which anyone agreed. The fundamental point in this Sinn Féin motion, that 6% of GDP should be allocated specifically to education, is welcome, as it is often the international practice. The commitment to decreasing the pupil-teacher ratio is one that all Deputies should support.

No one wishes to see overcrowded classrooms. No one envies the Minister the position in which he finds himself, a position in which education is so often found, that being, the whipping boy for cuts. However, I wish to make a plea regarding the withdrawal of the grant to fee-paying schools. It is convenient for those who advocate no cuts to claim that this is an area in which an improvement can be made. The Minister has heard me comment on this matter previously. It would save money if he encouraged fee-paying schools. Kilkenny College and other such institutions are withdrawing from the fee-paying sector into the free sector. If people wish to pay fees, let them do so. It is a decision that, as the Minister knows, is made by many who have minority beliefs and find that this is the only possible way to put their children into minority schools. Will the Minister consider reversing the cuts as a means of saving money for the State and providing minorities a way of education their children as they wish?

Deputy Joan Collins: I support the motion. Last Thursday, I had an opportunity to ask a priority question of the Minister for Children and Youth Affairs. I decided to ask some questions raised by Barnardos, the children's charity, in its pre-budget submission. These questions were on how issues relating to uniforms, books and cuts in social welfare payments such as the back to school allowance severely affected children in low-income families. The question was ruled out of order. Apparently, these issues and how they affect children are of no relevance to the Minister for Children and Youth Affairs.

When I read the Barnardos report, I was shocked and outraged by what the children quoted in the submission had to say. I will cite some brief examples. Paul, aged 15 years, stated that he did not have all of his school books because they cost too much and that he hated going to school because he knew that his teacher and others would pick on him. His uniform had not changed since joining secondary school, despite having grown a great deal since then. According to Connor, aged seven years, his mother tells him to put on another jumper, but he is still cold and keeps coughing. The coughing will not go away and he misses a great deal of school because it hurts when he coughs a lot. Grace, aged 13 years, believes that no one in secondary school cares about pupils, only about the right books and uniforms. These despairing voices are children's. They are not being given a chance. This is what it means to be disadvantaged.

This crisis demands action. At a minimum, the Department of Education and Skills must run a properly funded comprehensive school meals programme, not the bits and pieces that we have now. The cuts in the back to school allowance should be reversed. All schools should be forced to operate a book rental scheme and cheap uniform policy. The cut to career guidance counsellors and resource teachers should be reversed. There is an urgent need for specialist help with the emotional and educational needs of children.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to contribute in this important debate on class size. I support the motion, the INTO, parents and children. Class size matters. Education is the future of this country. Our primary school children did not cause the economic crisis and they should not be penalised. At public meetings last night in Airfield in my new constituency and last week in Clontarf, I gave a public commitment that I would support this motion.

Primary school children are an important part of the future. Most hard-nosed economists accept that education is one of the ways that we will get out of this mess. When I started teaching in primary school, there were 45 children in my class. Just before I got elected in 2002, there were 20 pupils. This made a major difference in terms of literacy, self-esteem, more attention for pupils, a better service, reading groups and so on.

At 24 pupils per class, Ireland's classes are the second most crowded in the EU. The EU average is 20 per class. In June, the OECD stated that 9.4% of Government spending was on education compared with 13.7% in 2000. The average EU spend is 13%. This is the reality of what is happening in education. The Minister should consider the value of education, the country's future and our children and not go near class sizes.

Deputy Luke 'Ming' Flanagan: I imagine - in fact, I am definite - that this motion would be supported by the Minister were he in opposition. Whatever changes when one enters into government, one forgets all of one's ideals and, for some reason, it does not seem to matter that class sizes grow so large that they not only become impossible for the children, who were already finding it difficult, but even-----

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Deputy Ruairí Quinn: They have not changed in the past-----

Deputy Luke ‘Ming’ Flanagan: That is the direction we are heading. The Minister can pretend-----

Deputy Ruairí Quinn: How does the Deputy know?

Deputy Luke ‘Ming’ Flanagan: My children and their friends tell me that there are more pupils in their class. Either they and their teachers are imagining it or it is actually happening.

Deputy Shane Ross: Hear, hear.

Deputy Luke ‘Ming’ Flanagan: A possible solution would have been for the Government to keep its promise on regaining the money that was pumped into the European banking system, but it has given up on that. It is often stated that if one wants more teachers on the available budget, one must examine wages, in that teachers in Ireland are paid more than is the case in other parts of Europe. We never hear the other side of the equation - it is more expensive to live in Ireland than in any other European country. This is not by accident. Rather, it is down to a lack of action by the Government. Many of the businesses with which people must deal are driven by cartels that keep prices high. The rate system applied to businesses is unaccountable. Nothing has been done about upward-only rental leases. No matter what people in this country are paid, they will have a difficult time surviving. If the Minister had done something about this he would have more teachers in schools and would get more bang for his buck. However, the Minister keeps doing it his way and keeps coddling himself.

Deputy Clare Daly: Speaking on “Morning Ireland” earlier today, the general secretary of the ASTI, Mr. Pat King, said, “Our intention is to protect education as far as we can. Our dispute is about the quality and disintegration of education.” I salute the members of ASTI for rejecting the Haddington Road agreement and for making that stand.

I absolutely and utterly disagree with the points made by the Taoiseach this morning when he implied that the ASTI was a lone voice in the wilderness. That seems to be an approach whereby the Minister, Deputy Quinn, is also trying to pigeonhole the ASTI. The reality, however, is that ASTI members represent the voice and concerns of all parents and students, as well as many of their colleagues in the TUI and other unions. They are also voicing the concerns of many public sector workers who rejected Haddington Road in round one, and many others who voted for it due to a feeling of coercion.

The ASTI union members’ stance is a very important one and I want to put on record my support for them. It is economic lunacy to cut back funding in education; it goes against everything for which the Labour Party was set up. It also goes against everything the Minister said while on the Opposition benches. Even the most conservative estimates would tell him that an investment of €1 per child at primary level yields a return of €4, €5 or €6 to the economy later on, not to mind what it does for a child’s individual development.

Children are now being left behind by this Government. The Minister has a choice, he has funds and leeway. Increasing class sizes and making teachers pay is not the way forward. It is not what James Connolly established the Labour Party to do. We appeal to the Minister to reverse the decision. I fully support the motion tabled by Sinn Féin.

Acting Chairman (Deputy Peter Mathews): The next speaking slot is for the Government

parties. There are ten Deputies offering and Deputy Helen McEntee is leading off with three minutes. All the Deputies - there are eight from Fine Gael and two from Labour - will have three minutes each.

Deputy Ruairí Quinn: On a point of order, I have to leave the Chamber for a while but I will be back in about half an hour.

Acting Chairman (Deputy Peter Mathews): Okay. I now call Deputy Helen McEntee.

Deputy Helen McEntee: This morning I was on local radio with Deputy Jonathan O'Brien who has moved this Private Members' motion. We discussed cuts, education and everything that has surrounded this debate. The first thing I said on radio was that our education system is not perfect. It was a fairly straightforward simple statement to make. The second thing I said was that our education services have been protected, despite the amount of pressure they have been put under and despite the challenges to our financial stability. That was also a fairly straightforward statement. To say that I was questioned on these statements as being contradictory is, to say the least, an understatement. I can see how they appear to be contradictory but how could I say other than that our educational system is not perfect? We have had cuts, reduced our budget and stretched our finances at the same time as maintaining that our services are being protected. The simple fact is that no educational system is ever perfect. There always will be flaws and ways in which we can make improvements. However, given the budgetary situation, the cuts that have occurred and the pressure the country is under, our educational framework remains one of the best. It can only improve by working with this Government.

We are already investing more than €2 billion in a cyber capital programme which prioritises the construction of schools, creates 15,000 jobs indirectly and 3,000 directly. Some €57 million has been invested to replace prefabs which means we have permanent classrooms. We have new initiatives to reform the junior certificate examination, as well as the action plan against bullying in schools, and mental health guidelines. In addition, we are promoting and implementing a higher education strategy. That is just to name a few initiatives and I could go on.

