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Friday,
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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé hAoine, 20 Meitheamh 2014

Friday, 20 June 2014

Chuaigh an Ceann Comhairle i gceannas ar 10 a.m.

Paidir.
Prayer.

10 o'clock

Scrap and Precious Metal Dealers Bill 2013: Second Stage [Private Members]

Deputy Mattie McGrath: I move: “That the Bill be now read a Second Time.”

Ar an gcéad dul síos, ba mhaith liom mo bhuíochas a ghabháil don Cheann Comhairle agus don Leas-Cheann Comhairle agus do na hoifigigh in Oifig na mBillí. I thank the Ceann Comhairle, his staff, the Bills Office, colleagues and everyone who helped my staff on this Bill. It has been amended since the last occasion.

I rise today with a certain amount of sadness at the continued plundering of our national treasures, the violation of persons and their homes and the many acts being performed outside of any regulation. I do not exaggerate when I say that people’s lives and limbs are being put in danger. Those involved in this relentless trade know no boundaries. There is no point in saying there is no meaningful legislation, as there is none at all.

I thank the departmental officials, who are present, and I wish the new Minister Godspeed on her new journey and well in her office. I look forward to working with her. I had some engagement with her on this issue in recent weeks. Despite her busy schedule, she found the time. I had a briefing with the officials yesterday afternoon. While I appreciated that and respected their positions on the matter, I am disappointed that there is no support from the Government side for this effort on the part of myself and my colleagues to put in place protection for our heritage, people’s health and safety and, vitally, citizens’ homes. One’s home is one’s castle. I have been told that the crime figures are down, but I do not know where they are coming from because people’s homes are being violated in the county I represent and elsewhere. Thankfully, I have not been robbed, but I have been in many houses that have been. It is a terrible intrusion on people’s privacy and an attack on their persons. Some very valuable items have been stolen. Gardaí say that robbers go for two things - cash and gold or silver. They might only be in a

person's home for a matter of minutes, but the destruction caused to achieve that is considerable. Legislation is necessary.

I will refer to our previous debate of two and a half years ago. I thank my many colleagues who contributed. Their comments are a matter of record. There was widespread support for the Bill as it stood at the time, even with the deficiencies in it pointed out by the then Minister, Deputy Shatter. I always stated that it was a work in progress and an effort by me as a private Member to ensure a debate and some movement towards meaningful regulations to control this significant issue. I am sure that Deputies' comments today will prove that the situation has worsened at an alarming rate in the time since. We have lost much of our valuable infrastructure and listed buildings have been plundered. I could name them.

I thank various people and organisations, including the Irish Georgian Society, gardaí and Muintir na Tíre, a letter from the president of which I might read into the record if I have time. The letter is not that long. Muintir na Tíre represents the real people of Ireland and was set up by the late Canon John Hayes many years ago in the spirit of the meitheal and to support communities and families. It is concerned.

Various forums, consultation briefings and so on have been held since our last debate, but what people need is action, which always speaks louder than words. If someone's home is broken into, not much can be done to stop cash from being stolen. Where the items stolen are of personal or sentimental value, however, for example, jewellery that belonged to spouses, grandparents or other loved ones who have died and gone to their eternal reward, we cannot allow a situation to continue in which those items can be put in envelopes and posted away in return for cash in the post a few days later. Surely this is unacceptable in any modern economy or democracy. There must be regulations. I am a great supporter of small business and am often critical of over-regulation, but there is a regulatory void in this instance. The officers of the State - gardaí, customs and Revenue officials and so on - need to be supported. They must have the tools they need to solve crimes and ensure traceability.

The previous Bill was short, with three main thrusts. First, each scrap or precious metal dealer would be obliged to register. I salute those scrap merchants, jewellers, goldsmiths and so on who are operating within the law and doing a wonderful job. They support the call for legislation, as they are not allowed to compete on a level playing field. We hear much about the black economy, which is thriving in this sphere. The model is used by other sectors of the black economy. We must oppose that economy and support taxpayers and employers, particularly small to medium-sized enterprises, SMEs, for example, owner-operated businesses that employ one or two people. These businesses are vital to the rebuilding of our economy and can and will play a huge part in that regard. As I have said previously, if each of the 400,000 small businesses here were to employ one additional person, our unemployment levels would be depleted. However, businesses must also be regulated.

The Bill also provides that transactions in respect of the purchase of scrap or precious metal be by cheque or financial transfer through a bank and for the putting in place of a waiting period of one month, which some people have said is not long enough but that is a matter for consideration by the relevant authorities in consultation with the Garda Síochána and other agencies of the State, in respect of the disposal of scrap or precious metal stolen or unlawfully removed from any premises so that items might be located and identified by their owners. While items and property may not always be properly stamped and so on, people will be able to identify what is theirs, particularly items of sentimental value. It is important stolen items or property

cannot be melted down hours after being sold on. There must be a waiting period during which time An Garda Síochána or persons from whom items have been stolen can have an opportunity to inspect and identify them.

The Bill also provides for penalties, including a fine of up to €1,000 and three months imprisonment. While penalties are a matter for the courts it is important this matter is addressed in the legislation. Every week, new areas are being targeted. As I said earlier, already the Irish Georgian Society, Irish Aviation Authority, Iarnród Éireann, the ESB and Eircom have been targeted. Those stealing the masts in the dead of night do not care whether they are to enable mobile communication between people or are linked to ground control for Irish aviation. I do not wish to engage in scaremongering but there are real fears around the consequences of communications infrastructure that is vital to airport towers and hospitals and so on being stolen. Some years ago, a mast near the hospital in Clonmel, although not servicing the hospital but transmitting RTE radio to people in County Waterford was stolen. It was replaced and the new one was stolen. It has been replaced so many times the decision has since been taken to not replace it again. Those engaged in this activity know no bounds. As I said, they will steal from hospitals, homes and anywhere else. They also steal artefacts. I was a member of Tipperary County Council at the time the Per Cent for Arts Scheme was established. Under this scheme 5% of funding is awarded to artistic feature. A plebiscite is held locally in regard to what feature should be supported. Some wonderful artefacts have been created by specialist artists, many of which were a labour of love, and paid for by taxpayers' money and are now in the ownership of communities. Many of these artefacts have been unceremoniously removed in the dead of night and melted down, which is a shame when one considers the creativity and artistic work involved in making them.

The Bill also deals with listed buildings. There are many listed buildings in this country, particularly in Dublin. They are a wonderful heritage and are protected, and rightly so. However, lead from the roofs of these buildings is being stolen, leaving these houses open to all weathers. Without immediate remedial action, these houses can be damaged beyond repair. I am not an engineer but I know what happens when water gets into a building. Some years ago the Padre Pio medallion was stolen from the vestry of the Holy Cross Abbey, which is in my constituency, and is a place of worship visited by people from all over the world. Thankfully, it was recovered. As I said, these people know no bounds in terms of what they are prepared to steal. It is a lucrative trade that is not being addressed.

I received a letter from the president of Muintir na Tíre, who has made submissions to the environmental consultation process. He states in his letter that there is a need for greater and tighter controls on the disposal of items, including more checkpoints at ports, scrap yards and cash for gold outlets. He also states that he has no problem with anybody trading in this area - nor do I - so long as that trader is compliant with best practice. It must be remembered that so long as there is a market for an item particular people will bend the rules to obtain such items. This Bill seeks to ensure there will always be a trail of information that will lead to criminals being targeted.

It is regrettable that my previous Bill was opposed by the then Minister and that the Minister, Deputy Hogan, has not yet signed into law the legislation dealing not with what is proposed in my Bill but environmental controls in respect of the movement of waste and other materials. Why the delay?

Deputy Finian McGrath: More fudge.

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Deputy Mattie McGrath: As an elected representative, I am worth my salt. I am certainly worth what I am paid. I must represent my constituents and ensure their homes, property and person are protected. That is a basic fundamental right that we must all seek to defend. I am astounded that two and a half years on from when my previous Bill was rejected, despite it having the support of all sides of the House, there is still no sign on the horizon of any regulations or legislation in this area. I am fearful this will not happen. Given the pressures on the new Minister for Justice and Equality and her Department, I do not see any window of opportunity in the immediate future for any regulation, legislation or serious action that would put even a dent in this activity. I am very concerned about that and it is my duty to say so on the floor of this House. It is not enough to only talk about this issue. We must have legislation to address it. Since the introduction of my last Bill, several other European countries, including our nearest neighbours, have introduced legislation in this area. Ireland is now a soft target in this area and many will come here for that reason. We cannot allow that to happen.

As stated by the president of Muintir na Tíre in his letter, no payment should be made for items unless a valid ID and bank account information are presented and that An Garda Síochána and the Revenue Commissioners need greater powers in this area. He further states:

What we are most concerned about is what will happen if this Bill is not signed into law? Do we as people of this country have to wait until after the horse has bolted and the stable door has closed before action is taken? Is the Government waiting for our national treasures and precious personal items to be pilfered before deciding to doing anything?

They are the concerns of only one organisation on this issue.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe): On behalf of the Minister for Justice and Equality, Deputy Fitzgerald, I thank Deputy Mattie McGrath for bringing forth this Bill again. The Minister appreciates his acknowledgement of her engagement with him on this issue. There has also been a meeting between her officials and the Deputy on this Bill and his concerns in this area.

In responding to the Bill, I propose to focus on a number of particular issues highlighted by the Deputy, including, in particular, what has happened in this area since the Deputy first raised this issue in the House and the Minister and Department's concerns in relation to the Bill before us. I propose also to outline the reasons the Minister is not in a position to accept this Bill and to assure the Deputy of the Minister's commitment to address this issue in a comprehensive manner.

In his opening remarks Deputy McGrath made reference to the plundering in this area of our national heritage. Many items of great value, both sentimental value and intrinsic value, have been stolen and are being targeted by organised crime throughout the country.

In acknowledging that, it is worth emphasising the work that the Garda Síochána has done in relation to burglary and related offences in the recent period. Operation Fiacla, which the Garda Síochána has brought forward, is designed specifically to identify and target gangs who are involved in burglary. The Deputy correctly said that groups and individuals who are involved know no boundaries, whether they focus on rural or urban areas. Whether the crime be small or big, it affects communities and families throughout the country.

Figures published by the Central Statistics Office, which as the House will know is completely independent of the Government and the Garda, indicate that there was a welcome reduc-

tion of just over 7% in the number of burglaries in 2013. Operation Fiacla has led to the arrest of 9,343 persons, with charges preferred against just over 5,400 of them, up to 31 May 2014. The Garda has put in place a direct and targeted operation against burglary throughout the country, and there is evidence to suggest that there has been a reduction in those crimes, with a large number of individuals prosecuted for burglary or involvement in it.

However, I am informed by An Garda Síochána that it has no evidence to suggest a direct link between burglaries and the cash for gold sector. An Garda Síochána will continue to monitor this situation closely.

The Garda has expressed the view that the current criminal law is adequate. The Deputy suggested that there is no legislation relating directly to this area. While the informal purchase of gold, jewellery or scrap metal is not specifically regulated in criminal legislation, which may have been the issue that the Deputy was referring to, if the circumstances in which such transactions occur indicate the commission of offences, those offences are referred to in sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act 2001. They are the sections of current legislation under which some of the offences to which the Deputy referred would be dealt with. Of course, that is not to say that the Garda, the Government or the House are in way complacent about these crimes, because, as the Deputy correctly said, they affect individuals and families throughout the country.

I want now to focus on what has happened since the Deputy first raised this issue in the House, which, as he said, was more than two years ago. The Department of Justice and Equality published a report in June 2012 on the criminal justice aspects of the cash for gold trade. It noted that there were grounds for considering the introduction of some controls on the purchase of jewellery and other precious metals; controls relating to the identification of the seller; information on the source of the valuable and its identification; retention of an item at the outlet; and a requirement to record transactions and provide access to items and records to members of An Garda Síochána. These are areas to which the Deputy refers in his Bill and which I assume were informed by that report. The report also refers to the development of adequate Garda powers to access, search, question and arrest, backing up regulatory requirements without the need for any form of registration or licensing involving An Garda Síochána, which is another issue touched on by the Deputy's Bill. The report also refers to existing laws on pawnbrokers and other existing statutory frameworks that could perhaps provide a useful template for regulatory matters being considered.

The Oireachtas Joint Committee on Justice, Defence and Equality considered the content of that report and made observations on it in May 2013. The committee looked at the possibility of amending current legislation on the operation of pawnbrokers. It looked also at the potential for cash for gold businesses to be required to verify the identity and address of their clients. It looked also at the maintenance of a record of every transaction undertaken with each client, including the amount paid, which again the Deputy's Bill looks at. The committee suggested that where such businesses have multiple branches, records be centralised. It looked also at the introduction of a cooling-off period for valuables and metals provided to dealers, which was also referred to by the Deputy, and the need to report any large or unusual transactions to appropriate authorities.

