DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—Neamhcheartaithé
(OFFICIAL REPORT—Unrevised)

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Dé Máirt, 28 Meitheamh 2016

Tuesday, 28 June 2016

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.
Prayer.

Leaders’ Questions

Deputy Sean Fleming: Last week, RTE’s “Prime Time” examined and exposed how a charity, Console, spends its money. Last April, the HSE did an audit, which is with senior management in the HSE. Console is a well known, well respected and highly regarded national charity which helps families which have lost members through suicide. It provides a 24-hour phone helpline to anybody who is distressed about himself or herself or a family member. It receives a staggering 3,400 phone calls per month, more than 100 per day. It has offices all over the country and our President is the national patron.

However, people who watched the programme were shocked, stunned and appalled at the allegations of misappropriation of funds. Console has received €2.5 million from the HSE in recent years to help it provide counselling services. Almost half of its money comes directly from taxpayers through State organisations and the balance is raised through fund-raising and donations from the public. In addition, the Department of Foreign Affairs and Trade allocated €130,000 to Console to enable it to support Irish emigrants in the UK.

Like all charities, Console depends on the goodwill of people. Thousands of people do charity walks, cycles and other fund-raising activities each year to raise funds for Console. Yesterday, I listened to restaurant owner Derry Clarke speaking on the radio. He lost his son and, afterwards, he organised a charity cycle, which raised more than €250,000 for Console’s good work. He expressed the genuine hurt he felt about the allegations that were made and how he felt abused by the use of the funds he had raised and donated to Console. The CEO of Console, Paul Kelly, has since resigned. He said he had not intentionally done anything wrong. The Garda is examining the use of the funds, some of which were allegedly spent on trips to conferences in New Zealand for family members. “Prime Time” alleged that the CEO of Console had received payments of over €215,000, which allegedly is in breach of company law and Revenue regulations.

The charities regulator exists to increase public trust and confidence in the management of charities. Was the regulator aware of the allegations about Console? They have seemingly
been well known to some people for many years. Did the Tánaiste discuss the revelations with the charities regulator? Will the charities regulator investigate the matter? What action is the Tánaiste taking to ensure other charities are being monitored and audited to ensure no such abuse of State funding or people’s donations occurs in those areas? How will the State ensure the abuse of State funding or people’s donations to charities is prevented in the future?

**The Tánaiste:** It is critical that confidence is maintained in the charities sector and that the members of the public have confidence when they make a donation to fund-raising that it will be used properly and appropriately. Concerns arose about another charity in the recent past and the previous Government ensured a charities regulator was put in place. It is distressing for people who support an organisation such as Console, which deals with the sensitive issue of suicide and supporting families, that trust has been broken in this way. I am concerned about the ongoing reports following last week’s “Prime Time” broadcast. The HSE audited Console in the recent past, which brought some of the concerns to light. That demonstrates the robustness of the HSE structure in respect of charities. The priority for the executive is to ensure the ongoing provision of services and if anything further arises to disrupt them, it will step in.

The Charities Regulatory Authority is in the business of registering and regulating charities. More than 4,500 charities have registered with it. I can confirm that the authority and the UK Charities Regulatory Authority are both engaging with Console. I can also confirm that the authority’s chief executive officer, Mr. John Farrelly, has been active on this and he has been in ongoing contact with its trustees and is seeking formal written undertakings from them to assure the authority, via the provision of a report, that the property and the finances of the charity are secure and subject to robust corporate governance, that allegations of financial impropriety will be investigated, that a full report on that will be issued to the authority and that they will consent to the authority applying, if required, its powers to assign new trustees to the charity to assist the current board in its work. It is clear, therefore, that the regulator is playing an active role. He has also sought reports from An Garda Síochána and is working with the force. He has asked RTE for any assistance it can give. There has been a robust response, as is appropriate, to the allegations that have arisen because it is essential that confidence be maintained in the NGO and charities sectors and the authority is in a position to carry out its functions in this regard. The Garda may have a separate role if there are other allegations.

**Deputy Sean Fleming:** We are all agreed about the need for Console to continue its good work and for its reputation and good name not to be damaged but it seems the charities regulator is responding, according to what the Minister said. He should have had a proactive role. He should not wait for the damage to be done before he comes in to do something. He has powers and he should have been in Console’s offices long before now dealing with these issues before they came to light publicly. This scandal has the potential to damage Console’s reputation and good work and every effort must be taken to ensure that does not happen. It is crucial that these investigations be concluded speedily in order that Console and its staff can get on with their good work. It has been reported that there are up to six different sets of company accounts, which is extraordinary. This matter will also have to be addressed by the Office of the Director of Corporate Enforcement as well as the Garda and its report will also have to be examined.

Will the Tánaiste assure the House this will be brought to a speedy conclusion? Will she confirm that no other charities are being investigated by the regulator and that we will not see more television programmes such as this?

**The Tánaiste:** The charities regulator has no role in investigating fraud nor has it any
competence to carry out that type of investigation. However, in respect of the behaviour of charities, once a complaint is made to the authority, it will carry out an investigation and, where appropriate, involve other bodies, whether that is the Garda or the Office of the Director of Corporate Enforcement. However, we now have the Charities Regulatory Authority in place, and that is to reassure the public that if they have concerns about charities, they can report them to the regulator. I have no doubt that given the seriousness of this issue, the huge public interest and the confidence issues at stake, it will carry out its part of this investigation in a speedy manner.

**Deputy Mary Lou McDonald:** Yesterday, we had statements on last Friday’s vote by Britain to leave the European Union. The Taoiseach, during a lengthy contribution, said he regretted that decision and hoped the gains of the past two decades with regard to North-South co-operation were fully protected. While I welcome his comments in this regard, at no point in his contribution did he acknowledge that the North had voted to remain, nor did the Fianna Fáil leader, excluding one passing comment the purpose of which was to attack Sinn Féin’s demand for a referendum on Irish unity. Indeed, we have the bizarre situation where a leader of a so-called republican party advocates support for the Scottish Government’s position of not being dragged out of the EU but does not support the same position for part of this country that voted to remain.

It is incumbent on the Tánaiste, the Taoiseach and the Government in the wake of Brexit to respect the wishes of the electorate in the North. The result of last week’s referendum will have huge implications for the island, the peace process, the implementation of the Good Friday Agreement and the ongoing stability and welfare of communities across the North of Ireland. There are also very real practical difficulties citizens will face. Take the case of students from the South attending university in the North. What about those who travel across the Border frequently for business or who live in Border regions and criss-cross the Border for their social and family lives? What about those who live in the North and work in the South?

The British establishment, which barely mentioned the North during the course of the Brexit campaign, does not understand the seriousness of these issues. There is now a huge responsibility on the Irish Government to think nationally, and I mean that in the real sense of the word. I mean 32 county-wide. It means ensuring full co-operation between the Government and the Northern Executive. That means working to promote the interests of the whole island and the North in particular in negotiations at EU level. It means supporting the right of Ministers in the North to deal directly with the EU institutions. The people of the North have the right to have their voice heard and their vote respected. Will the Tánaiste support those measures that I have outlined and commit to ensuring that proposals for co-operation are brought to the North-South Ministerial Council meeting next Monday?