Sinn Féin's approach to austerity on both sides of the Border is somewhat contradictory. They have a Sinn Féin Minister for Education in the North who apparently has put £400 million into education, yet last year 28 post-primary schools there were closed. That leads me to believe their economic policies, including the manner of expenditure, leave a lot to be desired.

I wish to ask the Minister a few questions about my own constituency which has large, growing populations in Ashbourne, Dunboyne, Dunshaughlin and Ratoath. That puts a lot of strain on school principals who must decide on enrolment figures. It is difficult for them to refuse admission to children. We have maintained our pupil-teacher ratio at 28:1 and in one third of cases it is actually below 25:1. However, I ask the Minister to examine the schools where ratios are higher than that. Some 900 teachers are being recruited to maintain the figures both at primary and secondary level, but that may not be enough to cope with the current discrepancies in enrolments, as well as enrolments in the years ahead.

I also ask the Minister to address the issue of resource hours for children with Down's syndrome. A recent report from the National Council for Special Education, or NCSE, said there was no evidence to show that children with Down's syndrome needed resource hours. However, it is as plain as the nose on my face that is not the case. We do not currently have enough

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studies or reports to show that is the case but if the Minister could examine the matter in the context of the forthcoming budget it would help the children involved. Nonetheless, we have a great educational system at the moment.

Deputy Paudie Coffey: I wish to acknowledge the Sinn Féin motion. It is important for public representatives to keep education at the top of our agenda and prioritise it as best we can. Unfortunately, the difference between Government and Opposition Deputies is that those on the Government benches must manage the budget and the available funds that are allocated to try to protect our education system as far as possible. Despite some of the failings in our education system, we have a good, robust and sound system overall. Nonetheless, we must still work to improve it.

As a father of three young children in primary school, I am as concerned about education as the next person. I am sure every Member of the House is similarly concerned. That is why we need to continue debating education as a matter of priority here in the Chamber, in committees and within our parties. Many Deputies have argued to protect the education budget as far as possible.

For the past five years, I have been the chairperson of a national school's board of management. I can therefore see at first hand the challenges that a mid-sized school with 15 staff faces in keeping its day-to-day budget going as well as maintaining proper resources for pupils. I commend the board of management, which is a voluntary body comprising representatives of the community, parents, staff and school management. The in-school management team and the parents' council are also represented. The work of the board, particularly in fund raising, often goes unrecognised. They manage to keep the school going and preserve resources in the best interests of pupils. That situation needs to continue.

In my school, we operate a successful book leasing scheme which should be extended to all schools. It assists teachers and, more especially, parents to obtain the required educational resources.

The school population is rising and, in fairness to the Government, one of the first things the Minister, Deputy Quinn, and the Minister of State, Deputy Cannon, did on assuming office was to institute a prefab replacement programme. This was to replace many prefabs which had been rented, with taxpayers' money going down the drain as a result. In the short space of two years much progress has been made in replacing prefabs and providing additional accommodation.

As a Government Deputy, I am taking on board what the Sinn Féin Deputies are saying. I accept their concerns are genuine. It behoves us on the Government benches to work within a budget that is seriously affected by the economic crash. We will do all within our power to protect the education of our children.

Deputy Pat Breen: Last Thursday evening in Ennis, I attended a public meeting on primary education. I gave the parents there a commitment to raise some of the issues that affect rural schools. Two years ago, the situation was very different. The Minister, Deputy Quinn, and the Minister of State, Deputy Cannon, inherited an education system that was in real need of reform, given the difficult economic times. In spite of this, the Minister has managed to bring forward a major package of reforms, including an investment of €2 million to ensure that school buildings are fit for purpose. As we move forward, it will be important to continue to invest in schools and to ensure that children have access to a good education whether in rural

or urban areas. Last week, I visited Moyasta national school in west Clare, which is a 54 pupil, two-teacher school which accommodates four classes in two rooms. In one room, there are 34 students made up of nine junior infants, seven senior infants, 12 first class pupils and six second class pupils. Two of the children in this class have special needs. The second room comprises third, fourth, fifth and sixth class pupils, three of whom have special needs. I saw first-hand on that occasion the situation which the teachers have to endure. I am sure there are other schools throughout the country in a similar situation. How can we expect one teacher to deliver four different programmes to four different classes in one room? Overcrowding and a lack of space is a huge issue and the resources and skills of teachers are being stretched to the limit. What I saw was not an ideal environment in which to deliver education. The teachers and staff working in that school are working above and beyond to ensure that the children do not lose out.

The rigid pupil threshold for the allocation of an additional teacher is posing a huge problem for Moyasta national school and other schools as they strive to expand. For the past three years, Moyasta national school has fallen short of the ever increasing pupil-teacher ratio for small schools. The school's enrolment projections for next year are very positive in that it expects to have 57 pupils. However, in order to meet the criteria for an additional teacher, the school is obliged to give a year's notice to the Department, which very much limits its case. This process is too restrictive and needs to be more flexible. I have previously raised this with the Minister and intend to raise it with him again. Account must be taken of population dynamics which fluctuate from time to time, particularly in rural Ireland. Education in rural areas should not be determined solely by numbers. Families should not be penalised for living in rural Ireland. Education should be determined by the role that the school plays in maintaining and shaping our rural communities. This is extremely important.

On the issue of pupil-teacher ratios, I hope the Minister will not seek to increase that ratio in the forthcoming budget. It is an issue of real concern for pupils and teachers.

Deputy Derek Nolan: It is timely in the context of the forthcoming budget, the return of pupils to school and the current media focus on education, that we are discussing education in the House.

Much of the work in which I am engage at community level is related to education in terms of meetings with primary and secondary schools in relation to bringing building projects to the fore. An issue not highlighted in the discussion thus far is that of people with severe to profound disabilities who leave the education sector. It should not be forgotten that there are people in the education sector who despite adversity are succeeding in overcoming their challenges. They are doing so well it must be noted. It is important that element of education, which is considerable and costly, remains in place.

All of us in this House are pro-education. There is not a person here who wishes to see money diverted from education, changes in class sizes or resources constrained. However, we live in the real world where things have to happen. I am confident that the decisions made by the Minister for Education and Skills over the past two years were the right ones. The Minister has made mistakes, admitted he did so and corrected them. He has shown that he is an open, reasonable and accommodating Minister. I commend him on his ability to be flexible.

On reading the Sinn Féin motion I was struck by the reference therein to Article 26 of the Universal Declaration on Human Rights, which relates to education. Article 10 of that declaration deals with the right to a fair trial and Article 5 provides that no one should be subjected to

torture or to cruel, inhuman or degrading treatment or punishment. When discussing politics in this House our focus should be on all human rights.

While I would not disagree with a great deal of what is stated in the Sinn Féin motion, in particular in terms of international standards, are we really expected to commend the Northern Ireland Minister for Education, Mr. John O'Dowd, for his work in education in Northern Ireland? As a representative of a constituency that is urban and rural, I and the Government have been lambasted by Sinn Féin activists in regard to the changes made to the pupil-teacher ratios for small schools. This is nothing compared to what the Minister for Education in the North, Mr. John O'Dowd, is doing. He has explicitly stated that any school in a rural area with fewer than 105 pupils must close because it is not viable or sustainable. There is much talk about the differences between the North and the South. This is Sinn Féin policy by a second consecutive Sinn Féin Minister. Sinn Féin is saying one thing in the North and another in the South. This is what it is doing in respect of education, economics and every other element of politics. It is populism.

I do not propose to support any motion that commends the Minister for Education in the North, Mr. John O'Dowd, on any of the work he is doing.

Deputy Michelle Mulherin: I welcome the opportunity to contribute to the debate. Education is one of the fundamental tenets by which we measure how we, as a society, have progressed socially and economically since the foundation of this State. The appetite among people in the country to invest in education and educate their children, which is intrinsically linked with better futures for everybody, is how we measure education and how by virtue of the policies of successive Governments and Ministers for Education, it has served this country. The current Minister, Deputy Quinn, supported by the Minister of State, Deputy Cannon, is doing that portfolio justice.