Following receipt of these observations, work has been ongoing in the Department of Justice and Equality on the development of draft heads of a precious metal (cash dealers) Bill. These draft heads would provide for a regulatory regime based on registration and compliance-

monitoring of businesses trading in precious metals and stones. They would substantially meet the recommendations of the Oireachtas committee and seek to achieve aims similar to those of the Bill before us today, although the approach involved would be different. I will touch on the differences of approach when I refer to specific provisions in the Deputy's Bill. The views of An Garda Síochána on these draft heads of the Bill have recently been received and further engagement will be required.

Notwithstanding these developments, it is important to recognise that any legislation in this area would have a potentially significant impact on a broad range of businesses, for example, jewellers, antique dealers and cash for gold outlets. Any registration and compliance operation will have resource implications for those businesses and for the State. The Deputy said that he was a strong supporter of small and medium-sized businesses and would be cautious of introducing further red tape and unnecessary regulation. The Department, too, would be concerned to ensure that any new regulations or legislation were proportionate and targeted and did not add unnecessarily to the challenges that many small businesses deal with.

An Garda Síochána published a metal theft crime prevention and reduction plan in February 2013 which was developed in close co-operation with participants in the Scrap Metal Forum and is designed to provide for an effective and multi-agency response to the problem. That plan is now being implemented. I want to make specific reference to it, because the Deputy was concerned that nothing was happening in this area. Only last week, the Garda was involved in a successful day of action focusing on the theft of metals. The operation was supported by Europol. Operations in this jurisdiction resulted in the recovery of significant amounts of metal material and the making of a number of arrests.

The Deputy referred also to draft regulations from the Department of Environment, Community and Local Government which look at the need to provide proof of identity, the need to maintain records, the nature of those records and the need for a signed statement by persons supplying the material confirming they are lawful owner of it. The Deputy asked where the regulations were. The answer is that they were the subject of public consultation and the Department intends to introduce them shortly.

The Deputy asked about what has happened in the period since he introduced this Bill. The Garda has put forward this plan and is implementing it, with direct reference to the input from people who participated in the scrap metal forum. On his question regarding the position with the draft regulation, a Bill is being drafted. This follows on from some of the work the Deputy referred to, that is, the Oireachtas report on this area and the work the Department of Justice and Equality has done.

With regard to this Bill, the Minister genuinely wishes to be in a position to accept Private Members' Bills in this area but, unfortunately, this Bill as drafted cannot be accepted. The reasons the Minister cannot do so are as follows. The Bill refers to the need for a licensing arrangement of some type, particularly in section 3(4) which refers to the revocation and non-eligibility of licences. However, no provision is made for the issuing of these licences. A further concern of the Department, and this refers to the point the Deputy made about the need not to add unnecessary burdens on businesses, is that no low monetary threshold is set in respect of what transactions must be recorded. By implication, all transactions, no matter how small, would have to be recorded. The Minister is concerned, therefore, that there would be a question about the proportionality of the approach suggested by the Bill. Equally, the range of businesses and persons that would be affected is very broad under the Bill. In the case of pre-

cious metal dealers, anybody who engages in three transactions a year of any value, and in the case of scrap metal dealers any transactions of any value at all, would be covered by the Bill. The Minister questions the breadth of businesses that would be involved and the fact that any transactions of any type would have to be referred to under the Bill. The Bill does not provide for the registration of such businesses and the question of who should be contacted then arises. This is, of course, aside from the more fundamental issues of requiring the Garda Síochána to make such information available and the fact that this legislation relates to all property, not just metals.

To conclude, there are fundamental issues with the Bill as drafted which mean the Minister is not in a position to accept it. She accepts the importance of this issue and would hope to be in a position to accept Bills that originate from the other side of the House in the future. However, the issues the Deputy has raised will be referred to and dealt with in the Bill the Minister will bring forward. I emphasise how much has happened in this area since the Deputy raised the issue. I thank him for raising it and continuing to pursue an interest in it. I assure him of the interest the Minister, Deputy Fitzgerald, has in this area and that she will continue to follow through on the issues raised in my contribution.

Deputy Stephen S. Donnelly: I congratulate Deputy Mattie McGrath on introducing this Bill. The Scrap and Precious Metal Dealers Bill appears to be eminently sensible. It makes relatively minor changes to the law, but they are sensible changes that appear to have great potential to reduce illegal activity in the acquisition and trade of scrap and precious metals. On that basis it is disappointing that the Government will not accept the Bill, although I note the Minister's comments on the various activities that are taking place which, in fairness to the Government and Deputy McGrath, appear to line up quite well in terms of appropriate regulation to make it more difficult to acquire and trade in stolen scrap and precious metals.

In my research for the Bill, it quickly became apparent that there is very little data available. I could not find any official statistics. I note the Minister's statistics from the CSO which show that the number of burglaries has fallen by 7% or 9%. However, we must be careful with this type of analysis. The fact that the number of burglaries has fallen is not necessarily linked to a reduction in the demand for, or illegal activity relating to, scrap or precious metal. It is fantastic that the number of burglaries has fallen, but I know the Minister is not inferring any causal link. If we can get this type of regulation right, it appears we could push down the incidence of burglary even further, which would be in almost everybody's interest.

In June 2012, the former Garda Commissioner, Mr. Martin Callinan, spoke about this. He said: "It is difficult to subscribe to the proposition that the increase in cash for gold trading has had an adverse effect on the incidences of burglary offences. That is not to say that outlets which purchase gold do not buy stolen goods." He was saying that while the Garda could not show a link between the illegal trade in scrap and precious metals, burglaries and the cash for gold shops, that is certainly not to say that some of these, and I am sure there are some very reputable shops, do not buy stolen goods.

The former Garda Commissioner's caution is obviously understandable but there is certainly much anecdotal evidence. There has been a great deal of anecdotal evidence in the media in the last few years, and both Deputy McGrath and Minister referred to it, about theft of public artwork, theft of public utilities and theft from public and private buildings. Every Deputy is aware, anecdotally, of things happening in their constituencies. A new bronze statue, a very nice piece of artwork, has been erected somewhere in Wicklow - I will keep the exact location

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out of the Dáil record. I was talking to somebody involved in the project and he said he was very surprised that the piece had been made in bronze, because as soon as those who steal such items can figure out how to steal it, they will do so. I thought that was very sad. He referred me to various pieces of public artwork that had been stolen because they might be in bronze or the slightly more valuable metals than iron.

Last Friday, *The Irish Times* reported that gardaí, in conjunction with the Metal Theft Forum, had arrested 27 people as part of a pan-European crackdown on stolen goods. Not only is it a problem in this country, it is a problem across Europe. After searching 70 premises in Cavan, Dublin and Wicklow, the 27 people were arrested for a variety of offences, including burglary, theft and breaches of the Road Traffic Acts. They were in possession of over 1,000 empty beer kegs. I had to check that the beer kegs were empty. If the headline had been “UCD Students Union Found in Possession of 1,000 Beer Kegs”, it might not have been the case that they were seeking to recycle the metal, but the beer kegs were empty. I contacted the Irish Brewers Association and it said it is a very serious issue for the association. It costs approximately €100 to replace a stolen beer keg. From 2007, which is when the global price of metal started to increase and the economic downturn here and in other parts of Europe started one year later, it became more attractive for people to steal and trade in stolen metal such as beer kegs. Since then, the Irish Brewers Association reckons it has cost the industry approximately €40 million. This is very serious as these are very large numbers. The association estimates that over 400,000 beer kegs have been stolen since 2007.

This is obviously not a marginal activity. It is very well organised involving very high numbers, with high returns for the criminals involved. Thomas Burke of the Irish Brewers Association said that the association would welcome any legislation that would make it more difficult for criminals to sell stolen beer kegs. He said the trade in stolen beer kegs was a significant criminal enterprise, costing that industry large sums of money annually. I hope Deputy Mattie McGrath’s Bill and, indeed, what the Minister of State outlined will go towards alleviating some of those problems.

The UK has a problem too and last October it introduced the Scrap Metal Dealers Act, which aims to clamp down on rogue traders. Specifically, it does three things which are quite interesting. It gives local authorities and the police new powers to inspect premises where they suspect this sort of illegal activity is going on. It ensures that scrap and metal dealers need to apply to their local council for a licence and allows magistrates to issue fines of up to £5,000 to scrap metal dealers who trade in cash. These are some very sensible provisions.

I thought Deputy Mattie McGrath’s Bill was very sensible also. I picked out four things I particularly liked, including that scrap metal and precious metal dealers must keep records of who they are dealing with, which they do not do currently and which will help. Items bought from a vendor must be retained for 30 days, which is particularly good. Even though there is no data, I think it would go a long way towards assuaging the fears of the average man and woman who hope their house does not get broken into over the summer and that their wedding rings and gold rings are not stolen, taken to the local cash-for-gold shop and shifted 24 hours later. Having to hold these items for 30 days would really assuage the fears of many men and women. Like the UK Act, Deputy Mattie McGrath’s Bill introduces the power for gardaí to inspect premises. The fourth provision that I thought was very useful was fines for non-compliance. The Deputy’s Bill has some important teeth.

The problem is that there is no data linking the ease of selling scrap or precious metal to the

likelihood that it will have been stolen. We cannot show a causal link between how easy it is to sell it on and how attractive it is to thieves, but that seems like common sense. Deputy Mattie McGrath's Bill and, in fairness to the Government, what it will introduce will make that a significantly larger barrier for people thinking of stealing this stuff and selling it on. It is common sense that if thieves can break into a house, put gold rings and jewellery in an envelope, post them to some fairly anonymous company and have cash posted back to them, which is essentially what they can do currently, it is a pretty big incentive for them to do that. What I really liked about Deputy Mattie McGrath's Bill is that it would stop that kind of thing and, in fairness to the Government, it seems it is making moves in that direction.

Again, I congratulate Deputy Mattie McGrath. This is eminently sensible and proactive legislation. While the Government has indicated it will not accept it, I hope it will look carefully at what Deputy Mattie McGrath proposes and incorporate it into whatever it brings before the House. I hope we see that Bill as soon as possible.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak on the Scrap and Precious Metal Dealers Bill, which I very much welcome, and I commend my colleague, Deputy Mattie McGrath, on bringing it before the House. It is important and refreshing to see Independent Deputies bringing legislation before the House - I think this is the second time this week - not only to hold the Government to account but to put forward ideas and solutions. That is not recognised in the broader political society. Deputy Mattie McGrath is bringing forward legislation which will act as part of a solution to a problem in this country. That is the role of Independent Deputies.

I was disappointed with the Minister of State's response and the fact that he is not accepting the legislation. I know he said the particular issue would be dealt with but the reality is that it is a huge issue. I do not know whether the establishment, or the Government, accepts that. The Minister of State spoke about Operation Fiacla, which dealt with burglaries, including drug-related burglaries, and said it had resulted in a reduction of 7% in the number of burglaries. However, if one looks at the figures to the end of May this year, 5,431 people were actually charged, which is a serious problem for any state. He also mentioned that 9,000 people were lifted but only 5,431 were charged. That is the tip of the iceberg. Many people are getting away with this. The Minister of State knows that crime is not even reported in many parts of this city and small burglaries are not even an issue. When somebody is shot dead on the street in a gangland murder, when there are drugs assaults and when people are being burned out of houses, the theft of small gold rings and metal objects is not even on the radar in terms of going to the gardaí. The Minister for Justice and Equality needs to wake up and smell the coffee.

We have a huge issue in regard to burglaries. Yesterday, I received calls from a particular part of my constituency about an outbreak of burglaries and thefts of jewellery, etc. To say it is not an issue is to live in cloud cuckoo land. The Minister of State said the current law was adequate. What planet is he living on? The current law is not adequate and he needs to wake up and smell the coffee in regard to this issue.

There is an increase in criminal trade in the sale of stolen precious metals, jewellery and scrap metal. That is the reality. The Minister of State might be smiling but I will hit him between the eyes with the facts and statistics. There is major public concern, which Deputy Kevin Humphreys knows. He is another Deputy who is sleepwalking on this issue. In January 2013, RTE towers, masts and telecommunications infrastructure were targeted by criminal gangs. In 2011, seven steel level crossing gates were stolen in north west Sligo and Roscommon over-

night. In March 2012, the roofing of the bandstands in the National Botanic Gardens, which is in the Minister of State's constituency, and the Phoenix Park Hollow were stripped. Steel doors were stolen from the Ballymun regeneration project. In November 2011, a bronze, copper and brass sculpture was taken from its foundations on the banks of the River Nore in County Laois. The sculpture commemorated young persons from the area who had died. That was particularly horrific. In March 2011, the sculpture Grainne Óg, also known as the bronze lady, was stolen from beside the M6 slip road approaching Moate in County Westmeath. It was valued at €64,000. These are the facts.

The focus in the current legislation on scrap metal is on waste management and the environment and not on the identification of the sellers of scrap metal or on where it comes from. That is a mistake and the Government needs to look closely at that. Not only in this State but at European level - the Minister of State will know this from dealing with European issues - there is no specific legislation on or regulation of the cash-for-gold sector or procedures for buying and selling scrap. There is regulation of money laundering but it relates to large-scale international crime. That is another issue at which the Government needs to look.