**The Tánaiste:** Along with most of my colleagues in the House, I had advocated a different outcome in the UK referendum. However, I fully respect the decision that the people of the UK have made. It is very important in the immediate aftermath of that decision that we recognise that there will be no immediate change to the free flow of people, goods and services between our islands. We have engaged in contingency planning across all Departments and that will continue. The Taoiseach gave an outline of some of the issues. He is attending the Council meeting today and he will also attend the meeting tomorrow. We have a North-South meeting on Monday where undoubtedly these issues will be further discussed. I assure the Deputy that the Government will be fully involved in all negotiations to represent Ireland’s interests.
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With respect to the particular points the Deputy made, I note on Monday, 27 June during a debate in the Assembly, a joint position from the DUP and Sinn Féin was put forward by the First Minister in a statement on behalf of herself and the Deputy First Minister. This emphasised their determination to work together in the best interests of the people of Northern Ireland and outlined the establishment of teams in the Northern Ireland civil service to work with Dublin, London and Brussels on dealing with the outcome of the referendum. This is consistent with the position of the Government, which has made clear the priority it attaches to the implications for Northern Ireland in the negotiations which lie ahead.

We underlined the primacy of the Good Friday Agreement in setting out the relationships on and between these islands. The Minister for Foreign Affairs and Trade will be in Belfast for the bilateral meeting with the Secretary of State for Northern Ireland and the review meeting of the Stormont House Agreement and Fresh Start. The latter will be attended by the First and Deputy First Ministers. They will discuss the referendum and its implications. That is part of the agenda for that meeting. The main objective of the North-South Ministerial Council, which will take place on Monday, will be to discuss the very issues the Deputy has outlined, including the implications for Northern Ireland and the all-island implications of the vote with particular reference to the four priority areas the Taoiseach outlined.

Deputy Mary Lou McDonald: The Good Friday Agreement to which the Tánaiste refers revolves around a concept of consent, which has not been uncontroversial in Irish politics and history. I put it to the Tánaiste that it is not sufficient for her blithely to say she respects the vote of the UK. I have asked her to recognise and respect the vote of the people of the North of Ireland who, by a majority, voted to remain within the EU. I ask the Government what it proposes to do to honour and vindicate that democratic decision. The people of the North do not consent to Brexit. By democratic ballot, they have decided that they wish to remain. The Tánaiste should know that notwithstanding comments by the First Minister, the joint First Minister speaks for the majority when he says that he and his colleagues will defend and honour that democratic decision. I am asking the Tánaiste for more than a box-ticking or paper shuffling exercise. I want to know that concrete proposals will be brought forward at the meeting on Monday and that the Irish State and the Dublin Government will start from the position of the democratic wishes of the people of the North.

The Tánaiste: Of course, we recognise the result the Deputy outlined. There is no question of that.

Deputy Mary Lou McDonald: Say it then.

The Tánaiste: Clearly, the concerns of everybody on the island of Ireland are going to be uppermost in the minds of the negotiators at every level, including ministerial and official level. There are a range of issues. We are in a unique position as regards the impact of the result and very serious issues arise for us. The whole question of Border controls, maintaining the common travel area, immigration and ongoing security issues is of the utmost concern. However, we know that nothing is going to change overnight although there are very serious implications in both the medium and long terms as the full implications begin to be understood by all. The Taoiseach will be having detailed initial discussions over the next two days, which will be continued by Ministers dealing with their counterparts. Yesterday, I spoke with the Minister with responsibility for immigration in the UK and with security people who reassured me and pointed out clearly the fact that there were no changes envisaged immediately, for example in relation to any of those Border or security issues. Good co-operation North-South and east-
Deputy Brendan Howlin: It has been reported that the Independent Ministers in the Government have sought and received formal advice as to whether they are entitled to support in the House a Bill they have been advised is repugnant to the Constitution. The Attorney General has not changed and, as such, I presume the advice has not changed from that received from the time my own party was in government and the same question arose. Regarding the water services Bill that is before the House, has the Government been advised as to whether its members can support legislation the sole purpose of which is to defeat what has now been clarified is an obligation of European law? Is it not clear from the reply of environment Commissioner Vella to the parliamentary question of Marian Harkin, MEP that the derogation exempting us from water charges was ended by Fianna Fáil and the Green Party in government when they failed to apply for an opt-out in the management plans due in December 2009 and instead introduced the concept of water charges in 2010? If the Tánaiste accepts this, does she not also accept that we are bound by the EU law obligation and that such an obligation, under the decisions of our courts, takes primacy over our domestic law and Constitution?

Deputy Ruth Coppinger: And one wonders about Brexit.

Deputy Brendan Howlin: I do not believe that the Oireachtas has ever been knowingly asked by the Government to legislate in a way that is directly contrary to European law. Has the Government been legally advised since the views were expressed by the Commission that Ministers are entitled to vote to support the Bill?

The Tánaiste: The position of the Government in respect of the Water Framework Directive has been well articulated. The current situation is that the establishment of an expert commission to assess and make recommendations on the funding of domestic public water services in Ireland and the nine-month suspension of domestic water charges were discussed at Cabinet. I am sure that the Minister will address the details of that commission later.

The Minister for the Environment, Community and Local Government will then meet with the EU Commissioner in June to outline the current policy developments in Ireland in this regard. The Government is fully committed to securing a sustainable, long-term funding model for domestic water services that is consistent with its international environmental obligations. The suspension period, as has been said on quite a number of occasions, will hopefully allow for a measured deliberative process on the future funding of domestic water services and the future of domestic water charges. That is the Government position.

Deputy Brendan Howlin: I did not ask what the Government position was. There are clear views passionately and honourably held by Members of the House on this matter. I am asking the Tánaiste as a matter of law whether the formal advice that the Government has received is that the Government is entitled to proceed with legislation that it has now been advised is contrary to European law. It is a simple matter. To avoid our country being exposed to legal action from the Commission, Members - certainly in my party - need clarity as to where we stand on this matter. If we are to have exposure, at least give us clear advice on these issues.

The Tánaiste: Obviously, the Government is proceeding with legislation. The Government operates within the constitutional advice that it receives.

Deputy Brendan Howlin: Has the Government received it since yesterday?
Deputy Paul Murphy: The history of the European Union is one of defeats in popular votes in Ireland on Nice and Lisbon, in France and the Netherlands on the EU constitution, in Greece last year on the austerity package and now in Britain. Each time, the response of the establishments across Europe was not to question why people rejected the project. Instead, the EU’s guiding principle was contained in the words of Mr. Bertolt Brecht, namely, that it would be easier to dissolve the people and elect another. It seems that the Labour Party is an adherent of Brecht in that respect.

The Brexit vote must not be treated in that way. Instead, it should be used to open a discussion about what kind of Europe we have. Do we continue with the elitist, anti-democratic project of this capitalist Europe, a Europe that dictates water charges and austerity, an authoritarian Europe where the European Central Bank intervenes to remove elected governments, a fortress Europe that concludes disgusting deals to imprison migrants in Turkey and a militarised Europe that is today discussing accelerated co-operation with NATO? Alternatively, do we build a very different Europe - a socialist Europe for the 99% built on democracy, solidarity and co-operation?