The Minister has not dropped the baton. However, we need to take stock. The UN declaration and international charters are referenced in the motion. Let us take stock and be realistic. We have an excellent and accessible educational system. We continue to strive for excellence because there is always more we need to know in relation to education. Our system is fundamentally a good one. I commend the Minister on his courage in tackling educational issues and, as stated by Deputy Nolan, for not being afraid to revisit issues if needs be and to listen to differing views. The Minister is doing all of this while faced with implementing difficult budgets in which the amount available to him to spend on education has been reduced.

Deputy Breen spoke earlier about concerns in relation to the increase in pupil-teacher ratios. Next week, we will hear from the Union of Students in Ireland about the cuts to student grants. Another area of concern is that of students with disabilities. The Minister is faced with a tough task in terms of the division in a fair manner of his allocation. However, it is not always possible to please everybody. Somebody has to make decisions. I believe the Minister makes his decisions to the best of his ability.

I welcome the Minister's public consultation with parents and other interested parties on the inclusiveness, patronage and so on of education. I would like to see such debate take place on the floor of this House. In such debate I would ask questions like what is wrong with teaching religion in schools and what is wrong with having faith at the heart of the ethos of a school? Above all, is there a demand for it among parents? People in my area were surveyed in relation to the provision of a multid denominational school. There is no demand for it. I wonder why it

was being suggested that the predominantly Roman Catholic schools in that area should change their patronage. Constituents come to me about many issues: they do not come to me about the patronage of their schools. They are very proud of their patrons.

I would like if during preparation of the budget the Minister would re-examine the exclusion of Inver national school, which even though it meets all of the criteria for DEIS has been excluded from it because of the incompetence of one person in not returning a form. On capital investment, practically no new schools are to be built in County Mayo or the west. Two schools in my area, Culleens national school and Bonniconlon national school, are in a dreadful state. There is a need for capital investment outside of the cities.

Deputy Derek Keating: I welcome the opportunity to contribute, albeit briefly, to the debate on this important issue. For me, education is far more than children in classrooms. It is about broadening minds, using the skills of our community and assets of our State to enhance and consolidate each young person's own wish to achieve in life.

8 o'clock

It is about helping young people to achieve their potential.

Recently, I had the opportunity to visit Taiwan where I requested an opportunity to study the country's educational system. I was so impressed by the attitude to education I found there that I initiated a cultural exchange. Last week, as part of this exchange, the Taiwanese representative in Ireland, Mr. Tseng, and three teachers from Taiwan visited Lucan community college where they met students and had time to discuss, mingle, integrate, share their experiences and develop a broader, international relationship.

A former parish priest in Ballyfermot, the late Father Peter Lemass, who was a friend of mine, once said that travel broadens the mind and instils in people the excitement of different cultures, attitudes and core skills. The successful cultural exchange I initiated between Taiwan and Ireland will expand into an exciting part of the education of many students in Taiwan and Lucan, under the principal of Lucan community college, Diane Birnie. I want to ensure the Government meets its responsibility to help empower young people.

I support the amendment tabled by the Minister for Education and Skills which sets out his plans for the education sector. These plans will take many years to implement, but the Minister's work thus far has been to consolidate the achievements of the education sector against the background of the economic crisis his Government inherited as a result of Fianna Fáil mismanagement.

Education requires resources, commitment, planning, policy and a vision. The Minister is the best person to lead the education system. As Minister for Finance in the rainbow coalition many years ago, he left enough money in the till to serve the needs of the education system when his Government's term concluded. After 14 years of reckless governance by the Fianna Fáil Party, we have a country in chaos. The Minister is dealing with this chaos.

It is ironic that on a night when the House is discussing a motion on education tabled by Sinn Féin, we learn that more than 650 primary schools in Northern Ireland face budget cuts under the leadership of a Sinn Féin Minister for Education.

Deputy Arthur Spring: Last Monday night, I attended an INTO meeting in the Brandon

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conference centre in Tralee, which was attended by approximately 350 parents and teachers who are concerned about education. This is a difficult time but we must not show self-pity. We must accept that despite austerity not being our policy, an austerity budget will be introduced as a consequence of the economic mismanagement of previous Governments. I remind Deputies that a number of so-called Independent Deputies backed previous Fianna Fáil-led Governments every step of the way and, as such, they are as culpable as the Fianna Fáil Deputies who sat in this Chamber during that period.

I find it difficult at the best of times to listen Sinn Féin condemn our policy of seeking to fix problems. Sinn Féin is directly in charge of education in Northern Ireland. Under the current Minister for Education, Mr. John O'Dowd, and his predecessors, Catriona Ruane and Martin McGuinness, one of the most controversial elements of the party's policy has been the so-called sustainable schools policy which has resulted in the wholesale closure of schools. The cuts being imposed in the education budget in Northern Ireland will amount to €630 million between 2011 and 2015, which is a much higher figure *per capita* than the cuts in this part of the country. The third level education contribution paid by students is also higher in Northern Ireland than it is in the Republic.

Under a Sinn Féin Minister, dozens of primary schools face closure or amalgamation and the future of hundreds of other primary schools has been cast into doubt as a result of a review of all primary schools carried out by the Minister. Sixteen schools, including ten primary Catholic schools, are to close, with six Catholic primary schools closing in the Southern Education and Library Board area alone. Five state schools and one preparatory school have been told they are to close, bringing to 87 the number of schools that have been closed by Sinn Féin Ministers for Education in the past ten years. A further 45 schools will be amalgamated, including 16 Catholic schools, 20 state controlled schools and nine schools in Belfast. More than 300 schools face further review and possible closure or merger on an area or parish basis.

It is amazing that Sinn Féin has the audacity to come down here and tell us at every juncture that what we are doing is completely wrong.

Deputy Aengus Ó Snodaigh: Where does the Deputy think we are from?

Deputy Arthur Spring: I am referring to the people who are governing Northern Ireland. They may be hard to take for Sinn Féin Deputies but the points I make are fact. Not one of them is wrong, yet we have people from Northern Ireland coming down here and telling us we are mismanaging our country.

Deputy Aengus Ó Snodaigh: I was born and bred in Dublin.

Deputy Jonathan O'Brien: I am from Cork.

Deputy Arthur Spring: This country is trying to solve its problems. It has autonomy and will gain full autonomy.

I have differences with many Deputies, including on the forthcoming adjustment. I do not agree with a budget cut of €3.1 billion and would prefer a figure closer to €2.5 billion. I ask back bench Deputies from both coalition parties to push for such an outcome-----

An Ceann Comhairle: Where is the Deputy going with this?

Deputy Arthur Spring: -----as the lower figure would allow for a smaller adjustment in

education than is being suggested. If the final figure is €2.5 billion rather than €3.1 billion, the reductions in expenditure should be implemented in Departments other than the Departments of Education and Skills and Health.

Deputy John O'Mahony: I am pleased to contribute to the debate on the Sinn Féin motion. Deputies on all sides recognise the importance of education as a means of investment in helping the country to recover. It is only natural that our economic circumstances require many difficult choices to be made by the Minister in the coming weeks. I commend the Minister on having done precisely that in recent years when he chose to invest €12 million in the numeracy and literacy strategy and €40 million in high speed broadband for post-primary schools. I also welcome his commitment to invest €2 billion in schools building projects, including €52 million to replace prefabricated school buildings which will reduce rental costs by 25%. That hundreds or perhaps thousands of prefabricated school buildings were constructed during the Celtic tiger era is indicative of the bad choices that were made when resources were plentiful. The Government must now make the correct choices at a time of extremely limited resources.

One of the greatest challenges facing the Minister is to protect the pupil-teacher ratio in primary and post-primary schools. There is a view that the pupil-teacher ratio will be the subject of review in the forthcoming budget. I urge the Minister to continue to perform the miracle of the loaves and fishes by protecting the current pupil-teacher ratio. It is vital that Ireland continues to have a highly educated workforce because we often hear that it is this that acts as a magnet for inward investment. Protecting the pupil-teacher ratio must be one of the key features of the budget as it will underpin the advantages our educational system enjoys.