What is happening in other countries? The state of Washington in the USA introduced a Bill the aim of which was to help burglary victims find their stolen goods, to make it more difficult for criminals trying to sell stolen property and to increase the time available for law enforcement to trace stolen items sold in stores. That Bill requires store owners to photocopy the ID of a person selling precious metals, take fingerprints for all items valued at over \$100 and hold onto items for 30 days. These provisions are similar to the ideas put forward in Deputy Mattie McGrath's Bill. New South Wales in Australia has introduced legislation on the identification of second-hand goods, although regulation of scrap metal seems to be only for waste management purposes. South Africa introduced the Second-Hand Goods Act 2009 as a response to the trade in stolen goods and to tackle problems around identification. The Act provides for accreditation and requires registration with the national commissioner. Sections 21 and 22 relate to the keeping of records and to stolen goods. Section 21 regulates the records of dealers and section 22 regulates false information and stolen goods.

I acknowledge that the Minister of State has indicated that the Government will make proposals to deal with this issue and I welcome the plans being implemented by the Garda. However, I am concerned that there is insufficient recognition of the need for a two-pronged attack involving not only legislation but also policing on the ground. In June 2012 the Department of Justice and Equality published a report on this issue. The report found that gardaí had visited all known cash-for-gold traders. I welcome that, because they have also come to us to express their concerns. However, the Government needs to realise that a significant level of public concern remains. Such metals are usually melted down and there is a danger of inconsistency if there are different regulations for pawnbrokers and cash-for-gold outlets. Cross-Border implications, particularly for legitimate trade, must also be considered. Questions also arise as to whether the Criminal Justice (Theft and Fraud) Offences Act 2001 is adequate to tackle such issues.

We need to up our game if we are to deal with this issue. I commend Deputy Mattie McGrath on bringing this legislation before the House. It shows that Independent Members and the Technical Group are bringing forward ideas. Not only will we hold the Government to account, we will also put forward solutions, because every Member of the Oireachtas has a duty to put forward new and sensible ideas. I urge the Government to support this Bill.

Deputy Jonathan O'Brien: I congratulate Deputy Mattie McGrath on his introduction of

legislation to deal with this issue. I spoke on the original Bill when he first introduced it. The then Minister for Justice and Equality was scathing about the Bill as presented, and he rightly highlighted its deficiencies. Deputy Mattie McGrath has done considerable work in the interim to respond to the advice on and criticism of the original Bill. The earlier criticism of the system of registration and Garda access has been addressed in the Bill before us. The Bill also addresses an issue raised by the then Minister regarding the penalties that would be imposed on those who are in breach of the legislation.

Even the Department of Justice and Equality recognises that a problem exists in this area. If it did not, it would not be drafting heads of a Bill to tighten up the regulation on the purchase and sale of scrap and precious metals. Considerable work has been done in the interim between the publication of the original Bill and today. The Minister of State outlined some of these developments, such as the establishment of a metal forum and the deliberations of the Joint Committee on Justice, Defence and Equality on the report from the Department. These are all welcome initiatives. I have no issue with a Minister rejecting Opposition legislation if it is the right thing to do. There is a responsibility on Government to ensure any Bill presented in this Chamber can stand up to scrutiny and will make a positive difference. However, when the Government's rejection of an Opposition Bill is accompanied by a commitment to address the issues arising, it is not acceptable that the issues in question remain unaddressed two and a half years later. I accept that some work has been undertaken but perhaps the Minister of State or another Government speaker can outline the timeframe for publication of the draft heads of the Bill being prepared by the Department of Justice and Equality. Will a consultation period be provided for and will it go before the Joint Committee on Justice, Defence and Equality to allow people to express an opinion on the draft heads? I ask for a commitment that the issue will be addressed before the Government's term concludes.

This Bill covers a wide range of areas, from the industrial or commercial theft of scrap metal, which is not an everyday occurrence in this State but certainly happens, to the daily thefts of jewellery and precious stones. Much of the focus of the debate has been on the cash-for-gold sector, probably because it is the sector with which many members of the public have had issues over the past several years. People have complained to my own constituency office about some cash-for-gold outlets in Cork. This issue has also been raised at the policing forums in Cork city and county, and members of the Garda expressed similar concerns. Gardaí have visited all of the local outlets to remind them of their responsibilities. Some of them have closed but others have opened. That seems to be the trend. In the run-up to Christmas we will see them opening in little corners of supermarkets and shopping centres, only to close again after Christmas. It is a difficult area to manage because these are not businesses which remain open for lengthy periods. I accept that there are genuine cash-for-gold outlets but in some cases the operation comprises one man sitting on a chair behind a desk located in the corridor of a supermarket, who remains open for eight to ten weeks and is gone again after Christmas. Nobody knows who he was and whether he lived up to his responsibilities. I witnessed first-hand people as young as 14 or 15 years of age selling jewellery to these outlets. I am not saying the jewellery was stolen but a 14 year old should not be allowed to sell jewellery.

There is a responsibility on the individuals who open these outlets but there is also a responsibility on shopping centres who allow them to set up shop in a corner or a corridor to ensure they are acting within the law. I encourage any supermarket or shopping centre which is approached by an individual who wants to open such an outlet to carry out a background check to confirm his or her *bone fides* and to liaise with the Garda to ensure anyone who opens an outlet

is legitimate.

The committee's response to the Department's report on this subject identified the need for a cooling-off period after registrations.

11 o'clock

I take into account the Minister of State's contribution on this Bill today, outlining some of the issues the Department has in regard to it, and I understand the Department is taking a slightly different approach from what is proposed by Deputy Mattie McGrath in this legislation. However, I believe that if the Department follows through on what is proposed, the end product will satisfy all Members. I hope this will happen sooner rather than later, because the issue needs to be addressed. There is an industry operating that needs to be regulated.

The current situation reminds me of the head shop situation we had some years ago, where head shops popped up and closed down here and there, with no regulation of the sector. I acknowledge the Department intends to address the issue and hope that will be done in a timely fashion. I am sure it will get cross-party support for any legislation it brings forward to regulate the industry. Whatever it introduces must be proportional and must ensure there is not too much red tape for the genuine and legitimate businesses which have been trading for many years. A balance must be achieved. I realise the Department has been busy in other areas, but if it can produce legislation on this and have it debated and passed, this will have been a good day's work.

It is unfortunate the Department is not going to accept Deputy Mattie McGrath's Bill as I would like to have seen it go on to Committee Stage as a fall back position if the Department does not publish its draft heads of a Bill. At least then we would have something to work on which could be picked up in six or 12 months and could be amended to deal with all of the deficiencies the Minister of State has outlined. It is unfortunate that will not happen, but I take his word this issue will be dealt with by the Department and we look forward to working with it on it.

Deputy Kevin Humphreys: I compliment Deputy Mattie McGrath on keeping this important issue alive as it is one which affects people's lives. There has been significant concentration on the issue of cash for gold, but I will look at this from another angle and focus on three areas where this has had an impact on my constituency in recent times.

First, we had a theft of live cables from the DART line on 29 May, which caused great pressure on the transport system and disturbance to commuters to the city. Not alone that, this theft involved risk to the lives of those who stole the cables. Deputy Donnelly mentioned the theft of beer kegs earlier and the huge cost of this to the bar trade. Like me, the Minister of State represents an inner city community and an issue for these communities is the stealing of copper cylinders from flat complexes. The theft of these cylinders from flats has a significant impact. People in homes under these flats are often flooded. These thefts often occur late at night and residents wake up to find water coming down through their ceilings and causing damage to many of the flats. This leads to more vacant and uninhabitable flats and additional pressure on housing. Therefore, not alone is there damage from the theft of copper cylinders, some families lose their homes. Sometimes the council's response to this is to put steel shutters and doors on these empty flats. In many flat complexes where these flats must be done up before they can be relet, these steel shutters and the run-down appearance of the complex have an impact on the

rest of the community, who must live with this result of the copper cylinder being stolen. The appearance of the complex gives the sense of a lost community.

In February 2002, Ringsend was flooded and the OPW made a huge investment in protecting those communities. However, two years ago the flood gates installed were stolen and one of them has yet to be replaced. We can imagine the impact of a flood event if the city council was unable to close the flood gates because they were stolen. The impact of this random act of theft could be the flooding of 300 or 400 houses. I am sure whoever stole the gates never imagined this might be the result.

It is for these reasons that I am grateful to Deputy Mattie McGrath for keeping this issue live. It is not just an issue of cash for gold, but something more significant. It is not just what might appear to be a small incident, the theft of a copper cylinder. I know of two families who had to move out of their homes for several weeks because the copper cylinder in the flat above them was stolen. They woke up to find their property and possessions damaged. I am grateful there was no flood incident when the flood gates were stolen. The theft of the cables from the DART line was an inconvenience. Deputy Finian McGrath mentioned the theft of railway crossing gates. This could involve loss of life and somebody in a car could be caught on the line and killed by a train.

When I speak to friends about the theft of scrap metal, their attitude is that I should cop on because that is a low priority issue. However, when we see the damage done to people's homes, damage to cities and commuters and are aware of the possible loss of life, it is a significant issue. A city's reputation may be damaged. For example, the theft of the live cable from the DART line hit the international headlines on 29 May and the report went out that the south side of the city had lost one of its important transportation lines.

I am delighted to hear draft proposals are on the way and urge the Government to bring them forward as quickly as possible. I compliment Deputy Mattie McGrath on keeping this a live issue.

Deputy Terence Flanagan: I too commend Deputy Mattie McGrath on bringing forward this much needed Bill for the regulation of the precious and scrap metal industry. The definition of precious metal includes gold, silver and platinum and scrap metal includes metal from old vehicles and from construction and demolition waste.

This Bill seeks to ensure scrap dealers keep proper records of all transactions, including a description and origin of each item sold. It proposes that all dealers be registered with the Garda. The issue of identification is the nub of the issue. Dealers should know the provenance of an item and the bona fides of the seller. The Bill also makes provision for items to be retained by dealers for a period before being put up for sale. This is a good proposal.

There is significant concern around the issue of cash for gold and the number of such shops that have opened in this country. In June 2012, the number of shops was 124, spread around every constituency of this country. However, other businesses deal only with postal and Internet business and traders. The number of dealers is probably significantly higher than thought previously, but there is no register of these traders. Will this be examined when the heads of the Bill are being put together?

The expansion of the cash for gold trade is a direct result of the high price of gold. The price of spot gold on the international market reached \$1,314 per ounce yesterday evening, having

climbed 3.3% overnight. This is the largest gain in the gold market since last September. Gold is a lucrative, attractive and rewarding business. There are many advertisements in newspapers, on television and on lampposts for cash for gold businesses and they are very well promoted. Many people are in difficulty at the moment and these businesses offer quick access to money. However, such people may end up selling their jewellery, especially gold items, at a fraction of their actual value. They desperately need cashflow.

When items of jewellery are sold in an emergency, will a fair price be paid? I want to ask the Minister of State, Deputy Donohoe, whether the valuation of precious metals is being examined. Will there be regulation in this area? Some cash for gold businesses advertise a facility whereby gold can be mailed in the post in exchange for cash. This results in more people considering such a service and there are risks attached.

The law currently means that a cash for gold business owner must ensure he or she does not purchase stolen goods and I do not think this is good enough. The system is too loose and there are too few checks and balances. Members of this House will know there has been a spate of burglaries of late that travels from area to area. Our constituents tell us that items of jewellery are targeted, so there is a link between such burglaries and cash for gold offers. I note the Minister of State has said there is no such link but we are repeatedly told as Deputies that victims of burglaries see cash for gold outlets as the reason their jewellery is targeted. They present criminals with an opportunity for easy money because the industry is insufficiently regulated. Gold can be melted quickly and any mark of identification thereon will disappear so proper checks and balances are required. Deputy Mattie McGrath seeks to address this in this Bill.

Other Deputies have mentioned an increase in the theft of metal and telecommunications equipment. Mobile phone masts, towers and bandstands have been targeted and we must ask why this happens. I suggest the surge in metal prices and the availability of easy cash in exchange for stolen metal is the explanation. This must be monitored closely by the Garda. Garda Operation Fiacla has targeted gangs involved in house burglaries and has been successful, but more work is necessary as this area needs attention from the Department of Justice and Equality. I believe the issue will receive this attention in the coming months.

I welcome Deputy McGrath's Bill and support the thrust of what he seeks. There is cross-party consensus on this in the House as we all know change is needed in this area. There must be a proper register of dealers and traders with items properly identified. The bona fides of sellers must be established in the cash for gold industry. I look forward to the response of the Minister of State.