Deputy Sean Sherlock: The Deputy is on the same side as the Tories.

Deputy Paul Murphy: Will the Government now take action to refuse to be constrained by the EU rules that amount to an undemocratic and neoliberal straitjacket?

I have three specific questions. First, does the Tánaiste accept that the blatant attempt by the European Commission to subvert the outcome of our general election, in other words, to dissolve the people, should be resisted and that this Dáil is free to abolish water charges? If so, will she dissociate herself from the comments of the Minister for the Environment, Community and Local Government, Deputy Simon Coveney, and the Minister of State responsible for European Affairs, Deputy Dara Murphy, who have welcomed the Commission’s intervention precisely because it backs up their own political position, subverting the ability of this Dáil to get rid of water charges and, incidentally, subverting Fine Gael’s own agreement with Fianna Fáil?

Second, given that the Irish State is, incredibly, not allowed, because of the EU fiscal rules, to spend the €5 billion in the Ireland Strategic Investment Fund or use the €2.4 billion in cash that NAMA has to build homes to resolve the crisis, does the Tánaiste agree that those rules have to be broken and should be dismantled? Does she agree that the need of people to have homes comes before the Thatcherite dogma contained in the fiscal treaty that the Government side supported?

Finally, and this is important, does the Tánaiste agree that under no circumstances should the Government vote in favour of or accept the provisional application of the Comprehensive Economic and Trade Agreement, CETA, between the European Union and Canada at the European Council? This includes a mechanism for investor-state dispute settlement, the element that has aroused most opposition to the Transatlantic Trade and Investment Partnership, TTIP, because it effectively allows corporations to sue states if they interfere with their right to profit. As well as being completely odious to any vision of democracy and people’s rights, its application without a vote in this House would be in contravention of the Constitution. Article 29.5.2° clearly requires the approval of the Dáil to be bound by an international agreement that could result in a charge on the State.

The Tánaiste: First, I do not accept the Deputy’s characterisation of the role of the Euro-
pean Union and the part Ireland has played in it over the years or of the benefits that have come to this country as a result of our participation in the European Union. There are many people in this country who fully support our participation and are very conscious of the benefits that have accrued to this country. That is not to say the result in the United Kingdom will not give rise to ongoing discussion about the future of Europe. I referred in my speech yesterday to social Europe and the need for greater emphasis on social Europe and on ensuring everyone benefits. I referred to the need for the benefits of decision-making in Brussels to be felt by everyone.

Let me refer briefly to the summer economic statement, published a number of days ago. Are we not very fortunate that the Irish economy has improved to the degree that it has, thereby putting the country in a better position to deal with the potential consequences of the vote in the United Kingdom? It puts us in a position in which our people can be more protected from any potential fallout.

I have already spoken about the Government’s position on the Water Framework Directive and the plans we have in this regard. The plans remain on course and we will not be changing them. I remind the Deputy that those who participate in European decision-making when directives are being agreed have been democratically elected by countries from around Europe. There is democratic decision-making in regard to directives and each country takes its position in this regard and deals with directives at national level.

On the Deputy’s point about the future economic outlook and the fiscal rules, that was all very clearly laid out in the document and addressed during the course of the debate here. That remains the Government’s position. The potential implications of Brexit, at least in the short term, were taken into account when the summer economic statement was being drafted and published. The immediate impact of a potential vote to leave was set out in that statement.

Deputy Paul Murphy: Unfortunately, the Tánaiste did not answer my questions. On the fiscal rules on housing, I refer to the agreement between the Government and the Fianna Fáil Party. In the first line of the section on the economy, it reads, “Maintain our commitment to meeting in full the domestic and EU fiscal rules as enshrined in law.” Let us contrast this commitment with the statement in the report of the Committee on Housing and Homelessness that the financing of “social housing by the State is restrained, as is all public expenditure, by the EU fiscal rules”. We cannot resolve the housing crisis or use the money we have to build homes within the framework of the fiscal rules. It is a choice of obeying the rules or resolving the crisis and the Government should choose to resolve the crisis.

On water, will the Tánaiste confirm that the Government will invoke the exemption contained in Article 9.4 as part of its second river basin management plan? This will be crucial in allowing the Dáil the possibility of making a decision.

I also want an answer to my question about the Comprehensive Economic and Trade Agreement between the EU and Canada. This is an extremely serious matter, as it will result in the contravention of the Constitution if the agreement is provisionally applied and provides for the right of companies to sue states for interfering with their right to profit. One example is the case taken by the Lone Pine company under the North American Free Trade Agreement, NAFTA, against Canada in response to a moratorium on fracking. CETA would restrain our ability to implement legislation in the interests of workers, consumers and the environment in favour of corporate profit. It cannot be applied and the Government must take a position on the matter at the European Council. Which way will it vote?
The Tánaiste: On the commitment to deal with the housing crisis, I remind the Deputy that the Cabinet made a decision today to support people to stay in their homes at a cost of €12 million this year and €50 million in a full year. This commitment made in the programme for Government is being delivered on today. This is very important. We have a priority focus on putting more resources into housing to deal with the housing crisis. This is being done as we speak, as the Deputy knows, in terms of the ongoing commitment.

In regard to the negotiations with Canada, they are ongoing and have not been concluded. I have outlined the position with regard to water.

Deputy Paul Murphy: The European Commission has stated it will seek provisional application of the agreement at the European Council. The Government will have to vote on the proposal.

Deputy Ruth Coppinger: This is a joke. The Tánaiste did not make any attempt to answer the questions.

Order of Business

An Ceann Comhairle: I call Deputy Mattie McGrath, the rapporteur for the business committee this week, to announce the Order of Business for the week.

Deputy Mattie McGrath: Today’s business shall be motions on the terms of reference of the Joint Committee on the Implementation of the Good Friday Agreement, the Chair and membership of the Committee of Public Accounts, the Chair of the Joint Committee on the Implementation of the Good Friday Agreement, and draft Standing Orders, including the terms of reference of the Irish language committee.

Government business shall be the Water Services (Amendment) Bill 2016 - Second Stage (resumed), and the Energy Bill 2016 [Seanad] - Second Stage (resumed). Private Members’ business shall be Second Stage of the Equal Status (Admission to Schools) Bill 2016 by the Labour Party.

Tomorrow’s Government business shall be the Water Services (Amendment) Bill 2016 - Second Stage, to resume if not previously concluded; the Energy Bill 2016 [Seanad] - Second Stage, to resume if not previously concluded; the Single Resolution Board (Loan Facility Agreement) Bill 2016 - Second Stage (resumed); and a motion to instruct committee on the Single Resolution Board (Loan Facility Agreement) Bill 2016. Private Members’ business shall be a motion on NAMA by the Independents 4 Change.