Deputy Pat Breen referred to the difficulties facing small schools. I come from a rural constituency where we face the same problem. The Minister has shown some flexibility by allowing smaller schools to continue operating. While some amalgamations will be necessary, I urge the Minister to continue his flexible policy.

Deputy Jerry Buttimer: Nelson Mandela once stated that education is the most important weapon we can use to change the world, and he was right. Education is important and the purpose of the education system, if it is to be successful, must be to create future thinkers and entrepreneurs. The system must also be underpinned by professional, competent teachers, as is the case here.

The cynicism evident in parts of the Sinn Féin motion beggars belief. The text does not set out a roadmap for funding education, nor does it provide a clear pathway to provide the €8.5 billion the Government must find for education and skills expenditure. Some 75% of the Department's budget goes on pay and pensions and will not be touched. However, we have a Minister who is committed to reform, to innovation and to ensuring that education remains pivotal to the country's recovery.

Like Deputy O'Brien, I attended the INTO meeting in Cork on Monday night. I commend the teachers, parents and members of boards of management who spoke at what was a very difficult meeting for them. They expressed their concerns about the pupil-teacher ratio and their conditions of service. In articulating their concerns and fears there was a great sense of commitment by the men and women who spoke which underscores the highly professional people we have at our disposal.

There is great concern over class sizes. As a classroom teacher for 16 years, I know that

class sizes matter. A classroom is a compendium of the life of the community in which we live. There are bright pupils who must be allowed to prosper, students who are academically challenged and who must be nourished and nurtured, and there are moderate or average students, like me, who need to be pushed and cajoled. That is why it is important to maintain class sizes. Within that school environment there is a huge opportunity to build the creative people, who, as the Taoiseach has said, can make this country the best small country in which to do business.

Our challenge is to marry the schoolteacher, such as those who spoke at Monday's meeting and articulated their fears and concerns, with the child who comes into that classroom full of life and energy, looking forward to a world where he or she can be that Irish person living within Ireland. That is the challenge we must face when we speak about 1916 and 2016. It is about ending the scourge of emigration and ensuring that our educated have a career pathway at home. We should not need to send people abroad to work when they can be here where they can have education which is centred upon themselves as a student. Child-centred education is what we are about.

It is important that the motion focuses the mind because it is about the child and the student. At the same time it is about ensuring we have an education system that is fit for purpose. We have a Minister who will be innovative, will challenge and will pursue new and creative reform in the curriculum. Tonight's motion, as with previous Sinn Féin motions, does not present any alternative, which is disappointing. Given what that party does in the North, it is ironic that there is no counterproposal from Sinn Féin.

An Ceann Comhairle: I call Deputy Ó Snodaigh, who is sharing time with Deputies Ó Caoláin, Mac Lochlainn and McDonald.

Deputy Aengus Ó Snodaigh: Ba mhaith liom ar dtús mo bhuíochas a ghabháil le mo chomhghleacaí, an Teachta O'Brien, as ucht an rúin tábhachtach seo a chur os ár gcomhair. This comprehensive and detailed motion starkly illustrates the raft of cuts that have impacted on the State education sector. Our motion gives the lie to claims by Fine Gael and especially the Labour Party. It is a pity that the two Labour Deputies most critical of Sinn Féin have scurried out of the Chamber in case they might hear something that would put the record straight. Perhaps they might bother to read the Official Report afterwards to see exactly what the situation is.

Fine Gael and Labour have not prioritised education since coming to power two and a half years ago as they claimed they would. Their predecessor, Fianna Fáil, could not even come up with a counter-motion or an amendment beyond the three lines it produced in response to our detailed proposal. It highlights that party's discomfort in dealing with education given what it did when in government and the atrocious effect of its punitive and regressive cuts which have greatly impacted on every facet of our education system. When the people elected a new government in the hope that some of those cuts would be reversed, they did not expect that they would be compounded, as has happened since the Government came into office.

We have heard the usual ignorant bleating by some Government backbenchers - mainly Labour, but also Fine Gael. Deputies Nolan and Spring do not want the facts to get in the way of the fiction contained in the internal Labour Party briefing that is circulated in advance of any Sinn Féin motion. They are ignorant of the facts and have never taken an interest in what is happening in the Six Counties except to have a go at Sinn Féin. It is a pity they did not take the same interest over the years because the island might be considerably further down the road

if they had. There is a substantial drop in the school-going population in the Six Counties in contrast with what is happening in this State. No school in the Six Counties is closed without six criteria being agreed with the parents, the local board of management and the Department, whereas in this State the only criterion used to close a school is financial. They are being closed on that basis and on that basis alone.

The previous speaker mentioned Nelson Mandela. God love him, he obviously does not understand what Nelson Mandela meant in saying that education is the most important weapon. If it is the most important weapon to deal with the future, the Government should invest in it, and it should not reduce investment in it unless its purpose is to undermine the education system.

Let me put the record straight on finances in the Six Counties. The Stormont Assembly does not have fiscal power and has never had it because of the failure of Fianna Fáil-led Governments to deal with that issue, to lobby for it, to demand it and campaign for it during the Good Friday Agreement talks or subsequently. It never called for a transfer of fiscal powers. If it had, we might have it and we might be closer to reunification on this island. Maybe then decisions could be taken in the interest of the Irish people with a budget in mind. Instead, at the moment, the Assembly is hamstrung by decisions taken by a Tory Government in Westminster. Unlike the slash and burn policies of the Government, the Minister, Mr. John O'Dowd, has redirected almost £400 million back into schools despite his own budget being drastically reduced as a result of British Tory Party cuts.

Another fact that seems to elude the Labour Party internal briefing document - and the Fine Gael one given that Deputy Buttimer mentioned it - is that the Minister, Mr. John O'Dowd, has no responsibility for further education and third level education, which falls to a different Minister. Criticism does not lie on the lap of the Minister, Mr. John O'Dowd, on this occasion. If they want to criticise somebody they should get the facts right.

The pivotal role the three Sinn Féin Ministers, who were mentioned by Deputy Spring, have played in the North is shown by the 10% increase in the number of young people achieving good grades in the GCSE O-level and A-level examinations and the substantial increase in the number of young people gaining third level and university qualifications. In addition, primary schools in the North have now been ranked as the top performing in the English-speaking world in literacy and numeracy. Those achievements should be contrasted with what is happening throughout this State where the imposition of countless cuts in pay, allowances and essential supports can be attributed to the Government's austerity measures that have directly impacted in the classroom. We are seeing the effects of it in increased numbers of students dropping out from schools in working-class areas in particular.

On this point alone, the Minister, Deputy Quinn, and his Government colleagues could learn much from the approach being taken to improve education in the Six Counties. I mention two examples, the expansion of the free school meals system and changes to the school uniform grant criteria. Some 100,000 low-income families now benefit from these essential supports. That 100,000 can be contrasted with the fact that when direct rule was in place only 60,000 benefited.

Funding has been increased for schools dealing with high numbers of disadvantaged young people. For example, at preschool level the Sure Start service currently benefits more than 34,000 children aged between zero and four years. It will be significantly expanded in the coming year. Fully £15.6 million will be provided over the next three years for 267 graduate

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teachers to provide additional help to pupils who are at risk of underachievement in the key stage two assessment and the GCSE English and mathematics subjects. In the next two years a total of £2 million will be spent on new community education initiatives and programmes to address high levels of educational underachievement in socially and economically disadvantaged communities.

I turn now to this State and the absolute failure and the consequences of the cuts that it has imposed. The area on which I wish to concentrate is the plight of Traveller children. Their treatment at the hands of this Government and its predecessors is a damning indictment of those Administrations. I demonstrate this by putting on the record the facts as they pertain to schools in my area in Ballyfermot, because these reflect exactly what is happening to Travellers in schools.