Deputy Charlie McConalogue: I join the previous speakers in commending Deputy McGrath on compiling this Bill. Fianna Fáil supports the principles outlined in this Bill and we welcome the Bill's proposed legislative provisions. Those provisions include amending the law as it relates to the purchasing, selling, trading, consignment selling or otherwise transferring for value more than three times per year second-hand property that is a precious or scrap metal. Metal theft has had a significant impact on individuals and companies, including vital utilities such as transport, energy and communication infrastructure in Ireland. Those responsible appear to be ruthless in their approach, putting their own lives in danger and the lives of those around them. This is compounded by the significant amount of money that can be made through the theft of precious or scrap metal.

Metal theft is an emerging phenomenon in Ireland. However, it is not unique to Ireland; it

is a global problem. The rising demand for metal on the international market and the associated significant rise in metal prices has made metal theft a particularly attractive and lucrative enterprise for thieves. It is believed that the demand for metal will remain strong. Metal prices will continue to rise and consequently metal theft will continue to be attractive to thieves, both opportunist and organised.

The impact and harm caused by metal theft varies across sectors. Significant financial loss and potentially serious harm, including death, can often result from the theft of metal from utility and rail companies. The removal of lead from roofs can cause significant damage to buildings and leave them prone to further damage. The theft of beer kegs has a significant economic impact on breweries that have to replace the stolen kegs with new ones.

Gardaí recently arrested 27 people and recovered 1,000 stolen beer kegs as part of a Europe-wide crackdown on the lucrative trade in stolen metal. They are to be commended on this work. The beer keg haul, valued at up to €100,000, was recovered in an operation led by the elite organised crime unit, which conducted more than 70 searches in counties Wicklow, Dublin and Cavan. The EU operation co-ordinated by Europol involved 20 countries and more than 8,000 checks and searches at scrap metal dealers. A total of 271 people were arrested and 146 cases of theft identified. I put it to the House that if we are serious about tackling this kind of crime, more co-ordination will need to happen on a European level. As we are all aware, criminals do not respect borders. This is particularly true when it comes to metal theft.

The efforts of the Garda in seeking to arrest and prosecute those responsible for metal theft comes in the wake of a diverse range of metal thefts in recent years. Some 15 manhole covers worth an estimated €15,000 were stolen in Ennis, County Clare last March. In Shankill, County Dublin, live electricity cables were stolen last May and this resulted in the cancellation of train services between Bray and Dalkey. Copper piping and a cylinder were taken from a home in Newbridge, County Kildare, causing extensive flooding and damage. A 236 year old bronze bell weighing 180 kg that belonged to a former church in Castleisland, County Kerry, was stolen from the Ivy Leaf Arts Centre in the town.

The Garda has stated that the 27 people arrested in the operation I mentioned were detained for a variety of offences, including burglary, theft and related matters, in addition to road traffic offences. It was stated that the operation on 21 and 22 May was conducted with the co-operation of the Metal Theft Forum, local authorities and local stakeholders. Europol said checks were carried out at scrap yards, construction sites, border roads and railway tracks. This is definitely the way forward in crime solving in this area.

Deputy McGrath's Bill in this regard is comprehensive and provides some original ideas as to how best to deal with metal theft. It should be obvious to everyone that metal theft is not a victimless crime. We have seen how it can have a devastating impact on individuals, communities and businesses.

Interestingly, Interpol has stated that the overall damage caused by metal theft far exceeds the value of the stolen metal and can severely affect key infrastructure and services such as railway, traffic controls and telecoms networks. The theft of stolen beer kegs has cost the brewing industry an estimated €40 million since 2007. The Irish Brewers Association stated that over 400,000 beer kegs had been stolen or reported missing in the last seven years.

More worryingly, metal theft is having a significant impact on our national infrastructure.

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An Eircom spokeswoman said the company had suffered 21 incidents of metal theft so far in 2014, with wiring worth over €21,000 taken. Eircom said there were 200 incidents last year, including 60 km of cable worth €240,000 taken. During a three week period last December, Electric Ireland recorded 12 thefts of power cables. In one incident, a residential area in Sal-lynoggin lost its power after a criminal gang cut live cables and stole them. That is devastating and a massive inconvenience to those communities. Put simply, it is not acceptable that criminals can hold a community ransom like that.

Another example of this behaviour occurred on 28 May this year when DART services were suspended during the morning rush hour after signal cables at Shankill were stolen by a criminal gang. A number of art pieces on Ireland's motorways have been taken by thieves seeking the metal contained in the sculptures.

It is obvious from these cases that legislation needs to be tightened in this area. Fianna Fáil is happy to support the Bill introduced by Deputy McGrath. If the Government is not in a position to accept the Bill today, I urge it to revise the legislation, bring forward its own proposals and not let this work by Deputy McGrath be a wasted exercise. I hope it will lead to a tightening up of our laws so as to assist our authorities in carrying out their work and tighten up the penalties for those convicted of engaging in this activity.

Acting Chairman (Deputy Bernard J. Durkan): As there are no other speakers, I call on the Minister of State to make the penultimate reply.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe): I thank all the Deputies for the contributions they made. I will respond to some of the main points or questions they directed to me.

I thank Deputy McGrath for raising the issue and bringing forward this Bill for the second time. I acknowledge the work that has gone into the Bill since he raised it initially in the House. I emphasise that the reason the Minister for Justice and Equality is not in a position to accept the Bill is not because she disagrees with Deputy McGrath's objective. She very much agrees that we must do all we can within existing legislation to deal with what is a serious crime and examine the further changes that can be made in legislation to ensure the Garda Síochána has the power it needs to deal with this issue. That is the reason work is under way on draft heads of a Bill in this area on which the Garda recently gave its views.

I agree with Deputy Donnelly when he emphasised that we must get the regulation in this area right to ensure the gardaí have the powers they need while at the same time not put unnecessary regulations and law in place that would hamper the ability of legitimate businesses to go about their work. I note the Deputy recognised the work of Europol and how the work of the Garda has been more successful as a result of its ability to co-ordinate the work with other law enforcement agencies.

Deputy McGrath exhorted me and the Government to wake up and smell the coffee, and appeared to ignore every point I made in my earlier contribution. At no point did we give the impression that this was not a serious crime. Throughout my contribution I emphasised that it was a serious crime.

The Deputy stated that 5,400 people had charges brought against them for burglary up to May of this year. The Government sees that very differently. We acknowledge that burglary is a very serious crime that affects many people across our country but we should recognise the

success of gardaí in bringing charges against over 5,000 people this year alone and that they had a specific operation in place, Operation Fiacla, to tackle the very problem Deputy McGrath raised.

Deputy O'Brien made a fair point when he said that a large number of business premises in the cash for gold sector appear to open and then close quite quickly. He stated that the law should be sufficiently strong to recognise and be able to deal with that. He asked how businesses opening and then closing quickly impacts on the ability to trace the passage of potentially illegal goods through that sector. That is a very good question which I will pass to the Minister and ask that it be examined.

Deputy Humphreys made the point, which was mentioned by Deputy McConalogue, that there is an attitude that the theft of precious and scrap metals is a victimless crime but people are affected by it. Those involved in perpetrating that crime put their own lives at risk also.

Deputy Flanagan raised the point about a register of traders for people involved in the cash for gold sector. That is something of which the Department of Justice and Equality is aware. Importantly, the Deputy also raised the role of the Internet in this sector and how that could be examined. The Department of Justice and Equality is examining that but it highlights the need for whatever we do to be co-ordinated with the actions taken by Governments in other jurisdictions, particularly in regard to Northern Ireland.

Deputy McConalogue made the point that we need more co-ordination and that much of this crime is caused by the fact that the price of these metals is increasing globally. I point to the co-ordination with regard to Europol and highlight that the recent operation the Garda put in place was successful and resulted in a great deal of metal being seized, the targeting of this crime and having an effect on it. Again, much of that must be done in a co-ordinated fashion. The Deputy also stated that this is not a victimless crime.

There are fundamental issues that lead the Department and the Minister to conclude that they cannot accept the Bill. They are to do with concerns they have about this Bill not making clear the licensing regime, if it was to be accepted, and that it does not make clear the level of value that would need to be caused in any transaction for it to be covered by the implementation of a Bill such as this. It is because of those two points the Minister, regrettably, cannot accept this Bill but I want to make clear the commitment of gardaí and the Government, which is shared by all Members, to deal with what is a very serious crime affecting property and people throughout our State.

Deputy Mattie McGrath: I thank my colleagues from all parties for their support. As I said at the outset, a public representative of any note, whether it be local authority or whatever, knows this is a huge issue. The Minister's pious platitudes about not accepting the Bill came down to two points, one on the level of transaction costs and the other on the cost of enforcement. Of course there is an enforcement cost and transaction costs could be left at a given level but, as colleagues have said, the Bill could be accepted and dealt with on Committee Stage. On rejecting it, there will be no fallback position. If we reject it today and vote it down next Tuesday, the criminals will again be laughing all the way to the bank. Must we wait until they come in here and steal our microphones and the brass, in addition to the precious metals from the top of the building?

There is a glaring anomaly and the countryside is being plundered, as stated by other Depu-

ties. There is anecdotal evidence that everywhere, both urban and rural, is being plundered. This demonstrates my point without my having to raise it here. It goes to show there is no will on the part of the Government to accept this Bill. I am disappointed in the new Minister. I realise she is busy this morning and that she said she might be here at some stage. I believe she is at a consultation in Farmleigh on issues concerning An Garda Síochána. While I admit this is very important, it should not be a case of all consultation and no action. If this is to be the hallmark of the Minister, it will be a pity. There are consultations in the Department of the Environment, Community and Local Government and not a word about the regulations. Minister of State Deputy Paschal Donohoe tells me this morning the introduction of the regulations is imminent. Farming bodies, ordinary groups and Muintir na Tíre engage in such consultation but it goes nowhere. The Government has not had the energy or time to take on this Bill in two and half years. Now it is to be confined to the bin again. God knows when it will return. Despite this, the Government has had the time. It has rammed through many Bills here. The Irish Water legislation is an example; it was signed into law by the President on Christmas Day. The priority of the Government is to pillory the people and push them into poverty. They are robbed and pilloried and not protected by the Government. It has failed fundamentally to protect them from the marauding gangsters.

We have heard of people cutting the cylinders out of flats in high-rise complexes, causing flood damage in people's homes. Flood gates and other things are being taken, as we know. The Government cannot protect people in their homes, as is their constitutional right — one's home is one's castle — yet it is bulldozing through law after law to introduce taxes, including the property tax and water rates. Legislation is being signed on Christmas Day. The Government does not have, and the former Minister for Justice and Equality certainly did not have, sufficient time, energy, compassion or understanding to fulfil the mandate from the people and legislate for, protect and support them. It is like the motto of the Cromwell regime: "To hell or to Connacht". People, their homes, valuables and items of a sentimental value do not matter any more. It is an outright disgrace. I am not sulking because this is my Bill. As Deputy O'Brien said, the Government could accept it and deal with it on Committee Stage. Consider the view that the Department is overworked. The last Minister, we are told, had to be instructed not to telephone the Attorney General before 6.30 a.m. It was all a big show and sham without substance.

The Minister for Social Protection said in the House some days ago that she had not time to look at the social welfare Bill - I am not using her exact words - as she was too busy with the Gender Recognition Bill. We have lost our priorities. We must stand with our people and offer them the protection of the State, and we must give the Garda the power and resources it needs. We must legislate to facilitate the courts in this regard and not let communities suffer. In Portlaoise, the community erected a piece of art to commemorate 25 or 26 people who were either killed or lost their lives at a very young age but it was just mowed down and melted down.

We must give support to our communities. A national support organisation such as Muintir na Tíre, which makes requests of us, must be supported. Such groups are dealing with what I describe daily. We are here to support them. They are all running the country for us. We are supposed to be running the country but they are actually doing so. They are keeping it going on a daily basis. What message do we send out to foreign direct investors when the DART service is unceremoniously stopped and when airplanes are grounded because of masts being cut down? What kind of bandit country have we? We see in the media pictures of Iraq. Is Ireland to be the same as Iraq? It will be. The hands of the gardaí will be tied behind their backs

without the proper legislation.

The centuries-old Glengarra youth hostel in my community had been vandalised. There is a public meeting about it on Sunday morning. The wonderful community, which I support, is getting together to try to rebuild this wonderful legacy building. It was bequeathed by the Pole-Carew family. It was left to Coillte, which gave it to An Óige. It has since moved on and the building is to be either razed to the ground or beautifully restored. The community is meeting with a view to restoring it. It is paying conservation architects and others.

Churches of all denominations are pleading with us. Tidy towns committees plead with us when they have beautiful features destroyed. What message are we giving them? All the farming bodies are contacting us. A farmer cannot go to his outlying farmland any more – the Minister of State might not understand this – without having to bring a big machine to remove big boulders that must be kept in place night and day. They put up gates and they are just cut down. They must protect entrances with a two- or three-tonne rock, which requires a machine to shift. The cost to the economy is just frightening.