Thursday’s Government business shall be the Single Resolution Board (Loan Facility Agreement) Bill 2016 - Second Stage, to resume if not previously concluded; a motion to instruct committee on the Single Resolution Board (Loan Facility Agreement) Bill 2016; and Second Stage of Deputy Mick Wallace’s Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013, which will be taken in the afternoon slot. I refer Members to the report of the business committee dated 23 June 2016. There are four proposals relating to today’s business, three of which are motions to be taken without debate and any division demanded on those motions will be taken immediately. It is proposed to take:

(1) motion re Establishment of Joint Committee on the Good Friday Agreement;
(2) motion re Chair of Joint Committee on the Good Friday Agreement and Membership and Chair of the Committee of Public Accounts;

(3) motion re draft Standing Orders, including the terms of reference for the Irish Language Committee; and

(4) Second Stage of the Equal Status (Admission to Schools) Bill 2016, which shall be brought to a conclusion, if not previously concluded, at 10 p.m. tonight.

There are two proposals relating to tomorrow’s business. It is proposed that:

(1) the debate on the motion to instruct the committee re Single Resolution Board (Loan Facility Agreement) Bill 2016 shall conclude within one hour, if not previously concluded, the Minister and spokespersons will have five minutes each, all other Members will have five minutes each and all Members may share time; and

(2) the suspension of the sitting shall take place from 3.50 p.m. to 4.30 p.m.

There are four proposals relating to Thursday’s business. It is proposed that:

(1) the Dáil shall sit late and adjourn after the debate on Deputy Mick Wallace’s Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013;

(2) Second Stage of the Single Resolution Board (Loan Facility Agreement) Bill 2016 shall take place immediately after Voting Time, to adjourn at 3.30 p.m., if not previously concluded;

(3) the debate on the motion to instruct the committee re Single Resolution Board (Loan Facility Agreement) Bill 2016 shall conclude within one hour, if not previously concluded; and

(4) Question Time shall take place at 3.30 p.m. or on the conclusion of the motion re Single Resolution Board (Loan Facility Agreement) Bill 2016, whichever is earlier.

An Ceann Comhairle: There are, therefore, three proposals to put to the House today relating to the week’s Order of Business. Are the proposals for dealing with Tuesday’s business agreed to? Agreed. Are the proposals for dealing with Wednesday’s business agreed to? Agreed. Are the proposals for dealing with business on Thursday agreed to?

Deputy Eamon Ryan: I thank Deputy Mattie McGrath for giving us all the details. Is it possible for us to have a debate on Thursday following the European Council? The issue is of such magnitude that we should not wait the ordinary length of time to come back on the issue. Is there any way the Taoiseach would consider engaging in debate in the House because of the urgency of the issue?

An Ceann Comhairle: Absolutely. We will bring that to the business committee when it meets in the morning.

Deputy Sean Sherlock: My question is on the same issue relating to Thursday. Could time be made available in respect of the obligatory report on the continuation or not of the FEMPI legislation? It is pertinent at this time.

An Ceann Comhairle: We will bring both matters to the attention of the business commit-
Deputy Sean Fleming: I wish to put three questions to the Tánaiste that relate directly to her Department. The first is the mortgage (special courts) Bill. As the Tánaiste is aware, this deals with the situation whereby many families throughout the country are still in trouble paying their mortgages for a variety of reasons. An increasing number of cases for repossession are before the courts. The Bill is meant to allow a dedicated new court to sensitively handle mortgage arrears and other personal insolvency issues. Can the Tánaiste confirm when this Bill is expected to be published?

The second question relates to the criminal justice (proceeds of crime) Bill. There is considerable agreement in the House on the urgency of this legislation. Can the Tánaiste give a timetable for when this will be published and passed? Will it be sent for pre-legislative scrutiny?

As we are all aware, the EU Council is being held today. Given the Brexit referendum result, we all agree on the need for intensive engagement with the UK Government and Stormont in respect of Ireland’s unique position and relationship with the North. Can the Tánaiste confirm whether initial contacts have been made by her with her counterpart on justice matters in the UK?

The Tánaiste: I expect the first Bill the Deputy mentioned to be before the Cabinet next week.

The legislation on the Criminal Assets Bureau was before the Cabinet this morning and will be published within the next day or so when the Bills Office has finalised its work on it. Of course, if the justice committee is in a position to engage in pre-legislative scrutiny on it, that will be done. However, we would like the legislation to be dealt with in a timely way and, if possible, enacted before the end of this term.

I have been in touch with and will meet the Minister for Justice from the North on Monday morning. I have also spoken to the Minister, Mr. Brokenshire, MP, in the United Kingdom about immigration and security matters and the impact of the vote in the United Kingdom.

Deputy Mary Lou McDonald: I want to ask about the citizens’ assembly that is envisaged. I understand that, in the first instance, it will deal with the eighth amendment. Many of us wonder about the fact that yet another mechanism has been produced for more debate but also a further delay in dealing with what is a very urgent issue. Why are elected representatives excluded from the assembly? Will the Oireachtas have an opportunity to amend that course of action and have a structure similar to that of the Convention on the Constitution which was Thirty-two Counties in scope and involved representatives from the Oireachtas and the Assembly? What other issues does the Tánaiste envisage being involved? This or a similar mechanism might prove to be an ideal space in which to consider many of the Ireland-wide issues that arise in respect of Brexit and the vote in the North to remain.

The Tánaiste: As the Deputy will know, the Taoiseach has outlined the importance of the citizens’ assembly as an opportunity to have a broadly based discussion on the eighth amendment. It is intended that it will be put together as quickly as possible and that the first topic
for discussion will be the eighth amendment. The composition has been made known, as the Deputy said. It is a citizens’ assembly, but it is intended that the findings will be brought back to the Government and the Dáil for detailed discussion. It will be to a committee in the first instance. It provides a unique opportunity to engage in discussion on this very delicate and difficult subject, which the previous Government had started to address with the protection of life during pregnancy legislation. At the Cabinet today the necessary Bill was agreed to in order to enable the selection of members of the assembly to proceed. I have no doubt that there will be a range of contacts with politicians during the period of the assembly. The details are yet to be worked out, but there will be an opportunity in this House to engage in discussion on that contact.

Deputy Brendan Howlin: On secondary legislation, when will the deposit guarantee scheme provided for in the Residential Tenancies (Amendment) Act 2015 be commenced? The Tánaiste will know that it is the process whereby deposits will be lodged with the PRTB rather than held by the landlord. One in four disputes with tenants is a dispute over a deposit. It is important legislation which the Houses have enacted. When will it be commenced?

My second question relates to the Tánaiste’s Department. Where stands the statutory inquiry into allegations of Garda misconduct dating back to 1998 made by the former ISME chief executive, Mr. Frank Mulcahy? What are the terms of reference and when will we see them?

The Tánaiste: On the Deputy’s first question, I understand the scheme will commence next year.

Deputy Brendan Howlin: It is not starting until next year.

The Tánaiste: So I am informed, but I will communicate directly with the Deputy on the matter.

Deputy Brendan Howlin: What is the reason for it taking so long?

The Tánaiste: I will ask the Minister, Deputy Coveney, to communicate directly with the Deputy on this matter.