Between 2006 and 2011 St. Dominic's Secondary School managed to achieve 100% retention of members of the Travelling community who attended, with three members of the Travelling community progressing to further education following successful completion of the leaving certificate programme, something unheard of several years ago. The primary schools have been successful in retaining the boys to the end of first class, at which point they transfer to the De La Salle national school, which has attained full retention of the girls to the end of primary school, at which point they have successfully transferred to St. Dominic's secondary school. That success has been due to commitment from a number of partners, including the school community, school management, the visiting teacher for Travellers, the resource teacher for Travellers, guidance counsellors, classroom co-ordinators, Barnardos, the Ballyfermot Traveller action programme and the teachers and pupils themselves. However, what has happened since 2011? That was the key date. Since then they have lost the visiting teacher for Travellers, the resource teacher for Travellers and the Barnardos Labre Park project. There are diminished resources in terms of support programmes from other groups such as the Ballyfermot Traveller action programme. There is increased poverty and alienation in the Traveller community and decreasing health and mental health among students and their parents. This has an impact on their attendance as well.

There is an issue with Traveller boys not being in school, and this has a direct impact on the girls in Traveller communities who are more successful or who continue for longer in school. All of this has resulted in an increased dropout level and lower retention of children. This is not only the case in secondary school; we are now beginning to see it in primary school also. Currently there are no Traveller students attending school within the senior cycle and that represents a dramatic change in the space of two years. This is a consequence of the policies of this and the previous Government.

There are consequences in terms of attendance. Attendance is 11% lower for students from the Traveller community in primary schools. Attendance is 21% lower for Traveller students in the junior cycle attending secondary school. This is not particular to Travellers, in case anyone suggests I am picking one group in our society over another. It is also seen and reflected among working-class communities, those who are disadvantaged and in particular those who do not have the benefit of having parents who went on to do the junior or leaving certificate. Often these people are dependent on social welfare and have been affected by the DEIS cuts and other cuts in education, including those listed in the amendment. There is a need to continue to break the cycle of poverty. One of the ways to break the cycle of poverty, as Nelson Mandela said, is to educate people. If we fail to invest properly in education, fail to address people's needs and fail to address poverty in the future, we condemn young children in our society to a life of

poverty, unemployment and isolation, or, in some cases, no life at all, because they end up taking their lives through suicide because they have no hope.

The organisation that advocates on behalf of the Traveller community, Pavee Point, released a document earlier this year called Travelling with Austerity. It highlighted that the cut to Traveller education is of the scale of minus 86%. This is an absolute scandal, and when added to all the other cuts that have affected this marginalised part of a society, it is a damning indictment of the Government.

Casfaidh mé anois ar feadh tamaill bhig ar cheist eile atá ardaithe agam sa Teach seo cúpla uair thar na blianta. Tá gá anois, agus bhí i gcónaí, níos mó tacaíochta a thabhairt do Ghaelscoileanna agus do scoileanna Gaeltachta ná a thabhairt do ghnáthscoileanna eile. Tá fadhbanna agus dúshlán bhreise acu toisc go bhfuil siad ag obair i dtír ina bhfuil an Béarla chun cinn. Níl na háiseanna nó na téacsleabhair chéanna ar fáil dóibh, mar atá sna scoileanna Béarla. Ba chóir cás speisialta a dhéanamh dóibh de bharr na deacrachtaí sin, agus an t-athrú a rinne an Rialtas maidir leis an gcóimheas daltaí le múinteoir i nGaelscoileanna a athrú ar ais. Ba cheart an bun-táiste a bhí ann a athbhunú chun a chinntiú nach mbeidh na Gaelscoileanna agus na scoileanna Gaeltachta thíos leis.

I have said that it is important to invest in the future and in our children. We lay the groundwork through investment. When one invests in something one gets a return and when one lays the groundwork one will get a return in the future. If we do not, we will condemn a nation to poverty or emigration, and people will be unable to succeed to the level of which they are well capable. Our children are capable of reaching a potential well above what was laid out for many of us when we were in school. I believe that through investment we can lay the future not only of our society but also of our economy. It is more important to invest in education than to invest in corrupt banks. Given the opportunities that new technologies grant us, all schools should have an enhanced programme and roll-out of such new technologies because it allows pupils to absorb knowledge, broaden their horizons, learn new languages and learn from other experiences.

I urge all Deputies to reconsider the motion and whether they will vote against it. It is a good motion and it commits every Member to improving the education of our children, the children of this nation.

Deputy Caoimhghín Ó Caoláin: I commend my colleague Deputy Jonathan O'Brien on his introduction of this comprehensive motion on education. The current recession is a time when everything possible should be done not only to maintain our support for education but to enhance it. There will be no true recovery without the empowerment of people through education, particularly the empowerment of those in our society who are disadvantaged. A good education system can help to overcome disadvantage and break the cycle of generational economic deprivation.

Far from breaking that cycle, the austerity policies begun by Fianna Fáil and continued by the current Government are accelerating it. This is reflected in the increased numbers of people applying for the back-to-school clothing and footwear allowance. More people are seeking help from a fund that this Government reduced last year and again this year.

Decent standards in our education system are simply not sustainable if the Government continues to cut education spending, as it has done since it came to office. Anything in the

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order of the expected or speculated €100 million cut in 2014 will be a further damaging blow to educational services for children throughout the State, with the least advantaged pupils and families being worst hit. There is a real concern now that the Government's approach will result in a further increase in the pupil-teacher ratio in primary schools. With an average of 26 pupils per teacher in the State, we have the second highest pupil-teacher ratio in the European Union. Moreover, I believe we face a turning back of the clock by decades to a position that obtained in my own time and for many years thereafter in which classes in primary education had 30 children or more. Already, a shocking 23.5% of primary school children in mainstream schools in this State are in classes of 30 or more. This is a shocking fact and the numbers have continued to increase in recent years.

The Minister, Deputy Quinn, states in his amendment that the Government has just published an action plan to combat bullying in schools. This is commendable, I welcome it and have spoken on this issue many times in this House. As the Irish National Teachers Organisation has pointed out, however, the challenge to combat bullying is made all the more difficult by increased class sizes. This is a no-brainer of a claim and it stands clear to everyone that this would be the case. On the issue of bullying and cyberbullying among 12 to 18 year olds in particular, I take the opportunity to commend the Waterford Comhairle na nÓg representatives who made what I can only describe as an outstanding presentation on this sad and tragic issue in the audio-visual room in Leinster House this afternoon. I say a very sincere "well done" to the young speakers involved, who were excellent.

I welcome the formation of the National Alliance for Primary Education, comprising management, parents, teachers and principals, which aims to halt Government plans to cut primary education in this year's budget. The new alliance includes the Church of Ireland Board of Education, the Catholic Primary Schools Management Association, Educate Together, An Foras Patrúnachta, Gaelscoileanna, the Irish National Teachers Organisation, the Irish Primary Principals Network, the National Association of Boards of Management in Special Education and the National Parents Council Primary. The National Alliance for Primary Education has stated that any attempt to cut bluntly primary education is a direct attack on children and their constitutional right to education. It is urging the Government to leave primary education alone and it questions how schools can equip today's generation for tomorrow if they are drained of vital resources. All Deputies will by now have received the National Alliance for Primary Education postcards with the message "Children Shouldn't Pay – protect primary education – protect our future". I endorse fully that message and that campaign and I urge the Ministers, Deputies Quinn, Noonan and Howlin, as well as the Taoiseach, to act on it.

For all pupils, the cuts represent a threat to their education and to their future. However, this is definitely the case for pupils with special needs. All pupils have the right to have their needs assessed as early as possible and to have the additional resources they require allocated to them. Obviously, there are limited resources, but every effort must be made to put in place the resource teachers, hours and special needs assistants that pupils require. In conclusion, as the motion states, the Government should increase the number of teaching resource hours and end the cap on special needs assistants to match the needs of a rising school population and break the cycle of deprivation, marginalisation and educational disadvantage through the promotion of fairness and equity. Iarraim ar gach Teachta tacú leis an rún seo.