The Georgian Society has made representations. Bulmers, a wonderful indigenous company that is part of the C&C Group, contacted me last night. It was delighted with the Bill and hopes for some action. We heard about all the kegs that were recovered. I do not know where the alcohol in them went. Publicans in towns and villages cannot leave a delivery outside their doors for even five minutes. They must take it in because the full kegs are taken. When the empty kegs are left out for collection by the lorry, it is the same story. They have to be watched. The publicans have enough to be doing running their pubs, paying their VAT and for insurance, adhering to health and safety regulations, employing people and providing a social outlet without having to stand on guard over kegs outside their premises.

The aviation society, Irish Rail, the ESB and those in the telecommunications industry are incurring costs. The cost to the economy is enormous. We are trying to create jobs. Small businesses are suffering. Kilometres of lines are being stolen. Eircom cannot replace them for six weeks, perhaps. How is a company in Tipperary that is employing 40 people supposed to do its business under such conditions? We are told about the rolling out of broadband. How can it be rolled out if the infrastructure is being undermined and attacked with impunity?

The Government rubs its hands and talks to officials in Europe and everywhere else about what a great country we have. We must stand with and protect our people and what the men of 1916 fought for rather than allowing our country to be pilloried and plundered at an enormous rate. What is happening beggars belief.

The burglary figures are being massaged. I put this to the former Minister for Justice and Equality. I acknowledge that Minister of State Paschal Donohoe is not in the Department of Justice and Equality. I do not dispute the CSO figures. A garda who comes to a house that is robbed is not allowed to record the robbery on PULSE unless he gets permission from his sergeant. That never happened before. In the olden days, when the sergeant went back to the station he did a written report. It is not only the whistleblowers who are or were denied access to PULSE; ordinary gardaí are not allowed to report the crimes. While some crimes are reported, countless crimes are not reported because it is a futile effort. This is because the gardaí do not have squad cars, telephones or other equipment. I was canvassing in February and met a member of An Garda at his house feeding his dogs. He said he might as well be at his house because he had no telephone, Internet or squad car. What a demoralising set of circumstances

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in which to place gardaí. We are now making an effort to address this.

I am not saying this Bill is perfect. I would never say that because I accept it is a humble effort by me and my staff, with the support of the Bills Office. I believed the Government would accept it. I fine-tuned it and waited for over two years to have it considered again. It should be brought to Committee Stage so as to have something to work on. The Government has nothing now. The Minister's officials are overworked and are very busy with other legislation, including legislation that might emerge from the consultations this morning or arise from the other many pressing issues.

The issue I am raising must be addressed. If we do not support and protect families in their homes, be they private homes or local authority houses, we will have a lawless state. I do not make this charge lightly. We have a lawless state and do not have the power to protect citizens, yet we have the power to send the Revenue Commissioners and sheriffs after people who took out mortgages to invest in their houses. On a daily basis, the sheriffs and banks are threatening them. We are looking after the banks and pass any legislation necessary to do so, such as the legislation to overrule the Dunne report and the Land and Conveyancing Act. I called the latter the eviction Act. We are operating for the big people, bankers and big businesses – to hell with the ordinary people. That is the rock on which Minister of State Deputy Donohoe and the Minister who has joined him, Deputy Ruairí Quinn, will perish. The people gave them a salutary message a few weeks ago. They will give a bigger one on another occasion. Would one blame them considering that the Government will not support them, give them solace or protect them? Instead, it pillories them every day with legislation, attacks on their well-being and tax after tax after tax, thereby driving the spirit out of the ordinary communities up and down the country that we are all present to support. One should remember we are only passing through here. The damage done to our protected or listed buildings, heritage, culture and communities has been just enormous. This was a humble effort to put it across. It could have been accepted and amended, or turned inside out for that matter, and we would have had a work in progress. I say shame on the Minister of State.

Question put.

Acting Chairman (Deputy Bernard J. Durkan): In accordance with Standing Order 117A(4), the division is postponed until immediately after the Order of Business on Tuesday, 24 June 2014.

Sitting suspended at 11.40 a.m. and resumed at 11.45 a.m.

Report of the Joint Committee on Education and Social Protection on the General Scheme of Education (Admission to Schools) Bill 2013: Motion

Deputy Joanna Tuffy: I move:

That Dáil Éireann shall consider the Report of the Joint Committee on Education and Social Protection entitled "Report on the Draft General Scheme of an Education (Admission of Schools) Bill 2013", copies of which were laid before Dáil Éireann on 5 March 2014.

I welcome the opportunity to debate in the Chamber the report on the draft general scheme

of an education (admission to schools) Bill 2013. I would like to speak first about the process involved as it is a new one whereby, before publishing draft legislation, Ministers publish the heads or general scheme of a Bill and refer it to the relevant Oireachtas committee. In the case of this scheme, the Joint Committee on Education and Social Protection decided to invite submissions, hold hearings and draw up a report, potentially including recommendations. That is actually what happened. The committee received more than 50 written submissions on the draft general scheme of the Bill. It was made clear in the call for submissions that if people wished to make an oral submission also, they would have to indicate as much in their submissions. We invited everyone to the hearings who specifically requested the opportunity to make an oral presentation. Subsequently, 23 groups and individuals attended to make their oral presentations having made written submissions.

Having previously dealt with the heads of a gender recognition Bill, what the committee did differently this time was to bring in individuals as well as groups. I suggested that course as Chair of the committee because the point had been made to me that in the Oireachtas we tend to meet with groups, particularly lobby groups, and do not have enough individual citizens in. We need that voice too. There are a huge number of professional lobby groups in every sector, often charities or representative associations, but one needs to hear the voices of citizens also when the Oireachtas has stakeholders expressing viewpoints.

The joint committee held three hearings. In addition to the hearings, I note that the written submissions themselves ranged widely across diverse issues raised by the heads of the Bill. I thank the Oireachtas Library and Research Service. In helping the joint committee to draw up the report, the service put together a discussion document which included a great deal of background information. It went through every submission and covered all the different themes that were raised in the submissions and hearing process. Without the help of the Library and Research Service, the joint committee would not have produced as good a report. That work was extremely helpful. To give an example of that, the report goes through the current legislation. On page 13, it talks about previous reports. I will go into that because this section of the report is important because this issue has been looked at by the Department for some time and work has been ongoing with regard to this issue. For example, there was an audit of enrolment policies in 2008. The then Minister for Education requested this audit the aim of which was to identify any disparities between schools in terms of their admission policies. The audit included pupils from the Traveller community and those with special needs. It looked at how the enrolment policies of some of these schools compared with their actual enrolment patterns as well as the effect of the admission practices and policies on the distribution of newcomer pupils across schools. This was important because when the Minister and his Department were drawing up the draft general scheme, they obviously took this into account. There were a number of findings about that.

One of the things it would have brought out, that was also brought out during our hearings, was that there are aspects of written enrolment policies that may be deemed exclusionary, for example, pre-enrolling children from birth or providing preference to children of past pupils thereby putting new arrivals to communities at a disadvantage. An ESRI study in 2009, *Adapting to Diversity: Irish Schools and Newcomer Students*, looked at a similar issue. It drew from the first national survey of primary and second-level principals on diversity and complemented this with 12 detailed case studies of primary and secondary schools. It found that newcomer students comprised 10% of the primary school-going population and 6% of the post-primary school-going population in 2007. Notably, this was not evenly distributed in primary schools

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and four in ten primary schools had no newcomer children while others had a very high proportion of newcomer students. That report identified a similar problem which the Minister is attempting to address in the legislation he is planning.

I will go through the recommendations but the media publicity around the committee hearings tended to focus on certain issues. For example, an article by Kitty Holland in *The Irish Times* at the time concentrated on the issue of the discrimination involved in giving priority to students with a baptismal certificate or who have been brought up in a particular faith so that would apply to faith schools such as those run by the Catholic Church and the Church of Ireland. In fact, this is not reflective of the audit and the ESRI report I have just outlined, which identified the issue of enrolment policies which are basically “first come, first served” where children must be enrolled from birth. This is possibly a much greater problem in terms of discrimination in practice.

One of the issues that was brought to the attention of the committee and which would not have got much publicity related to two submissions. I am very aware of this issue because it is an issue in my community. The submissions were from Lucan from Ms Colette Kavanagh who is principal of Esker Educate Together National School and Mr. Tom Moriarty who is principal in Adamstown Castle Educate Together National School. Ms Kavanagh said that parental school choice has been shown to be a significant determinant of segregation in schools and that unregulated parental choice should not be granted at the expense of social cohesion. She argued that the current system of school choice favours the Irish-educated Catholic parent over the immigrant in almost all cases. Mr. Moriarty made a similar point. He said that there are schools in Dublin existing side by side where one is almost completely international in nature and the other is exclusively Irish. He said that we are essentially looking at racial segregation. He argued that where there are a number of schools in an area operating under the same patron, they should be obliged to operate a common enrolment policy. Again, we took that on board when we were drawing up our recommendations.

The Oireachtas Library and Research Service looked at the international situation and referred to a 2009 paper that looked at parental school choice in the Netherlands. It found that the more that parental choices are influenced by the ethnic mix of a school’s students, the more segregated they are likely to become over time and the more difficult it is for policy makers to ignore the fact that schools are segregated. The OECD published a working paper in January 2012 that looked at current policies regarding school choice in OECD countries. This review showed that more than two thirds of OECD countries have increased school choice opportunities for parents over the past 25 years. However, the author of the paper describes the debate around school choice as perhaps one of the most ardently discussed issues in the current educational policy debate with school choice advocates claiming that expanding school choice will increase equity while school choice critics argue that it leads to segregation based on socioeconomic status and ethnicity.

This is not something that is very much in the public domain but it did come up in the submissions and debates during our committee hearings. On a personal level - I am not speaking as Chair of the committee and I know the two principals involved - this is a real problem in Lucan. There is an issue there about racial segregation. The situation will change this year because the Department has given the go-ahead to a new building for Esker Educate Together national school so the new school will be much nearer to where the children are coming from. Currently, most of the children in that school are bused out of their communities to this school because they could not get places in the local school. These children are largely from new communities

that have come to Ireland and made their life here. This is a very sensitive issue. It is a very sensitive issue for me to raise as the local Deputy but it is the type of thing we need to know about because it is happening.

I will go through the conclusions and make a few points. Conclusion one was a huge issue of debate. On the face of it, it is so obvious that giving priority to children because they have baptismal certificates or have been christened or brought up in a particular faith is discriminatory. There is no question but that the views expressed by committee members would be that this is not the ideal situation and that a school in a small town outside urban areas should cater for everybody. That issue was raised in many different submissions but it was also discussed among committee members. We could not really come up with a proposal to deal with that particular form of discrimination because of the Constitution-----

Minister for Education and Skills (Deputy Ruairí Quinn): I was hoping that they would.

Deputy Joanna Tuffy: We had people on one side who wanted this type of discrimination to be prohibited in future arguing that it was unconstitutional while on the other side, representatives of the trusts or patron bodies for Catholic, Church of Ireland or other faith schools argued the exact opposite. UN documentation contains protections concerning people being educated in their own faith so it is a very fraught issue. The report gives both sides. My understanding from the advice given to the committee is that these issues have not really been adjudicated in the courts to allow one to say that a definitive answer had been given on this. From the Minister's point of view, the important thing is that it is a concern.

12 o'clock

While this legislation cannot address it, it is an issue that needs to be addressed. That is the reason our second conclusion mentioned the issue of multiple patronage, therefore, it is very much related to the patronage issue which is also a difficult issue to solve. Over time, that may be the way we can solve this issue. Conclusion No. 2 states that multiple patronage and ethos as a basis for policy can lead to segregation and inequality in the education system. The objectives of admission policy should be equality and integration. That relates to the point I made earlier that the division of students in accordance with different patrons can lead to segregation and inequality. There is an element of that in a community where there are several schools. In urban communities we have the luxury of several schools but in practice it means that children are divided under different patrons so they are not being educated together, they are being educated by different patrons based on the principle of parental choice and multiple patronage and ethos. Committee members had different views on this matter. Some members felt there should be diversity of patrons and that parents should have a choice in that regard while other members felt it was not ideal. What we were taking on board was the fact that it can lead to problems as stated in our conclusions. That is very much a matter for the patrons. My personal view - this is not the view of the committee - is that over time the aim should be to move to a State multid denominational model for schools but I realise there are difficulties in that and that it is important that all stakeholders are brought on board. The mechanism of how to do that is not straightforward, an issue with which the Minister is trying to grapple.

I agree with the Minister that because most schools are Catholic and run by Catholic patrons or trusts, they have a responsibility. If they have the only school in a village they have a responsibility to ensure those schools are, in effect, multid denominational and inclusive. To be fair - this point was made at the committee - in practice, Catholic schools are often the most

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inclusive from socioeconomic and ethnicity points of view. They can be the most inclusive but not always, and they can be the reverse. It is important that there is balance in the debate but that point was raised at the committee.

The report made a number of other conclusions. However, I realise my time is limited. I do not think we have proposed drastic changes from those proposed in the Minister's original scheme but we have some important differences with the Minister. I hope that, where possible, he will do his best to take those on board.

Acting Chairman (Deputy John Lyons): I call the Minister.

Deputy Ruairí Quinn: My understanding was that I would be responding to the debate rather than speaking next.