The Deputy also asked about an inquiry. There was a detailed review of over 300 cases in which complaints were made. In a number of cases, it was recommended that there should be further investigations. We have been in discussions with the Attorney General about the precise format of those investigations and the personnel who will undertake them. That process has not yet reached finality. I will inform the Deputy when we are at that point.

Deputy Brendan Howlin: Does the Tánaiste expect that to happen in this Dáil term?

The Tánaiste: I would expect that it will go ahead fairly quickly.

Deputy Paul Murphy: I would like to raise two matters. The increase in rent allowance that is being mooted would be welcome relief for those who face losing their homes because rents are out of control. If the housing crisis is to be solved, such an increase must be married with other initiatives. Does the Government have any plan to introduce legislation to deal with the issue of rent control? I suggest that legislation is needed to stop those who are adding to or fuelling rent increases. Is there a plan for a programme of house building?

Second, there is an obligation on the Government to schedule a debate on the Comprehen-
sive Economic and Trade Agreement, CETA, as a matter of urgency. I suggest it should propose a motion on this issue. I would like to quote what the relevant Minister, Deputy Bruton, said in response to me last November.

**An Ceann Comhairle:** That is not really appropriate. I ask the Deputy to be brief.

**Deputy Paul Murphy:** He said: “Once this phase is completed, it will have to be ratified by the parties involved, including all 28 EU member states. In Ireland’s case, this will mean a decision of the Houses of the Oireachtas”.

**An Ceann Comhairle:** All right.

**Deputy Paul Murphy:** At that time, the Commission had said it was going to put a proposal for provisional application to the European Council. I understand that would have happened today if it had not been for Brexit. It will happen on the next occasion. Once it is in, the investor-state dispute settlement instrument will apply and will continue to apply for three years afterwards even if we later vote against it and it does not go ahead.

**An Ceann Comhairle:** The Deputy might find another way to explore this issue in greater detail. Perhaps he might raise it as a Topical Issue.

**The Tánaiste:** I can say in response to the Deputy’s first question that there are no plans for such legislation at present. It seems to me that the business committee might be the best place for the Deputy to take forward the second point he made. The Ceann Comhairle has also made a suggestion in that regard.

**Deputy Danny Healy-Rae:** I want to ask the Minister for Social Protection to address an anomaly and a serious matter. The disability equality (miscellaneous provisions) Bill is required to allow ratification of the UN Convention on the Rights of Persons with Disabilities and to make further technical amendments to disability and equality law. I am seeking to highlight the denial of disability payments to our own citizens when they go abroad for treatment. I am thinking specifically of the case of a young man who has had to leave his children behind. His wife has gone with him. It is very wrong that he is being denied his disability payments because he is outside the country. He is sleeping for 22 hours. At a time when we are giving over €600 million in foreign aid, which is being administered by dictators who are buying guns with it, it would be appropriate for this man and people like him to get disability payments when they are abroad.

**The Tánaiste:** I will answer the first part of the Deputy’s question and ask the Minister, Deputy Varadkar, to answer the second part of it in accordance with the new procedures. It is absolutely the Government’s intention that by the end of this year, it will be able to adhere fully to all of the conditions of the UN Convention on the Rights of Persons with Disabilities and thereby be in a position to sign it. Several pieces of legislation will need to be enacted to ensure Ireland complies fully with the UN convention. We will be in a position to do that. The Minister of State, Deputy Finian McGrath, is pursuing it.

**Minister for Social Protection (Deputy Leo Varadkar):** There is no legislation pending on the particular matter raised by Deputy Danny Healy-Rae. Ordinarily, social welfare payments are paid only to those who are habitually resident in the State. However, if people are absent from the State for a short period of time, it can be possible to continue those payments. If the Deputy would like to give me the details of the particular case to which he refers, I will
examine them. If legislation is needed to facilitate a change for legitimate purposes, that could be considered as part of the social welfare Bill later in the year.

**Deputy Eugene Murphy:** Regarding rural development in the programme for Government, the previous Government announced 16 months ago that the Leader programme would come on stream. Unfortunately, that has not happened. As many Members know, the Leader programme is extremely important to rural communities and small businesses, as well as many villages and towns. Will the Tánaiste give an indication as to when the Leader programme might be up and running? This is a vital lifeline for many communities and is badly needed. Is there any indication in the programme for Government as to when the Leader programme will be up and running?

**The Tánaiste:** I understand 18 Leader programmes were announced last week. This was an important statement on them. The Government certainly recognises the importance of the Leader programmes.

**Deputy Michael Healy-Rae:** I welcome this morning’s Cabinet discussion about raising the cap on rent allowance. There is a commitment in the programme for Government regarding the turnaround time for vacant local authority houses. The Tánaiste is aware of the awful situation where local authorities, including our own in County Kerry, are waiting for funds to turn around housing units to make them habitable for new tenants. There is a commitment in the programme for Government in this regard. What has the new Minister for housing done to improve this situation? It is ridiculous to have thousands of people on housing waiting lists while there are local authority housing units in estates throughout the country which have lain idle, not just for weeks or months but for six months and 12 months. Will the Tánaiste do something to improve that and help hard-working housing departments in local authorities? They are pleading for help. We have great people working in the housing departments.

**The Tánaiste:** At the Cabinet sub-committee working on the range of issues concerning housing, there has been a strong focus and emphasis on ensuring the very situation described by the Deputy is dealt with. The increased funding to local authorities makes it more feasible in order that they can turn around these houses for suitable occupation much more quickly than they have done in the past. The number of voids is down. Progress is being made on houses in estates throughout the country which have been left for periods, as outlined by the Deputy. I agree with him that it is unacceptable that we should have any house left on an estate that is not refurbished and made suitable for tenants in a short time. It must be a key focus for local authorities. It is certainly a key focus for the Minister and will be part of his discussions with local authorities. The extra funding will ensure the local authorities have the resources to do precisely what the Deputy said.

**Deputy Bernard J. Durkan:** Both the adoption (tracing and information) Bill and the broadcasting (amendment) Bill are promised legislation and are due this year. Is it expected to bring either or both of these Bills before the House before the end of this session?

**The Tánaiste:** The adoption (tracing and information) Bill is important legislation and much work has been done on it, as the Deputy is aware. It is expected to be in the House in the next term. The heads of the broadcasting (amendment) Bill are being worked on.

**Deputy Anne Rabbitte:** The Tánaiste said earlier that 18 Leader programmes had been announced. Regrettably, in east Galway, the Galway Rural Development Company, GRD, was
unsuccessful, while FORUM Connemara was successful in applying for new Leader funding. What will happen to existing up and running community projects which have failed to access funding under the new Leader programme?

The Tánaiste: I suggest the Deputy takes that up with the line Minister.

An Ceann Comhairle: The Deputy could table a parliamentary question for written or oral answer on the matter.