Deputy Pádraig Mac Lochlainn: As a proud Irish republican, I believe that all citizens are equal and that education is a fundamental right and not a privilege. I have often heard the Minister for Education and Skills, Deputy Quinn, use the terminology "citizens", and it is right

that he does. However, with that terminology comes its natural extension that citizens have a right to an education that takes them on the path to achieve their full potential.

The way in which Sinn Féin views education certainly is not shared, on the basis of the evidence, by the present Government or its Fianna Fáil predecessors, whose past track record and current policies are ensuring that only the more wealthy sections of society will be able to progress to higher education. This is a view that is reflected by a recent survey carried out by the Irish League of Credit Unions showing that parents increasingly struggle to pay for their children's third level education. The average monthly outgoings of a student amount to €1,000. This is the unacceptable reality, in which the increasingly punitive costs of attending college mean that in the forthcoming academic year alone, an estimated one student in 12 will be forced to drop out of his or her course because of financial pressures. Countless more aspiring students will not even be able to consider higher education as an option because of their limited income. How ironic that it is a Labour Party Minister who is overseeing and implementing such regressive cuts, which are institutionalising a two-tier education system. The financial barriers that are denying access to a third-level education contradict much of what the Labour Party is supposed to stand for. It also makes a mockery of the Government's claims to be prioritising a knowledge-based economy that supposedly is so important for our economic recovery.

In this context, I refer to the issue of masters studies. How many times have Members come across people who wish to continue their education by completing their masters degrees? However, while the Government will not fund such studies, it will pay them €188 per week to be on the dole. If one does the sums, it would cost less to allow them to continue with their education and to have a better chance of being re-employed. This single example alone demonstrates it simply does not make sense.

All this rhetoric perhaps is unsurprising and I refer to the famous signing of the USI banner. While I acknowledge the Minister has stated that he profoundly regrets so doing, nevertheless he signed that pledge and then within weeks of being in government, there was a reneging on that promise and a U-turn. The students will not forget that and each year, when they lobby the political parties, as they will again soon, they will point to that episode. This is the reason Sinn Féin has brought forward its proposals for equality budgeting because political promises can be and are broken. The only way in which to protect citizens' rights is to have equality impact assessments of budgetary measures that are in place. I note this is the Minister's party policy, against which he voted when Sinn Féin tabled the Bill to give effect to such measures. I urge the Minister to reflect on that. People today sought to have their pledges signed and Sinn Féin did so. I assure the Minister that Sinn Féin intends to honour these pledges in respect of equality budgeting if it ever has the chance to sit on the Government side of the House.

The importance of the maintenance grants cannot be overstated as approximately-----

An Ceann Comhairle: I must ask the Deputy to watch his time.

Deputy Pádraig Mac Lochlainn: Very well. I have many more pages to read as there is so much more I could say. I believe the Minister knows in his heart that the cuts he has implemented are wrong. I heard him speak of the €100 million he may be obliged to cut and how he is fighting to lessen that amount. The Minister is an intelligent man and knows this is absolutely crazy stuff. During a recession and private sector contraction, the role of the Government is to invest, particularly in the education system, to ensure that people can prepare for when the upturn comes, as well as investing in infrastructure. These measures are established rules of

thumb and the Minister is aware that what is happening at present does not make sense. As I always point out in such debates, I do not presume that Sinn Féin has a monopoly over decency. What is happening, however, is indecent, is wrong and does not make sense. At some point, I hope the Labour Party recovers its soul and fights to stop this in government.

Deputy Mary Lou McDonald: The Minister's recent claim that a cut of €100 million would be within what he termed the outer reach of potential cuts to the education budget for next year will be of little comfort to parents and even less to their children. Regardless of whether it is €50 million or €100 million, an already overstretched and inadequately resourced education system is to be undermined further on the Government's watch.

I can tell the Minister what is on the minds of parents in my constituency of Dublin Central. They seek an absolute assurance that their children will get a proper educational opportunity. They seek to ascertain that the education system will be resourced properly and protected. While schools across the State have been hit hard by cuts to the budget, the challenges facing schools within disadvantaged areas such as Dublin's north inner city are particularly acute.

The Minister, Deputy Quinn, has stated that for this year, hundreds of additional resource teachers who may be required to meet extra demand for special needs students have not been budgeted for and that he will not know the scale of the problem until this month, which is just weeks before the budget announcement in October.

Education has been fundamentally damaged by this Government through the withdrawal of guidance services, teachers spending less time teaching due to extra administrative duties and the loss of classroom teachers from schools. However, in a sense this is just the tip of the iceberg. Cuts imposed by the Government, particularly in the areas of health and education, have been deep and the fallout is all around us. In my constituency, children of school-going age who require speech and language therapy must wait up to two years for that therapy. I am told by the Minister for Education and Skills that this is not a matter for him but for the Minister for Health, as the HSE delivers the service. The Minister is nodding his affirmation of that. However, this should and must be a matter for the Minister for Education and Skills. In addition, it should be a matter of real concern to him.

Deputy Ruairí Quinn: It is, but I do not have control over it.

Deputy Mary Lou McDonald: Consider a child who starts in junior infants class with a speech and language difficulty. If the difficulty is unidentified and untreated for two years, it will become a real and substantial problem for the child. Additional supports will be required for the child, which means the costs are increased. Alternatively, scarce resources are overstretched. This type of situation is happening in every part of the State yet, astonishingly, the two relevant Ministers do not appear to be even talking to each other about it.

I raise this issue specifically as an example of how fundamentally public services have become unstuck. If the Minister for Education and Skills, Deputy Ruairí Quinn, continues to view public sector reform through the prism of the bottom line, he will leave behind a system that will take decades to fix. There is little point in telling the Dáil time and again that Fianna Fáil left the country in pieces. We know that; it is a fact. However, we also know that this Government is now complicit in and party to deepening that damage. The problem is that when this Government stepped into the breach it did not usher in its democratic revolution. Instead, it took Fianna Fáil's so-called recovery strategy and began to implement it.

We all know that spending must be reduced to address the deficit, but not to the degree carried out by this Government and not by affecting the same people repeatedly, particularly our children and young students. What is required is that the Minister come to the Dáil with a strategy for fixing the education system during the remainder of this Government's term of office. All the rhetoric about lifelong learning or a knowledge economy becomes farcical and lacks any credibility when it comes from the mouth of an Administration that pauperises the education system.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):

I thank Sinn Féin for tabling this important motion for consideration. It is always good to see education on the political agenda. Education is a subject of immense interest and importance for all of us, whether we are students, parents, educators or legislators.

In its programme for Government this Government set out its aim to build a knowledge society, for education to be at the heart of a more cohesive and equal society and for it to be the engine for sustainable economic growth in the future. The achievement by the Government of its aims for education and training and of promoting investment in education, however, must take account of the economic reality we face at present. It is a reality that obliges us to significantly narrow the gap between our spending and the taxes we take in. We cannot continue to borrow €1 billion per month to pay for public services.

However, this Government has sought to protect front-line education services as far as possible, including through protecting pupil-teacher ratios. I welcome the acknowledgement by some Deputies during the debate of the efforts being made by the Government in this regard. I also welcome the broad agreement on tackling a number of key issues, including back-to-school costs, literacy and numeracy and special educational needs. It is true that the forthcoming budget will be difficult. The exact details will be worked out by the Government over the next few weeks. The contributions made by Deputies during this debate will help to inform that budgetary process. It is good to have a wide range of inputs to the process and to be willing to listen to advice and experience from elsewhere. Deputy O'Brien would concur that both the Minister, Deputy Quinn, and I, in drafting the new legislation on SOLAS, were open to suggestions and innovations emanating from all quarters. We drew the conclusion that a good idea is a good idea, irrespective of its source. The level of co-operation and collaboration that occurred on that legislation can certainly continue in the future if everybody is open to that.