Acting Chairman (Deputy John Lyons): That is fine. I will move to the next speaker, Deputy Charlie McConalogue.

Deputy Charlie McConalogue: I commend Deputy Joanna Tuffy for chairing a number of hearings and her work and dedication to producing the report. I acknowledge the many groups which presented before the committee, the Library and Research Service and the other members of the committee who contributed to the report. I commend also the work of the Minister and his officials. I welcome the officials accompanying him today and thank them for their efforts and ongoing work on this issue.

In Fianna Fáil we believe it is important that parents living or moving to an area have certainty about the choice of schools available for their children.

We have previously acknowledged that the provisions of the Education Act 1988 dealing with enrolment have not fully realised that original objective and we committed both to reviewing the enrolment provisions of the Education Act and to introducing a new regulatory framework for school enrolment. We need a new framework and while 80% of schools enrol all applicants there is still an issue with the remainder. One in five schools is oversubscribed. When the draft proposals were published, the INTO made the point that where problems have arisen at primary level, in the main these relates to the failure of the Department of Education and Skills to provide school places in an area. The union also made the point that the legislation did not address the issue of parents making multiple applications to different schools and then accepting places in several schools, a situation in some cases being compounded by schools not being told that a place is not being accepted. Such decisions can affect the staffing and funding of schools. Perhaps the committee conclusion that schools in a particular area should, irrespective of their patronage, co-operate in respect of admissions, might help.

The Minister published his draft plans last September and sent them to the Joint Committee on Education and Social Protection for our consideration and we had a very useful and constructive engagement with all the interested parties. The committee's report was published just over three months ago and I think it is fair to say that there was a broadly positive response to that report. For example, the National Parents Council welcomed the recommendation for a new independent and transparent appeals process to oversee schools' admissions policies.

The Minister's draft Bill proposes to remove the current system, known as a section 29 appeal, where parents can appeal decisions to the Department of Education and Skills. Ms Áine Lynch, chief executive of the National Parents Council - Primary, said planned new legislation

aimed at standardising such policies should lead to fewer appeals but “parents do need someone else to go to” when schools fail to adhere either to their own admissions policies or national guidelines. The committee endorsed the need for an independent appeals mechanism, with the suggestion that this could possibly be provided for on a regional basis. The National Parents Council - Secondary welcomed a separate recommendation for the Department to provide resources “within a statutory timeframe” to any school designated to enrol a student with special educational needs.

I said earlier that Fianna Fáil believes it is important that parents living in or moving to an area have certainty about the choice of schools available for their children. In that context I am pleased about the committee’s conclusion on waiting lists which the report says can give rise to discrimination against newcomers to an area. I fully endorse the view that we should move to address this discrimination sooner rather than later and that unless there are legal obstacles, waiting lists should be phased-out as soon as possible. The report also points out that the transitional use of waiting lists could be viewed as particularly unfair towards children in care and could potentially place them at risk of isolation in their community. The report says that this could be lessened by giving children in care a high priority in relation to school admissions policies.

The report clearly states that schools should not be allowed to give priority or preference to a student on the basis that he or she is the son or daughter of a former student or a staff member of the school. However, we do say that schools should be given the all clear to give priority to a student with a sibling currently attending the school. This is a sensible and practical suggestion that I think everyone will welcome. I hope the Minister acts on this recommendation. I am aware that Ms Emily Logan, the Children’s Ombudsman, has also called for an end to preferential access for the children of past pupils.

Deputy Ruairí Quinn: Would the Deputy confine that to siblings who are currently in the school or siblings who have been in the school and have left?

Deputy Charlie McConalogue: To siblings who are currently in the school. The report also concludes that the integrity of Irish medium schools should be protected while ensuring that no discrimination takes place in relation to admissions.

Foras na Gaeilge, in its submission, pointed out that the State’s overall strategy document for the development and promotion of the Irish language, 20 Year Strategy for the Irish Language 2010-2030, sets challenging goals for the Government in respect of the preservation and promotion of the language. This was also made by An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, COGG, which highlighted the strategy’s objective to triple the total number of daily Irish speakers from 83,000 to 250,000 by 2030.

The report states that where a school is designated to enrol a student with special educational needs, resources should be provided by the Department of Education and Skills within a statutory timetable. I ask the Minister to indicate whether he will take this on board and provide for it in the Bill. Both Down Syndrome Ireland and Inclusion Ireland made a compelling case to the committee that the Minister’s initial proposals did not tackle the issue of schools being under-resourced to deal with special educational needs. They both argued that additional resources must be made available to any such school.

There are a few other points I wish to raise. The report deals with oversubscription in one

fifth of schools that are oversubscribed. It is appropriate to note also the issue of admissions to schools which are not oversubscribed, particularly those that are struggling, especially smaller schools. I will refer to the impact on some of them of the Government policies of the past two or three years. In particular, the increase in the threshold for retaining teachers is putting pressure on small schools. Many wonder how they will survive in the medium term. This will have a knock-on effect on their admissions, as I am sure the Minister is aware. Parents are left wondering whether those schools will remain for the duration of their children's education and retain their current number of teachers. They also wonder what the schools will be like by the time their children finish attending them. These concerns arise from the repeated cuts that have made life difficult for such schools. The increase in the threshold has particular relevance for minority faith schools, as the Minister acknowledged in the midst of the recent local election campaign. He stated that he would begin listening to those schools about their difficulties and the impact of his policies on them. When responding to this motion, he might elaborate on what he meant during the campaign and whether he will take the matter seriously.

The small schools review needs to be published. It relates to schools that are struggling to get numbers as opposed to the admissions end of the spectrum where schools are oversubscribed, which is the subject matter of this report.

As part of this report, we recommend that, where a child attends a school, priority should be given to the admission of his or her siblings. This sensible suggestion should be reflected in the Minister's school transport policy. Under the measures he has introduced, a child who starts at a school that is not the closest to the family home will not be entitled to school transport even if a sibling is already attending that school. This is unfair. Many families with a number of children attending a school are finding that, when the youngest starts, he or she cannot get on the school bus. If there is no space-----

Deputy Ruairí Quinn: When we have a schools admission policy, the transportation should reflect that. There should not be a contradiction, but let us get the admissions policy right first and then fix the transport one. Would the Deputy accept that this is a perfectly solid argument?

Deputy Charlie McConalogue: That is quite possible, but it is a current issue.

Deputy Ruairí Quinn: Yes.

Deputy Charlie McConalogue: We only started encountering it last year. It should be addressed before September, as it is unfair on families to have to find means of transport to other schools. It does not make sense.

There are significant difficulties in terms of the supports for special needs pupils in schools, as I am sure the Minister would agree. In many situations, soft barriers are encouraging parents of children with special needs to consider other schools.

Acting Chairman (Deputy John Lyons): The Deputy's time is up.

Deputy Charlie McConalogue: I commend the Chairman, the rest of the committee's members and those who provided support on getting the report to this stage.

Deputy Ruairí Quinn: I thank the Deputy.

Deputy Eoghan Murphy: I do not sit on the education committee, but the Minister and Chairman know that this is a subject in which I am interested. The Minister and I represent

the same constituency and have often debated the issues in the Chamber, so he might be glad to hear that I will stick to the committee's report on the proposed Bill instead of raising any constituency-specific issue.

School admissions pose a problem, particularly in certain constituencies, including mine where there is significant oversubscription at certain schools. This has created a waiting list system. In some cases, lists stretch to an incredible 11 years. This system discriminates against people who have just moved up from the country or from elsewhere in Dublin. They have no chance of an admission to the local school because of the waiting list system. It creates anxiety and stress for parents. Even if they are given holding numbers of three, four or five years out, they might not even be sure in the preceding 12 months of their children getting places. This is a difficult situation for parents.

A further result is that children cannot be located in their local communities. This is not the model of education we want. At primary level in particular, we want children to be able to attend school in their local communities. They could walk to school, which would be good for their health and fitness, make friends in the area where they grow up and be close to home.

In my constituency, the issue is not just one of oversubscription, but of how the waiting lists are managed. Sometimes, parents must send their children to fee-paying schools that they cannot afford, stretching them financially. They take out loans or borrow from family members, which is not right. This represents a failing on the part of the State. However, I am glad that the Government is trying to address it.

We have not debated the details of the legislation, as we have not had Second Stage yet, but I welcome the robust, important and long overdue reforms that the Minister is pursuing. A key fear expressed to me is that the Department might be trying to centralise power so as to ensure control over schools' admissions and so on. We must keep refuting such fears. We are trying to move to a system that is open, transparent and fair and works for educators and parents alike, which is always the primary goal. Currently, it works for neither. The best interests of the child should be at the centre. This is what we are trying to do. As parliamentarians, it behoves us all to keep repeating this mantra because certain people and interest groups are raising unwarranted fears. In any case, we will have a chance to get stuck into this matter on the next Stage when we move from contemplating what will be in the legislation to debating its details. I look forward to going through each section.

I commend the Chairman and the committee on their work. They have spent a considerable amount of time on this detailed and lengthy report. Approximately 60 submissions were made, a number of public hearings were held and the committee considered the matter. It is important that the committee be commended, as this issue is not always noticed. It is not sexy enough for the media, so it does not get the column inches that it should, but it is of concern to parents. They appreciate it and express their thanks when one tells them of the committee's work and report. They read the report, get involved and comment on the matter.

I held a public meeting in Donnybrook with educators, parents and some officials to debate the proposals that were in the ether from the heads of the Bill. It was great to see people's passion and engagement. They came with particular interests, be they from Gaelscoileanna or fee-paying schools or be they principals. It all fed into the meeting. Unfortunately, the submissions are not listed in appendix No. 5 to the report, which I am sure is an oversight, but I will cite a couple of the proposals made at the meeting, as they are worthy of comment.

Before doing so, I will discuss a number of the report's conclusions. The first, which ties into the second, is the lack of diversity of school types. It is incredible that most parents in 2014 do not have a choice of schools. For example, they cannot choose not to send their children to religious schools or their children might not be able to attend their local schools because of a difference in religions. Indeed, children might be placed further down the lists because they have not been baptised. Some people scoff at the Minister for pursuing this matter, but forget them. This is the right way to go. Parents want choice. They want to be able to send their children to local schools that reflect their beliefs and ethos. The key issue is children being unable to attend school because they are not of the right religion. I have been approached by parents who had their children baptised just to get them further up the waiting lists. This is ridiculous, but it is the society in which we live. As such, I urge the Minister to continue with his reforms. This matter partly relates to admissions, but also to patronage, in which regard more work needs to be done.

I do not agree with conclusion No. 7 of the report, which relates to the derogation for the children of past pupils. There should be a derogation. As far as I am aware, the Minister's current proposal stands at 25%. That is modest. Much of the work done in schools is done out of hours by parents on a voluntary basis. Parents, because they have a connection or association with a school they attended and want to send their children there, will get involved and hold cake sales and fund-raising events for that school, which funding is important to every school in the State. No school in this country exists solely on the money it receives from the State. Much of the funding for schools is raised by parents through different initiatives. If there is a derogation to allow children of past pupils to attend a school, parents will remain involved and continue doing this work. Not only the children of a school but everybody benefits when parents take an interest in their local school.

Conclusions Nos. 11 and 12 which deal with co-operation between schools in a geographical area in terms of admissions are, in my view, key. The situation in my constituency, which is also the Minister's constituency, in respect of this September is an exception in terms of the explosion of pupils in the area. Often places are available and additional schools are not required. It is the unco-operative nature of schools in terms of the management that results in unnecessary anxieties right up to the last minute. We need to do our best to address that.

I would like, if I may, to read into the record a couple of points raised at the public meeting which I held last November, although some of the information may be a little outdated at this stage. In regard to inclusivity and resource management, the obligation on schools to operate inclusive admissions policies for children with special educational needs was strongly welcomed. The issue of sufficient resources for schools in this context was raised. It was stated that the necessary support would have to be forthcoming from the Department in a timely manner so that schools could be confident of operating an inclusive admissions policy without fear of being unable to secure the necessary resources to do so.

In regard to Gaelscoileanna, it was confirmed that Irish proficiency could still be used as an admission criterion. I hope that remains the case. However, there was no derogation in the current proposals to allow Gaelscoileanna to continue the practice of holding admission interviews to determine that the applying pupil came from an Irish-speaking family. It was said that this would also impact on the management of waiting lists for the period of the sunset clause in the proposed legislation and would present practical problems for Gaelscoileanna which would need to be addressed during the legislative process.

On past pupils, it was noted that the past pupil provision for admissions - holding a maximum of 25% of places for children of past pupils - was not time bound. While the figure in this regard was not at that time definitive, any increase in that figure in the course of progression of the legislation would mean further discrimination against other areas of admission. It was recommended that the past pupil criterion be applied separately from other criteria, including sibling preference. For example, the first child of a past pupil to attend the school would be admitted under the past pupil criterion but his or her sibling would not as he or she would qualify separately under the sibling rule. This area needs to be clarified further in the legislation.