Deputy Ruth Coppinger: I want to ask the Tánaiste about the citizens’ assembly and how the Government plans to proceed in that regard. She mentioned that the Government was going to bring forward a proposal to the Dáil for us to analyse. I particularly want to ask whether the very badly named citizens’ assembly will include any non-citizen. If it is to work strictly off the electoral register, as the polling company has been asked to do, will it include a sizeable number of people who live and have status in this country, who are married to citizens but are not citizens themselves and whose numbers are significant? As the Tánaiste knows, the eighth amendment also affects non-citizens, given that it affects anyone living in the country. As one in four of my constituents is from outside Ireland, this is a serious issue. We must, therefore, have non-citizens in the assembly.

On the same issue, will the Government do something to insulate those in the assembly from pressure from groups? For example, we all know that there is a history of anti-abortion and other groups lobbying Deputies intensely which are very, let us we say, descriptive in some of the ways they deal with people. I am very anxious that those in the assembly be protected against this.

The Tánaiste: The legislation that will be brought to the House, similar to the legislation that was brought before it when the convention was being set up, will concern the selection of citizens from the electoral register. The points made by the Deputy are certainly interesting, in particular the first point about who is included in the electoral register. The intention is that it is people on the electoral register who will form part of the citizens’ assembly. They will obviously represent a wide diversity and-----

Deputy Ruth Coppinger: A lot of people are excluded from the register, some 12%.

The Tánaiste: If the Deputy attends the citizenship ceremonies, as I do, she will know about the wide range of people from all over the world who have applied for and gained Irish citizenship in the past ten years and who are now on the electoral register.

On the Deputy’s point about protecting people from undue influence, that issue was managed very successfully during the convention and I believe it can be managed again. It is a relevant point that needs to be considered. When the chairperson is appointed, there will be the possibility for expert groups to support the work of the chairperson and the assembly. Given the sensitive nature of the topic and previous history, let us hope we will not see the situation outlined by the Deputy. However, I have no doubt that it is something of which the chairperson will be very cognisant and to which he or she will pay attention. Obviously, people’s private addresses will not be known and I hope that situation will not arise. Nonetheless, it can certainly form part of the discussion when the Bill is introduced in the House.

Deputy Ruth Coppinger: When is the legislation due to be presented?
The Tánaiste: It was agreed to by the Cabinet this morning. I do not yet have a date for when it will be brought to the House.

Joint Committee on the Implementation of the Good Friday Agreement: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

(1) That a Select Committee consisting of seven Members of Dáil Éireann be appointed to be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on the Implementation of the Good Friday Agreement to consider--

(a) issues arising from Ireland’s role as a signatory to the Good Friday Agreement,

(b) ongoing developments in the implementation of the Good Friday Agreement, and

(c) any proposal relating to the implementation of the Good Friday Agreement and such related matters as shall be referred to it by the Dáil and-or the Seanad from time to time,

and to report back to both Houses of the Oireachtas at least once a year.

2) The Joint Committee shall have the powers defined in Standing Order 85, other than paragraph (2A), (4A), (4B), (6A), (6B) and (6C) thereof.

3) The Minister for Foreign Affairs and Trade, or a member of the Government or Minister of State nominated in his or her stead, shall be an ex officio member of the Committee and shall be entitled to vote in proceedings.

4) Members of the Westminster Parliament elected from constituencies in Northern Ireland may attend meetings of the Joint Committee and of its sub-Committees and may take part in proceedings without having a right to vote or to move motions and amendments.

5) The Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.

Question put and agreed to.

Second Report of Standing Committee of Selection: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That Dáil Éireann:

(a) approves the Second Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 23rd June 2016, and appoints members to the Committee of Public Accounts accordingly; and

(b) pursuant to Standing Order 93(2), appoints the following members as Chairs of Committees:

Deputy Seán Fleming - Chair of the Committee of Public Accounts;
Deputy Kathleen Funchion - Chair of the Select Committee on the Implementation of the Good Friday Agreement.

Question put and agreed to.

Standing Orders: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That the amendments and additions to the Standing Orders of Dáil Éireann relative to Public Business contained in the Second Report of the sub-Committee on Dáil Reform regarding changes to Standing Orders, which was laid before the Dáil on 23rd June 2016, be adopted, with effect from the dates outlined in the report.

Question put and agreed to.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Jim Daly - legislation to rebalance liability between parties to an action concerning a personal injury, notwithstanding the separation of the Judiciary and the State; (2) Deputy Frank O’Rourke - extending the period of time a person can avail of a Tús work placement initiative; (3) Deputy John Brady - the industrial relations dispute in County Wicklow involving Childminding Ireland and members of IMPACT; (4) Deputy Sean Sherlock - funding for the northern relief road at Mallow, County Cork, and for the M20 Cork to Limerick motorway in the review of the capital plan 2016 to 2021; (5) Deputy Peter Burke - future sustainable use of the former Columb Barracks site in Mullingar, County Westmeath; (6) Deputy Anne Rabbitte - deficiencies in paediatric diabetes services in County Galway; (7) Deputy Alan Farrell - prioritisation of the delivery of new metro north in line with the previous Government’s commitment; (8) Deputy Maurice Quinlivan - non-allocation for approved applications under the home help scheme owing to financial reasons in the Limerick local health office; (9) Deputy Eugene Murphy - insurance quotations for wheelchair-accessible taxis, despite there being a wheelchair-accessible vehicle grants scheme; (10) Deputy Imelda Munster - the release of funds for a seven-classroom extension at Scoil Naomh Fheichín in Termonfeckin, County Louth, despite an earlier commitment to begin construction in 2016; (11) Deputy John Lahart - the specific threat of homelessness to two persons in Tallaght, Dublin 24; (12) Deputy Dessie Ellis - reappraisal of the banning of rent supplement in Ballymun, Dublin 9, due to the regeneration project which is now nearing completion; (13) Deputies Gino Kenny and Richard Boyd Barrett - end of contract on 30 June 2016 for a locum consultant with a special interest in sarcoma and the provision of a replacement at St. Vincent’s University Hospital in Dublin 4; (14) Deputy Clare Daly - the increase in number of women being imprisoned for non-payment of fines and the long-term prison strategy; (15) Deputy Brid Smith - increases in payments under the rent supplement scheme; (16) Deputies Mick Barry and Paul Murphy - the pay claim lodged with Dublin Bus by the National Bus and Rail Workers Union; (17) Deputy Martin Heydon - reviewing and updating legislation and regulations to deal with nuisance noise issues; and (18) Deputy John Brassil - the need for the Minister for Health to make a statement on Console.
Dáil Éireann

The matters raised by Deputies Jim Daly, Anne Rabbitte, Alan Farrell and John Brady have been selected for discussion.

Ceisteanna - Questions

Priority Questions

Lansdowne Road Agreement

1. Deputy Thomas Byrne asked the Minister for Education and Skills his views on the dispute with the Association of Secondary Teachers of Ireland, ASTI, over the Lansdowne Road agreement; and to provide an update on the arrangements for dealing with the data protection issues that may arise if financial emergency measures in the public interest legislation is applied to ASTI members in second level schools. [18464/16]

Deputy Thomas Byrne: Many issues will have to be handled in the Minister’s Department this week, in particular the issue of the ASTI and the Lansdowne Road agreement. There are other industrial relations issues in the Department, including other issues with the ASTI. An update to the Dáil is needed on how exactly the Minister proposes to approach what is threatened by the ASTI and what he is doing to prevent serious industrial unrest and difficulties in the education sector in September.