As well as seeking to protect expenditure on education and training, the Government has put in place a number of important initiatives designed to improve educational and training outcomes. One important structural initiative in my area of responsibility is the major consolidation of our 43 VECs into 16 ETBs and the aforementioned replacement of FÁS with the new organisation, SOLAS. This will lead to a coherent, high quality further education and training sector. Additionally, in respect of further education and training, I am driving efforts to provide increased opportunities for upskilling and retraining of individuals. That upskilling and retraining is happening in close co-operation with the significant number of experts across our education system, in the training and further education sectors, and in collaboration with the many people in industry who are more than willing to collaborate with us in the development of curricula in the future.

Since 2011, the Springboard programme has provided more than 15,000 part-time, higher education places for unemployed and previously self-employed people. We have provided 6,000 Springboard places in 2013 alone, with funding of €22 million allocated for that. In

addition, approximately 1,500 places have been provided under two rounds of the ICT skills conversion programme, with a further allocation of €5 million made for 2013. Also, funding of €20 million has been provided for Momentum, the new labour market education and training fund, where a further 6,000 places will be provided in 2013. The action plan to combat bullying in schools, which received very positive comment in some contributions, was launched earlier this year and is being supported with an annual budget of €500,000.

The bottom line is that we are operating in an incredibly difficult environment, not unlike the environment described by some of our Sinn Féin colleagues when they spoke of how they must operate within severely limited budgetary conditions. There is no difference on our side; we face the same challenge. Ultimately, we are trying to work within those very limited resources and to ensure we can protect our children and all our students, as best we can, from the harshest winds of recession. It is clear that this Government has embarked upon a significant range of reforms in the education sector. Our commitment to protecting the education budget to the greatest degree possible, which is clear for all to see, is evident from our actions. I support the amendment to the motion.

Deputy Jonathan O'Brien: First, I thank all the contributors to this debate. The number of speakers is an indication of the importance of education in the forthcoming budget for Members on all sides of the House.

The Minister quite rightly corrected us last night on the figures we quoted in respect of the OECD. However, the figure he quoted is from 2010 as well, so that figure is almost three years old. Given the level of cuts in recent years, we could spend another hour debating what is the actual spend on education relative to our GDP. The bigger question, however, is whether what we are investing in education is being directed to the right places. Is it tackling educational disadvantage and is it improving our educational outcomes? Are we getting value for money? That is the bigger debate we must have, be it in this Chamber or in the committee. Let us move away from the statistics and get down to the nuts and bolts of the matter.

Deputy Ruairí Quinn: I would welcome that.

Deputy Jonathan O'Brien: We look forward to debating that in the committee.

The amendment tabled by the Minister states: “education services have been protected despite the immense challenges posed to the financial sustainability of our nation”.

I am of the view that not even the Minister believes that to be a credible statement. How could anyone say that our education services have been protected in light of the fact that in 2012 some €132 million was taken out of the system and last year €77 million was removed? We do not know how much is going to be taken this year but it could be anything up to €100 million. This means that almost €300 million would have been removed in three years. It is simply disingenuous for anyone, particularly a Minister, to state that education services have been protected despite this level of cuts.

The Minister stated that there is a need to inject an element of realism. Let us do that. The reality is that the education system is being dismantled cut by cut. One need only consider some of the measures which have been introduced since the Minister came to office. I refer to the change in staffing schedules for small schools, cuts to maintenance grants, the increase in student contribution fees, the scrapping of the minor works grant, changes to school transport schemes, changes to the PTR, the loss of guidance counsellors and cuts in further education.

As a result of all of this, the teacher population is becoming increasingly demoralised. That is the reality which exists.

The budget is approximately three weeks away, yet we do not know how much is going to have to be saved within the education budget. How do the Minister, his Ministers of State and the Department plan ahead in such circumstances? How can they contemplate the long-term strategic plan everyone wants to put in place in the area of education if they do not even know the type of savings they are going to be obliged to make? In the next three weeks, the Minister is going to be given a figure and he will then make a number of decisions. Some of those decisions are going to be rushed as a result of the fact that we do not yet know the exact amount of savings it will be necessary to make. This brings into focus the need for budget-proofing announcements. Deputy Mac Lochlainn brought forward legislation prior to the summer recess which would give effect to the latter. We have seen the consequences relating to announcements made by the Minister's Department in the two most recent budgets. In that context, no impact analysis was carried out and the decisions in question had to be reversed. In fairness, the Minister took people's views on board and made those reversals.

The Minister placed a great deal of emphasis on the success of the DEIS programme during his contribution. He stated:

Retention rates in disadvantaged schools have improved even more markedly due in large part to the supports offered through the DEIS action plan for educational inclusion. I will be pleased to discuss the reasons the action plan is working on another occasion. Retention rates for DEIS second level schools increased by almost 12% over a five year period, between pupils who entered second level in 2001 and those who entered in 2006. There is clear evidence that the DEIS programme is having a positive effect in tackling educational disadvantage and is an example of funding well spent.

Despite the latter claim, when the Government introduced its first budget the Minister wanted to dismantle the DEIS programme.

Deputy Ruairí Quinn: No, I wanted to remove some of the extra posts which some schools had.

Deputy Jonathan O'Brien: The Minister - in his own words - went after a programme that "is having a positive effect in tackling educational disadvantage and is an example of funding well spent".

Deputy Ruairí Quinn: No, I went after legacy posts.

Deputy Jonathan O'Brien: In order that decisions such as those to which I refer will not continue to be made, impact analyses will have to be carried out in respect of every budgetary decision.

When referring to the higher education sector the Minister stated:

The Department supports a range of measures which facilitate greater levels of participation by disadvantaged students, mature students and students with disabilities. The principal support in financial terms is provided under the student grant scheme. Approximately 42% of students in full-time higher education in the 2011-12 academic year were in receipt of a student grant.

Those are noble words but to echo the Minister's other comment to which I referred earlier, let us inject some realism into the debate. Representatives from the Society of St. Vincent de Paul addressed the Joint Committee on Education and Social Protection earlier today and they indicated that even those students who are receiving the full maintenance grant are finding it increasingly difficult to remain in college. The Government took a decision to cut the maintenance grant and this placed more pressure on students in the context of their trying to remain in college. It is estimated that one in 12 students from disadvantaged backgrounds are being forced to drop out of higher education because they just cannot afford to continue. I reiterate that even those students who have been awarded full grants are being forced to drop out as a result of the financial pressures which obtain. The Minister must recognise that cutting the maintenance grant will only entrench the educational inequalities that exist in the State.

In the context of the PTR, the Government amendment refers to "the protection by this Government of the standard pupil-teacher ratio in primary schools and free post-primary schools since taking office". In theory, that is correct. However, let us again inject some realism into the debate. The reality is that class sizes are increasing as a result of the fact that the student population is increasing. One in four students at primary level is in a class of more than 30. During my initial contribution I referred to the fact that there is a class of 41 students at one primary school in Cork. A great amount of effort has been devoted to changing the primary school curriculum to an activity-based model. The difficulty is that when there are so many students in small classrooms, teachers find themselves under extreme pressure in the context of their ability to teach that curriculum. That is the reality which exists.

The change from an ex-quota model of career guidance counselling to an in-quota one led to an increase in the PTR in many post-primary schools. Again, that is the reality. It is all well and good to state that the PTRs which exist at primary and post-primary level have not been touched but the actual position is different. Reports relating to the changes in the career guidance system indicate that the level of one-on-one interaction between counsellors and students has decreased by almost 50%. That is a significant loss because students are being hampered in terms of their ability to access the services they require.

Successive reports from Barnardos and various other groups have highlighted the increase in the costs relating to children returning to school. I accept that it is not proper to the Minister's Department but the back-to-school clothing and footwear allowance has been cut. This has placed even more pressure on parents and the situation is quickly getting out of hand for many of them. The Minister has adopted a very hands-off approach to this matter. I say that for a number of reasons. Instead of using the power he has under the relevant legislation to direct schools to introduce generic school uniforms, he has decided to go down the road of encouraging parents' associations and councils to work with school boards of management and patron groups in order to try to address the matter. That is all well and good but if a solution cannot be found, then I would encourage the Minister to intervene and use the power available to him under the Education (Welfare) Act.