Issues were also raised around the designation of primary schools as feeder schools for secondary schools, which should be permissible, the practice of fee-paying schools using ability to pay as a criterion for admission, which should continue, and eligibility of foster children under different criteria, which should be addressed in terms of the definition of guardianship in the legislation.

I am aware that the Deputy Tuffy, as Chairman of the committee, and the Minister, Deputy Quinn, have had sight of this report but as it was not listed in the appendix as a submission I will forward a copy of it to them.

A huge amount of work has been already done in this area because of the reforms introduced by Government in relation to how legislation is dealt with. I am anxious that we get to the phase of debating the legislation. It is important it is enacted as quickly as possible because it will take a couple of years after the introduction of the new provisions in respect of admission, particularly those relating to the operation of waiting lists, for the system to correct itself. Parents in my constituency, which as I said is also the Minister's constituency, are, as I am sure are people in other constituencies, anxious to see this system introduced so that they can be confident of having their child educated in one of the local State schools. I commend the chairman of the committee, Deputy Tuffy, on her hard work in this area.

Deputy Jonathan O'Brien: I too congratulate Deputy Tuffy on her chairmanship of the hearings on the Bill, which I found very informative. A number of sessions were held at which a diverse range of submissions, covering almost all aspects of the heads of the Bill, were presented. Some of those submissions threw up some interesting scenarios. One of the conclusions I reached during those hearings is that we cannot legislate for every possible scenario. That is just not feasible. What we need to do is legislate to ensure the system in place is fair and transparent. While exceptional cases will arise that may be hard to address, that the system be fair and transparent and properly communicated to students and parents is all that we can ask of the Department.

Most of the issues arising have already been covered so I would like to focus on two particular issues, the first of which is the assessment of students as a soft barrier. It was stated in one of the submissions that as part of the interview process for a post-leaving certificate course there is an assessment based on academic ability. One of the unintended consequences of what is being proposed could be elimination of that assessment. As stated previously in the Seanad by a Minister, we must be careful to ensure there are no unintended consequences from this proposal. As I understand it, there is a need at post leaving certificate and further education level for assessment based on academic ability.

Deputy Ruairí Quinn: I do not foresee that arising as a problem because we talking about the State requirement to have a child at school up to a maximum of 16 years. It is different.

However, I know the point the Deputy is making. It is an understandable concern but I do not think that will happen.

Deputy Jonathan O'Brien: That is fair enough. As I said, it is important to ensure there are no unintended consequences as a result of what is proposed. I believe the matter is adequately addressed in the heads of the Bill. I look forward to debate of the legislation.

Another issue of concern, which was touched on earlier, is the sibling rule. In my opinion, this should apply to a sibling currently in a school. As I stated earlier, it will not be possible to legislate for every scenario. For example, where a primary and post-primary school are located on the same campus, as is the case in my constituency, and a sibling of a child already in the post-primary school is hoping to attend the primary school, the general consensus is that the sibling rule would apply to pupils currently in the educational institution at the time.

For me, the most interesting aspect of the debate was on the provisions of section 29 of the Act. All of the submissions to the hearings commented on it. While some were in favour of maintenance of the section 29 provisions in terms of their being transparent and easy to operate, others found them to be cumbersome and difficult to work with. Everyone was agreed that there needs to be some form of independent appeals process and that what is proposed in terms of the judicial review was not the way to go as it would be very costly for parents faced with the prospect of a student being refused enrolment. Of concern to me is that what is now being proposed is that a board of management will set out the enrolment policy for a school. It will then be up to the principal to implement that policy on behalf of the board of management. Where an issue arises, in terms of refusal of enrolment of a student, the appeal will be to the board of management which set the policy in the first instance. I believe this is an issue on which we need to have further discussion.

The issues of the past pupil-parent rule and children with special educational needs were also raised a number of times. As I said, the report is comprehensive and includes many good recommendations. The one which intrigued me the most - this was referred to by the previous speaker - was the introduction of a common application policy covering a number of schools. That is certainly worth developing, whether it is done on a regional basis or on a smaller scale. If a number of schools within a local community are all under the same patronage, it would make sense to have a common application process.

Deputy Ruairí Quinn: Is the Deputy talking about North Monastery CBS?

Deputy Jonathan O'Brien: Yes; unfortunately, I am talking about the North Monastery again. The situation is that an individual who is a trustee of a primary school and is also the patron of another primary school less than a couple of hundred yards down the road. They have different enrolment policies and different application processes, even though both schools have same individual as either a patron or a trustee. I do not see the sense in that. The relevant conclusion in the report - No. 10 or No. 11 - certainly warrants a little more investigation and development. We had a presentation from a gentleman in Limerick where they have such a process.

Deputy Joanna Tuffy: It was Noel Malone.

Deputy Jonathan O'Brien: That process seems to be working quite well.

Deputy Ruairí Quinn: It works very well.

Deputy Jonathan O'Brien: It is something that we could develop. I do not know whether the Minister has plans to do so within the current legislation, but it seems to make a lot of sense.

I want to touch finally on children in care. We had a presentation from an individual who talked about how children in care are moved from home to home in their early years. They might come into a community at the age of four, five or six hoping to get a place in a school. If school places in that community are oversubscribed, it can cause a difficulty. It is an area that we should investigate more.

Overall, the process was worthwhile. Many of the presentations were informative and threw up issues that we need to look at in greater detail. If we cannot do that as part of this Bill, we should certainly do so in the context of wider education policy. We look forward to seeing the legislation go through the Houses as quickly as possible.

Deputy Stephen S. Donnelly: I am delighted to see the legislation that the Minister is introducing and recognise the work done by Deputy Tuffy and the entire Joint Committee on Education and Social Protection. It is also worth acknowledging the Minister's use of the pre-legislative process. This kind of debate and the report from the committee are incredibly useful in enabling us to give this type of feedback to the Minister and his officials before the draft legislation is published.

I am going to use two live examples in Wicklow to illustrate two issues, one of which is addressed in the Bill while the other is not, and then go on to some things that I like in the Bill and three areas that I want to bring to the Minister's attention.

The first live example illustrates the geographic problem. Thankfully, there is going to be a new north Wicklow Educate Together school in Bray, which needs to serve all of Wicklow and parts of south Dublin.

Deputy Ruairí Quinn: Is it the post-primary school?

Deputy Stephen S. Donnelly: Yes. However, when the admissions policy came out, it said that it would serve parts of south Dublin and Bray, but nowhere further south, which is a huge challenge for other parts of north Wicklow. Wicklow town has a primary Educate Together school, so I have been contacted by a lot of people asking what they are meant to do. The Bill does not address this problem. There is probably some hybrid model to be found. For Roman Catholic schools, which are obviously all over the place, geographic prioritisation is perhaps allowed, but other schools which are much more sparsely spread, such as Church of Ireland schools, Educate Together schools, Muslim schools or Jewish schools, have to be allowed to cast their net widely.

My second live example, which the Minister and I have discussed, is the shortage of primary school places in the Greystones-Delgany and Kilcoole area. There are nine schools and, in theory, there is fantastic choice. They are all fantastic schools: we have Educate Together, a gaelscoil, a Church of Ireland school and a Roman Catholic school. The problem is that, because the system is overburdened, first, there is not really any choice, and parents just try to get their kids in wherever they can; and, second, the system is complex. The nine schools all work together closely, but parents have to apply to all nine schools and see where they get in. The lack of capacity means that, this year, we will have four year olds and six year olds starting junior infants together, which is one problem. The other problem is that there is huge complexity and a lack of transparency, which I stress is not the fault of the schools. The Bill addresses

that to a point by saying that single admissions structures can be put in place for local systems. That would be welcome. I hope the Minister and I can sit down and discuss the issue of a new school for the area. It is not an issue for today, but it is very pressing.

I welcome various elements of the Bill. The first of these is heads 8 and 9, which address special needs. I am delighted to see that power will be given to the National Educational Welfare Board and the National Council for Special Education to designate schools for kids with special needs. The heads say that the power will be given to the Minister or to the bodies “for the time being”. That seems a little vague and the Minister might want to look at that.

Head 4 is fantastic. I really like the idea of no fees or contributions being sought for admissions. We all know that there some quite elite schools that charge a prohibitive amount of money to low-income and some middle-income parents even to put their kids on the waiting list, so that proposal is very welcome.

I welcome the move whereby waiting lists before the year of admission are taken away. We had the crazy situation in which any parent moving into the Greystones-Delgany and Kilcoole area with kids who were seven, eight or nine, or even when the kids were four, had no way of getting them into the schools, so this is a fantastic measure.

I also welcome the preclusion of schools from interviewing parents. We all know, although there are obviously no data to back it up, that those interviews are used by some schools as a form of soft discrimination, allowing them to say, “Well, maybe little Johnny would not be suitable for our school,” for whatever reason. I applaud the Minister’s introduction of that measure.

There are three areas where the Bill could possibly go further. When I read the heads of the Bill, I was really excited, particularly when I read the explanatory note on head 1. I thought that it was an incredible statement of intent and a fundamental shift from a highly discriminatory admissions system to one that is fantastically progressive and non-discriminatory. However, as I read down through the rest of the heads, my enthusiasm ebbed, because the Bill left in lots of exclusions. I thought it was going to be a radical piece of legislation; it feels more like a modest and very sensible step in the right direction.

The first area is religious exclusion. I have no issue with religious patronage or religious ethos. I was educated by the Holy Faith nuns in Greystones and am very grateful to them for that. I have no issue with there being a religious ethos in a school, but I have an absolute problem, as a matter of principle and values, with any school being able to say, “We’re not letting you in because you are not of our faith.” If a church wants to set up, run and pay for its own school and says that it is going to let in only Church of Ireland, Muslim or Roman Catholic children, there may be an argument for that, but it is certainly not acceptable of a State-run institution. As a private citizen before the last election, I ended up in a communication with the previous Minister for Education and Skills as I began to think about my own children and where they might be able to go. If the State says to the parents of a child, “You are not coming in here because you are a Protestant,” it is to me like saying the child will not be admitted to the accident and emergency department of a hospital or to a university because they are Protestant, Roman Catholic, Jewish, Muslim or whatever religion. It is a point of principle and Ireland should move on from this. I would love to have seen provision in this Bill allowing for religious ethos but providing that it was no longer possible to exclude a child from a State-run institution because of their faith or their parents’ faith. It was a good opportunity.

The second matter is gender, which is much more difficult. Personally, I would like Ireland to move away from segregated education.

Deputy Ruairí Quinn: It is Government policy now, but existing schools cannot be compelled.

Deputy Stephen S. Donnelly: That is what disappointed me. As I read the heads of the Bill it appeared to say one was not allowed to discriminate based on gender, unless one discriminates based on gender. I wondered what we are actually changing here.

Deputy Ruairí Quinn: The Deputy would be surprised at the number of parents who still want single sex schools.

Deputy Stephen S. Donnelly: I am aware of that and for that reason it is correct that the legislation would not enforce co-education everywhere. There is a very strong parental preference for it. However, perhaps the Bill could be ambitious in laying the groundwork for moving from a situation where somebody is told they cannot go to a school because of their gender. It is a personal preference. I realise other parents want segregated education but I would like Ireland to move away from a position where boys and girls at three to six years of age are separated from the other gender for no obvious reason that I can see.

The third area where I would like the Bill to go further in is fees, which are essentially a proxy for exclusion based on parental wealth. Again, I thought I read in the heads of the Bill that there would be no exclusion based on fees, but later the Bill excluded where it was already happening. It more or less says that the school cannot charge fees, unless it charges fees. It cannot exclude based on parental wealth, unless it excludes based on parental wealth.

I have a proposal for the Minister. I do not favour the State pulling funding from fee-paying schools, mainly because it would end up costing the State more money at a time when it has very little money. The economics of it do not make sense. However, there should not be a situation where schools can exclude based on parental wealth. It is elitist and bad for society. My proposal is based on the model used by Harvard. It has a very elegant system. It charges fees, which are quite large, but under its system if one is accepted, one will not have to turn one's place down on financial grounds. It will help a person find a bursary, scholarship or zero or low interest-----

Deputy Ruairí Quinn: It only has approximately \$60 billion of funding in its back pocket. If the Deputy can produce \$60 billion, I will be quite happy to play with that figure.

Deputy Stephen S. Donnelly: It has a large amount of cash. It is just something to consider. I wonder if we could find a solution whereby if one is accepted into a school, a way will be found, perhaps through a means test of some description, to ensure the student need not say "No" because of the amount of their parents' disposable income. The Harvard model is something of a stretch, but it is the same type of principle.

I salute the Minister for what he is doing, but I believe he could be more ambitious.

Minister for Education and Skills(Deputy Ruairí Quinn): I join Members in congratulating the committee on the work done by the Chairperson and the people who drafted the report. It has been very useful and helpful.