Minister for Education and Skills (Deputy Richard Bruton): ASTI members voted recently to authorise the ASTI standing committee to direct its members to cease fulfilling the Croke Park agreement hours. The decision to withdraw from these hours is a serious issue with implications beyond the question of whether the hours are fulfilled or not. This decision means the ASTI is withdrawing from the Lansdowne Road agreement. These hours represent a real reform with real benefits for parents and children and they facilitate staff meetings and parent teacher meetings without schools closing for half days. They represent 33 extra hours per year, which is less than one hour per week.

In opting to withdraw from the Lansdowne Road agreement, ASTI members are also opting to forgo a series of benefits and protections, as communicated by my Department recently. These include avoiding an increment freeze, continuation of the alleviation of the Financial Emergency Measures in the Public Interest Act 2013 pay cut for higher earners, the supervision and substitution payment of €796 due to be paid on 1 September and protection against compulsory redundancy.

A further significant consequence of withdrawing from the Lansdowne Road agreement will be the withdrawal of benefits introduced for new teachers under the Ward report, which enabled them to gain permanent employment and full hours more quickly than before. I am aware of the union’s concerns on the Croke Park hours but in response to these, my Department recently agreed with the INTO and the TUI that the usage would be reviewed having regard to teacher professional judgment, system and school requirements and experience to date of the best utilisation of hours.
I am keen to resolve this without a breach of the Lansdowne Road agreement. I have extended a further invitation following a recent meeting with the ASTI on the junior certificate to discuss these issues of concern. This afternoon the ASTI issued a statement saying it will issue a directive to its members to withdraw from Croke Park hours, thereby repudiating the Lansdowne Road agreement. I am disappointed it has chosen to repudiate the agreement. However, the union has indicated it will accept my invitation to talk. I hope this will give it and my Department the opportunity for constructive exchange of views on matters of mutual concern.

Deputy Thomas Byrne: I am surprised that such a meeting has not taken place before now. There are difficulties on both sides and the ASTI leadership must reflect what its members have voted for and represent them but there must be value in talking and trying to resolve this because we face an administrative nightmare for the Minister and the Department. How will the Minister do this? Are we going to use the data protection forms that were signed by TUI members a couple of years ago or does the Minister have to reach out to TUI members again to ask them to certify that they are members of the TUI? Some schools are TUI and others are ASTI and there are quite a lot, particularly in the community and comprehensive sector, that are mixed union. I do not know how the Minister is going to do it. What I do know is that if this dispute is not resolved and if it is simply the case that the ASTI repudiates and the Department institutes punishment or the consequences of that repudiation, there will be chaos in schools in September. There are no two ways about it and members and parents will be distinctly unhappy. There must be value in the Minister taking a grip of this issue and taking the lead on it with his colleague, the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, in order to resolve it. To me, it urgently needs to be resolved, with the issue of junior certificate reform.

Deputy Richard Bruton: The ASTI was invited by my Department to participate in the discussions with the TUI, but it declined to do so.

Deputy Thomas Byrne: That is disappointing.

Deputy Richard Bruton: It had also declined an invitation from the previous Minister. However, I did recently meet it on the issue of junior certificate reform and I am glad that today it has indicated that its representatives are willing to meet me following my invitation to discuss the issues involved further. I am very disappointed, however, that it has also signalled today that it will trigger the measure on the withdrawal of hours, which will put it outside the Lansdowne Road agreement. That is a very disappointing development, but notwithstanding this, I look forward to talks with it.

On the issue that the-----

Deputy Thomas Byrne: The practicalities.

Deputy Richard Bruton: Yes. In implementing the Lansdowne Road agreement my Department is conscious of the requirements of data protection legislation and putting in place arrangements to distinguish between teachers who are represented by unions that have accepted the agreement and those represented by unions that have not. These arrangements are being finalised and my Department will publish a circular in early July to notify teachers and the system in general.

Deputy Thomas Byrne: I agree with the Minister on one point: the ASTI should be in talks. I encourage its members to ask their leadership to go into talks. I also ask the leadership to show leadership. It is not acceptable that children may be put at risk, not simply because
of the repudiation but also because of the general atmosphere that would pervade in schools come September. That is what I am mostly concerned about. There will also be difficulties in implementation in schools with mixed union representation. While in most sectors of society we have relatively quiet and normalised industrial relations, in one of the most critical sectors, the education system, we almost have an industrial relations powder keg in which people on every side are very slow to enter talks about issues. There can only be benefits in talking and it must happen. I, therefore, appeal to both sides to see if there is some way out. I appeal to the ASTI, in particular, to look very carefully at the consequences.

**Deputy Richard Bruton:** The Lansdowne Road agreement is an absolutely vital framework and every trade union within the public service has been within it. It is allowing us to manage our resources and make investments in important areas that are crying out for resources. Working within collective agreements of this nature has been crucial to the development of stable industrial relations. That is the way to proceed. It is deeply regrettable, therefore, that the ASTI has chosen to move outside it in making this decision. Notwithstanding this, I am glad that it has accepted the invitation and I will sit down with its representatives.

**School Curriculum**

2. **Deputy Carol Nolan** asked the Minister for Education and Skills his plans to introduce the well-being module for the junior cycle. [18560/16]

**Deputy Carol Nolan:** Will the Minister indicate when the well-being module is being introduced to schools and give a quick update on it.

**(Deputy Richard Bruton):** The well-being area of learning will be introduced to the junior cycle programme from the start of the 2017-18 school year. Up to 400 hours will be available for learning in the area of well-being in the junior cycle. It will begin with a minimum of 300 hours of timetabled engagement from 2017 and move to the full complement of time as the new junior cycle is fully implemented in schools.

The well-being area of learning will provide learning opportunities that will enhance the physical, mental, emotional and social well-being of students. It will enable students to build life skills and develop a strong sense of connectedness to the school and the community. The development of this area of learning is part of the holistic approach to the well-being of students. Physical education, social, personal and health education and civic, social and political education will be included in the well-being programme, with guidance. The implementation of school policies such as anti-bullying and substance misuse will support the programme. During an extensive consultation process conducted for the junior cycle reform, young people identified social and lifestyle skills as the most essential young people should learn between first and third year. It is expected that most of the assessment activities in the area of well-being will be classroom-based and formative in nature. Learning in well-being will be assessed by the students’ teachers and reported on to students and parents or guardians during the junior cycle and in the junior cycle profile of achievement.

The National Council for Curriculum and Assessment has developed draft guidelines to support schools in planning their well-being programmes. The views of teachers, school leaders, parents, students, other education partners and those with an interest in and commitment to young people’s well-being are being sought on the guidelines. This consultation process
continues to the end of June. Bilateral meetings have taken place with strategic partners in the work, including the National Centre for Guidance in Education, the HSE, the Professional Development Service for Teachers and Junior Cycle for Teachers among others. Feedback received will inform the final version of the guidelines due for publication in September 2016.