Deputy Ruairí Quinn: I share the Deputy's concern but I am not sure I have such powers.

Deputy Jonathan O'Brien: The Minister does possess such powers. I checked the position with the Oireachtas Library and Research Service, which forwarded to me a paper which categorically stated that the Minister had the power to issue directives to schools in this regard. In that context, in 2001 the then Fianna Fáil Minister for Education and Science issued directives in respect of school uniforms to patron bodies. The current Minister also possesses that

power.

I have been very complimentary about a number of the initiatives the Minister has brought forward.

Deputy Ruairí Quinn: I thank the Deputy.

Deputy Jonathan O'Brien: We have debated three significant items of legislation. The Qualifications and Quality Assurance (Education and Training) Act, the Education and Training Boards Act and the Further Education and Training Act have huge potential in the context of transforming the education system in this State and I previously congratulated the Minister on their introduction. There are some other progressive measures which the Minister has ambitions to achieve, such as the reform of the junior cycle, the implementation of the action plan on bullying and the rolling out of the literacy and numeracy strategy. These are all laudable initiatives.

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The reality, however, is that those reforms will mean nothing if the Minister continues to cut education budgets. Unless he puts in place the resources to implement those reforms, they will not happen and that will be a devastating consequence of the situation in which we find ourselves. We will squander the opportunity to implement real reform unless we match it with the resources and finance.

I do not lay all the responsibility for this at the Minister's feet. There must be collective responsibility at Cabinet level when it comes to investing in education. I do not understand the way this Government works in that the Minister for Public Expenditure and Reform and the Minister for Finance come to the Cabinet table a wag a finger at each Minister and say he or she must find so much in savings in his or her Department. There is no joined-up thinking at Cabinet level when it comes to the type of society, education system, health system and mental health services we want. As long as this Government continues to operate in a very departmentalised way with every Minister being told to find a certain amount in savings, we will never get on top of the real issues facing society.

The Cabinet needs to make a collective decision and say it needs to invest in our education system and that because its wants to cherish all the children of this nation equally, it will not cut our education budgets. That is the only way this will happen. It happened in the North where there was cross-party support for redirecting almost £400 million back into education. It has happened in other countries where political parties, both left and right, have come together and said that education is critical to economic recovery and, therefore, they will make a decision to protect education.

As I said last night, there are no hard or no easy decisions when it comes to education; there are right decisions or wrong decisions. Cutting education budgets is not a hard decision; it is simply the wrong decision. Investing in education, even in these difficult economic times, is not something which can be done easily but it can be done. We have shown how it can be done and we will do so again when we launch our pre-budget submission the week after next.

It is not an easy decision to invest in education but it is the right decision and we will reap the benefits for years to come. We only have to look at countries like Finland. The Joint Committee on Education and Social Protection visited Finland in February to look at the system in

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place there. The difference between Finland and Ireland, which have similar populations and pupil numbers, is that Finland made a decision in a time of recession to invest in education and it is reaping the benefits now. I implore the Minister to go back to Cabinet and convince his Cabinet colleagues that investment in education is well worth doing.

Amendment put:

<i>The Dáil divided: Tá, 74; Níl, 41.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Browne, John.</i>
<i>Buttimer, Jerry.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>
<i>Byrne, Eric.</i>	<i>Collins, Niall.</i>
<i>Cannon, Ciarán.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Daly, Clare.</i>
<i>Collins, Áine.</i>	<i>Dooley, Timmy.</i>
<i>Conaghan, Michael.</i>	<i>Ellis, Dessie.</i>
<i>Conlan, Seán.</i>	<i>Ferris, Martin.</i>
<i>Connaughton, Paul J.</i>	<i>Flanagan, Luke 'Ming'.</i>
<i>Coonan, Noel.</i>	<i>Fleming, Tom.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Halligan, John.</i>
<i>Deasy, John.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Healy-Rae, Michael.</i>
<i>Donohoe, Paschal.</i>	<i>Keaveney, Colm.</i>
<i>Dowds, Robert.</i>	<i>Kitt, Michael P.</i>
<i>Durkan, Bernard J..</i>	<i>Lowry, Michael.</i>
<i>English, Damien.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Farrell, Alan.</i>	<i>McConalogue, Charlie.</i>
<i>Feighan, Frank.</i>	<i>McDonald, Mary Lou.</i>
<i>Ferris, Anne.</i>	<i>McGrath, Finian.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Mattie.</i>
<i>Griffin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>Hannigan, Dominic.</i>	<i>McLellan, Sandra.</i>
<i>Harrington, Noel.</i>	<i>Murphy, Catherine.</i>
<i>Harris, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Hayes, Tom.</i>	<i>Ó Fearghail, Seán.</i>
<i>Heydon, Martin.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Hogan, Phil.</i>	<i>O'Brien, Jonathan.</i>
<i>Howlin, Brendan.</i>	<i>O'Dea, Willie.</i>
<i>Humphreys, Heather.</i>	<i>O'Sullivan, Maureen.</i>

Dáil Éireann

<i>Humphreys, Kevin.</i>	<i>Ross, Shane.</i>
<i>Keating, Derek.</i>	<i>Shortall, Róisín.</i>
<i>Kehoe, Paul.</i>	<i>Smith, Brendan.</i>
<i>Kelly, Alan.</i>	<i>Tóibín, Peadar.</i>
<i>Kenny, Seán.</i>	<i>Troy, Robert.</i>
<i>Kyne, Seán.</i>	<i>Wallace, Mick.</i>
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Quinn, Ruairí.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 74; Níl, 41.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Browne, John.</i>
<i>Buttimer, Jerry.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>
<i>Byrne, Eric.</i>	<i>Collins, Niall.</i>
<i>Cannon, Ciarán.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Daly, Clare.</i>
<i>Collins, Áine.</i>	<i>Doherty, Pearse.</i>
<i>Conaghan, Michael.</i>	<i>Dooley, Timmy.</i>
<i>Conlan, Seán.</i>	<i>Ellis, Dessie.</i>
<i>Connaughton, Paul J.</i>	<i>Ferris, Martin.</i>
<i>Coonan, Noel.</i>	<i>Flanagan, Luke 'Ming'.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Fleming, Tom.</i>
<i>Deasy, John.</i>	<i>Halligan, John.</i>
<i>Deering, Pat.</i>	<i>Healy, Seamus.</i>
<i>Donohoe, Paschal.</i>	<i>Healy-Rae, Michael.</i>
<i>Dowds, Robert.</i>	<i>Keaveney, Colm.</i>
<i>Durkan, Bernard J.</i>	<i>Kitt, Michael P.</i>
<i>English, Damien.</i>	<i>Lowry, Michael.</i>
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Feighan, Frank.</i>	<i>McConalogue, Charlie.</i>
<i>Ferris, Anne.</i>	<i>McDonald, Mary Lou.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Finian.</i>
<i>Griffin, Brendan.</i>	<i>McGrath, Mattie.</i>
<i>Hannigan, Dominic.</i>	<i>McGrath, Michael.</i>
<i>Harrington, Noel.</i>	<i>Murphy, Catherine.</i>
<i>Harris, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Hayes, Tom.</i>	<i>Ó Fearghail, Seán.</i>
<i>Heydon, Martin.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Hogan, Phil.</i>	<i>O'Brien, Jonathan.</i>
<i>Howlin, Brendan.</i>	<i>O'Dea, Willie.</i>
<i>Humphreys, Heather.</i>	<i>O'Sullivan, Maureen.</i>

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<i>Humphreys, Kevin.</i>	<i>Ross, Shane.</i>
<i>Keating, Derek.</i>	<i>Shortall, Róisín.</i>
<i>Kehoe, Paul.</i>	<i>Smith, Brendan.</i>
<i>Kelly, Alan.</i>	<i>Tóibín, Peadar.</i>
<i>Kenny, Seán.</i>	<i>Troy, Robert.</i>
<i>Kyne, Seán.</i>	<i>Wallace, Mick.</i>
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Quinn, Ruairí.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

25 September 2013

Question declared carried.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Thursday, 26 September 2013.