The origin of this was in June 2011 when Martin Hanniffy, assistant secretary of the De-

partment, gave me a paper outlining the difficulties that have arisen since the enactment of the Education Act 1998. It addressed a number of the issues, so it is based on that. Many people have different opinions about this. We are dealing with an existing system, and that system is a public private partnership that caters for just under 1 million people, including teachers and pupils, not to mention parents and extended family. At primary level, the system has been in existence for over 180 years. It varies in the post-primary sector but many of the schools were established in the middle of the 1880s and many more in the 1920s and 1930s, when Ireland was very different. We are not dealing with a green-field site. We would design it differently if we were, but we are not. People are established in the system and have rights.

We have the free voluntary sector, as it is called. Schools were invited to get rid of fees and voluntarily come into the new scheme. A small number chose not to do that. There are 4,000 schools in total. Almost 800 are in the post-primary sector, of which 55 are fee-paying. Almost half of those, 22, are in the minority faiths. They did that for fear of being swamped, in effect, by the *Ne Temere* decree, which forcibly made the Protestant parent in a marriage to a Catholic commit to rearing their children as Catholics. That is the history of it.

The reason we are formulating the legislation in this way is that some of these proposals might not work in practice. That is the reason the powers are set out in the primary legislation, which I hope will be before the House and possibly enacted by the end of this session in July. We also have power to put the operation of many of the provisions, such as waiting lists and so forth, into a statutory instrument. Therefore, if it does not work, the Houses can change the statutory instrument by consent without having to go through the legislative process of each Stage in both Houses. That is the thinking behind it, because some things might or might not work.

Special needs and the resourcing were raised by a number of Deputies. First, no school will be able to refuse enrolment because one's child is not smart enough or has special educational needs. If there is no space available or there are capacity problems, the National Educational Welfare Board will ultimately be able to require a school to take in a child. That is a positive advance. Last Wednesday, the National Council for Special Education, NCSE, published a report - presentations have already been made to individual Deputies - on a new model for the allocation of resources in special education, where we are currently spending approximately €1.3 billion. I am not referring to SNAs but to resources for special education provision in a school. Some of those resources came to a school with an individual child.

What the NCSE is proposing to do is profile the school and resource it so it is capable of accepting children with special educational needs or learning difficulties that can be addressed by a resource teacher. SNAs cater for a different category of need and they are not part of this resourcing. In the past a school could say that it could not take a child because it did not have the resources to provide the child's education. Hopefully, we will be able to remove that as a criterion for refusal. That is the reason we are making that refusal illegal. However, the resources must be there and that is why we will be doing that.

With regard to over-supply, 80% of schools have no problem and can accept pupils, so it is not an issue. However, it is a major issue in areas of population growth, and it will be an issue through to 2026. We have a 50% above average demographic growth rate in our population. It is 50% above the European Union average and all the demographic projections, although it is not a perfect science, suggest that it will plateau in 2026. We are planning for that. It is the reason we have a problem in our school provision with regard to schools that have substandard accommodation but the capacity available to me is to provide additional space and with a lim-

ited capital budget, that is the inevitable consequence.

A number of issues arose in the consultations. In 2011, we published the document that Martin Hanniffy had put together from his experience in the Department. There was a great deal of consultation on it and this legislation was considered as well. There are issues with siblings, past pupils and access in a particular area, and they are all related to something I regard as a major resource in this country. I increasingly reached that conclusion when I was spokesperson on education in Opposition and subsequently in my current office. It is the incredible commitment Irish parents have to the education of their children and the level of their engagement across the spectrum. It is not just fee-paying schools, but all types of schools. We consider it normal because we have grown up with it, but it is not normal. There is virtually no French parental involvement in the French school system and if a parent presented themselves at a lycée in France they would have difficulty getting in, even to talk to the teachers. Every system is different. From my knowledge now - I now know enough to know I do not know very much - I know that this is a unique resource and Deputy Eoghan Murphy referred to it, in part. It also reflects the public private partnership that is the system we have currently. For example, there may be families where sport is a major part of what keeps them together - their social glue - and they want their son or daughter to go to a particular school not because of the academic side but because sport is very much part of their life. They might be the third generation to play for the county and, therefore, having that choice is important.

I consulted a number of schools on the fee-paying side and on the non-fee-paying side. People tend to say this is exclusively a fee-paying elitist sort of thing but it is not. Schools, even primary schools, are feeder schools for local clubs in the world of the GAA. There is a relationship with a certain school, and St. Vincent's in Glasnevin comes to mind. The Acting Chairman, Deputy Lyons, knows the relationship between St. Vincent's and the Dublin GAA culture. Many people who see it as a big part of their life want to ensure they have access to it, and hence this motivation. As Deputy Eoghan Murphy said, those parents will do whatever they possibly can for those children. In many cases, that commitment to the school continues long after their children have left the school.

That is a resource we must recognise. We must see how we recognise it and how we allow it to present itself openly and transparently while, at the same time, not disadvantaging anybody else because the system should be fair. That was the thinking behind that 25% criteria, namely, that it could be provided for.

In the area of siblings, quite a distinction was made between siblings in the school at the same time, for ease of school runs in the morning, and siblings who were in the school at different times, which is a reality for large families and so on. By extension, this would apply to foster and other children. Given parental engagement in the school, they will know the history teacher, Mr. Quinn, is not that good and that there are two other history teachers in the school. They will want to ensure that when it comes to second level, the stream into which the child goes is not the one with Mr. Quinn but somebody else's. This can be the level of knowledge families will have about a certain school. They like everything about the school but they know there are a couple of plonker teachers and they will not want their children, if possible, to be in a particular class. The Teaching Council or a whole lot of other things will deal with that, in part, but that kind of knowledge cannot be ignored. It will be for the House to decide whether the sibling rule should include children who are not in the school at the same time. In drafting the legislation, we have dealt with that because the sibling could technically be related to a past pupil.

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I refer to demand. There was a major social problem in Limerick city and a Fianna Fáil Minister, Mr. Noel Dempsey, intervened. That problem related to some of the socioeconomic problems in that city, which have, to a certain extent, been dealt with. By agreement, he introduced a mini-CAO system for secondary schools in Limerick city. Parents put down their first choice for schools and places were divvied out. By and large, it has worked fairly well. If Members talk to any of their colleagues who come from Limerick city, they will get a reaction but there are still problems of people leaving Limerick city to get away from what they consider difficult elements and to get to a safer place.

Some people like to send their children to schools in the countryside away from the local town because of the phenomenon of drugs in the town. Some parents do not want their child to be in that place and they will deliberately choose to send them to a countryside environment where they will not run into that difficulty.

How does one deal with oversubscription and avoid the problem of children having to travel, in particular children who want to socialise locally and who could possibly walk to school? I think Deputy Murphy spoke about that. Some schools are beginning to introduce priority based on the catchment area in which the school is located. Priority will be given to those in the area. All of these things work fairly well if there is capacity. When one gets too much demand, one has a problem.

I was interested in what Deputy Donnelly said that one would ask a denominational school to find another criterion other than religion for admissions policy while still maintaining the religious ethos - we are talking predominantly of the Catholic ethos - as part and parcel of why that school is there in the first place. That was the mission of the church. Religious orders were established for that purpose. Like Deputy Donnelly, I am the product of the Spiritans, or the Holy Ghost Fathers as they were known, and have nothing but good memories of that experience. For people coming here with an IDA-type company and trying to get their children into schools, the idea that they have to be a Catholic to get their children into a particular school in the 21st century blows their minds. If one talks to the American Chamber of Commerce in Ireland, one will hear some interesting reactions from senior executives about that.

If one is a practising Catholic and one wants to get one's child into a school but one has come late to the process or one is in the wrong area, it is very hard for one to understand why somebody who is a lapsed Catholic or not even of that tradition, for example, a Muslim, should be in that Catholic school when one cannot get one's children into it. It is complex. What will resolve the problem is providing sufficient choice and supply. The issue of supply in my constituency and that of Deputy Murphy, Dublin South-East, has been addressed to a certain extent. However, demand is enormous. At the end of the day, we will have a more transparent and fairer system of admissions. There is no doubt about that, whatever the final details in the admissions Bill when it is enacted.

We will not get everything right which is why the statutory instruments will be there. If something is not working, we can fix it relatively quickly. It will not be fixed by the Minister of the day but by a statutory instrument which will have to be debated in the House. I will make it such that it will not be a passive statutory instrument. A statutory instrument is laid before the House for 30 or 60 days and if nobody objects, it becomes law, but I would change it to a system where it must be debated by the House, so we have democratic engagement. The reason I am building that flexibility into the system is that demand will always create different kinds of anomalies if it is in excess of supply, but we should be able to respond if we have certain poli-

cies in admissions which are not working with the intended outcomes we expected as legislators in the first instance. That is what that provision is there for.

There are two categories of people, including the newcomers referred to in Dublin West and in Lucan. We will probably have to socially re-engineer the configuration of the schools population with the agreement of parents because, in some cases, there is 100% foreigners in a local primary school where for more than 50% to 60%, English is not the language spoken at home. There are enormous challenges. Some teachers have told me that the ideal option would be no more than 25% newcomers or foreigners in a primary school where there is a language difficulty. Resources have forced us to reduce the language support system also. These are all challenges.

We are all much wiser now due to the work done by the committee. I will certainly use this debate, the 14 recommendations made by the committee and other information which has been brought to our attention. As I said, the Bill is being drafted by the Parliamentary Counsel. I hope to publish it before the end of this session and, if possible, advance it to the point of completion, which is probably ambitious. It will probably be another year before it can be activated.

1 o'clock

In areas where there are waiting lists, a timeframe will be devised for the phasing out of those waiting lists if that is appropriate. I thank everybody who participated in this debate.

Acting Chairman (Deputy John Lyons): I am sure Stephen Cluxton and Jonny Cooper will be delighted that the Minister mentioned St. Vincent's.

Deputy Joanna Tuffy: I will use my concluding remarks to respond to some of the issues raised by other speakers. The Minister spoke about the importance of parental involvement and the great interest that parents take in the education of their children. Parents try to do their best for their children by giving them the best advantages of our education system. However, in doing that, other children can be disadvantaged. The Minister gave the example of people who move with their children to quiet rural towns because of issues that might arise in urban areas. That can concentrate disadvantage because other parents will not have the ability to make such a move. The best school is the local school which everybody attends and where there is a mix of students from different socio-economic backgrounds. This is a universal phenomenon but it is something we need to moderate.

A number of Deputies spoke about local schools. The local school is most important to me. I would send my daughter to the local school even if I disagreed with other aspects of the school because I want her to be able to walk to school and be with her friends.

Deputy Ruairí Quinn: She would have friends living close by.

Deputy Joanna Tuffy: That is important to many people. Deputy O'Brien referred to the principal, Mr. Noel Malone, who raised that aspect of schooling. The outcome should be that people predominantly go to their local school. That is not always possible but we should seek to bring about a proper mix that is reflective of the local community. The Educate Together schools in Lucan are trying to develop their own common enrolment policy to deal with the inequalities we have referred to in this debate.

We received a considerable number of submissions on the subject of schools in Gaeltacht

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areas and Irish medium schools. The committee did not go so far as to make any particular recommendation on how the integrity of Irish medium schools could be protected because when we discussed the various proposals, the majority view was that if preference was to be given to children who attended naíonraí or who came from homes in which Irish was spoken, it could discriminate against other children. We took on board the idea that the integrity of these schools needs to be protected but it is difficult to decide how to do that in a fair way.

This Bill cannot solve the issue of patronage. It can only prevent discrimination by taking account of the existing system. The Minister and Archbishop Diarmuid Martin have referred to the resistance that can come from parents when schools try to increase their diversity. I find that understandable but perhaps we need to find a more radical solution which would involve the co-operation of the church. Rather than change patron, perhaps a school could declare itself as multi-demoninational.

Deputy Ruairí Quinn: That has happened in the Church of Ireland school in Ballina.

Deputy Joanna Tuffy: That is interesting. It might be an avenue worth exploring.

Parental choice is moving in the direction of co-educational schools. My daughter goes to a single sex school because it is the local choice. I would much prefer a co-educational school, however. From a policy point of view, it is desirable that schools be co-educational.

Deputy Ruairí Quinn: That is policy. All new schools have to be co-educational.

Deputy Joanna Tuffy: There are limits to parental choice. Sometimes parental choice is not right. I would not welcome a society in which a large number of different faith schools emerged, whether Jewish, Muslim, Catholic or Protestant. I do not think that is the ideal solution.

Deputy Ruairí Quinn: I agree.

Deputy Joanna Tuffy: The best approach is for children to be educated in one place. I would favour a model that could cater for other preferences in a school that also caters for everybody else.

I thank the members of the committee, including in particular Deputies McConalogue and O'Brien, for their significant contributions to the debate as Opposition spokespersons. I also thank the Senators, who are not here today, for their contributions, all the other Deputies who contributed, the officials from the Department of Education and Skills and the stakeholders who made submissions to the committee. The general consensus is supportive of Minister's approach and I look forward to the legislation.

Question put and agreed to.

The Dáil adjourned at 1.05 p.m. until 2 p.m. on Tuesday, 24 June 2014.