Deputy Carol Nolan: I thank the Minister for his response. It appears to be an excellent initiative. While I welcome the fact that it is closely tied in with physical education, the availability of school PE halls has been an issue for many secondary schools throughout the country. Will a national audit be carried out before the initiative can be properly implemented? It should be. Mental health is an issue that affects young and old. In our secondary schools there are many students from disadvantaged backgrounds who are particularly vulnerable. While I welcome the initiative, instead of putting the cart before the horse we need to do a national audit of PE halls available.

Deputy Richard Bruton: I recognise that not every school has access to a PE hall. Hopefully, within their wider communities they can ensure children have the opportunity to participate in the PE component. The suggestion of an audit of availability is sensible. I am conscious that resources for investment are under pressure to meet the growing numbers of children coming into the system. It has been given a priority in terms of the capital spend. Notwithstanding this, I recognise the Deputy’s concern and will seek further advice from my Department on the issue.

Deputy Carol Nolan: I am glad the Minister appreciates the importance of the programme and the importance of an audit being carried on the availability of proper resources for PE. Students from disadvantaged backgrounds may be at much higher risk of mental health difficulties. I am particularly concerned that in 2013 the Central Statistics Office found that the rate of child poverty had doubled between 2008 and 2013 from 6% to 12%, with an inevitable impact on the well-being of young people. The links between poverty and poor physical and mental health are well documented. Will there be a specific focus on ensuring young people from disadvantaged communities will be well positioned to benefit from the well-being programme and has this aspect been factored into the design of the programme?

Deputy Richard Bruton: The well-being programme has been designed to be inclusive and conscious that certain communities are under particular pressure. It is reflected in the fact that they will have better pupil-teacher ratios, capitation and access to the National Educational Psychological Service and counselling services. There are in-built provisions that will support the effective roll-out of the well-being programme in schools in areas of disadvantage. Hopefully, it will result in success for the programme. We will closely monitor its progress to ensure it meets the objectives for children.

School Admissions

3. Deputy Thomas Byrne asked the Minister for Education and Skills how he intends to deal with the issue of discrimination on religious grounds in school admissions; and his plans to insert a provision into the forthcoming schools admission Bill to deal with this issue. [18465/16]

Deputy Thomas Byrne: The religious criterion for admission to schools has been a major issue for years. Whereas the most famous example is in Dublin, I have come across it several times in Meath. We would like to know what the Minister intends to do in the Government’s
schools admission Bill, notwithstanding other Bills that are before us.

**Deputy Richard Bruton:** The programme for Government contains a commitment to publish new school admissions legislation taking account of current draft proposals and addressing issues including publication of school enrolment policies, an end to waiting lists, introduction of annual enrolment structures and transparency and fairness in admissions for pupils and their parents. I have commenced a process of consultation with Opposition parties to discuss my proposals to introduce a new admissions Bill. Following these consultations, it is my intention to publish a new admissions Bill during the current Dáil session.

An effective way of providing diversity and choice for parents is by providing additional multidenominational and non-denominational schools, and in this regard I have committed to increasing the rate of delivery of these schools, to reach a total of 400 such schools by 2030. I have set out a series of measures through which this can be delivered.

As the Deputy may be aware, Deputy Joan Burton of the Labour Party has initiated a Private Members’ Bill proposing an amendment to section 7(3)(c) of the Equal Status Act, and it is due to be discussed later today. As previously indicated, my preference is to discuss this complex issue with the Oireachtas committee at the earliest opportunity and I am open to hearing views on the best way to proceed within our existing constitutional framework.

**Deputy Thomas Byrne:** Across the country, there is an increasing mismatch in patronage arrangements for national schools in particular, although it will become a more common issue for secondary schools as the years go on and as the bubble of national school students moves on. The overwhelming focus on patronage divestment during the past five years has distracted from the essential and immediately relevant question of how children from non-religious backgrounds should be accommodated in the existing structures and the rights of all to have freedom of conscience and school admission upheld. Fianna Fáil is very much concerned with it and we published a policy on it before the election.

The Equal Status Act prohibits religious discrimination, but allows schools to enrol co-religionists in preference to members of other faiths when a school is oversubscribed. It is wrong that 20% of schools in Dublin are oversubscribed and they seem to be the most active in applying religious selection criteria. Our difficulty is with the minority faith schools. Some level of positive discrimination is essential to Church of Ireland and other minority religious schools. If we simply delete the provision of the Equal Status Act, those schools could suffer disproportionately. I wonder if the Minister has a view on it.

**Deputy Richard Bruton:** Children from outside the area of a local school are often given preference over children who are in the school catchment area but who are not of the denomination. Deputy Joan Burton’s Bill seeks to address this. The Bill may raise complex issues such as the impact on minority religions, and they need time and space to allow hearings by the Oireachtas education committee to tease out the issues. I propose that Deputy Joan Burton’s Bill, which we will discuss later, be deferred and passed on Second Stage one year hence in order to give the Oireachtas education committee time to tease out the very complex issues. Deputy Burton’s Bill is a very constructive contribution to the debate. This would be the best way to proceed. We will have a chance later this evening to discuss it at length.

**Deputy Thomas Byrne:** Does the Minister have a timeframe in mind? If Deputy Joan Burton’s proposal were to succeed, or our proposal which is a variation on it, work will have to
be done on catchment areas. Does the Department have administrative arrangements in place for this? This issue is rightly a political hot potato. It must be addressed and there is a responsibility on us to do so. We all see injustices done when these criteria are applied in a way that is perfectly legal and correct at the moment. While we would emphasise the locality and catchment, we see that there are administrative issues. What consideration has the Minister given to it in terms of timescale? While some children have already passed the school entry age, others are coming up through the ranks and their parents are watching, worriedly, their prospects for entry to their local school.

Deputy Richard Bruton: The former Minister, Deputy Jan O’Sullivan, did much of the work on the admissions Bill, and I would like it to proceed, given that there is much consensus on many of the issues in it. Another issue which is not in the admissions Bill has been raised, and we should take the opportunity to tease out the practicalities of the Labour Party Bill, parallel to the passage of the admissions Bill, which is a priority for the school year 2017-18. Hopefully, we will be in a position to advance it. That is the best approach. Let us harvest the admissions Bill and then examine the issues such as catchment. At the moment, catchment does not have a basis in legislation and, therefore, it is a new concept, which needs to be worked through.

School Admissions

4. Deputy Joan Burton asked the Minister for Education and Skills if he has reviewed the recently published Labour Party Equal Status (Admission to Schools) Bill; if he supports the aims and objectives of the Bill; and if he will make a statement on the matter. [18564/16]

Deputy Joan Burton: Following on from the previous discussion, does the Minister agree it is unfair and discriminatory that parents feel they have to baptise their child in a particular religion to have a serious chance, if not certainty, of securing a local school place in the area where the child lives? Will the Minister consider supporting, therefore, the Labour Party’s Bill, which proposes to amend the Equal Status Acts and seeks to balance the constitutional right of religious bodies to organise and run schools with the rights of the child to have access to his or her local school?

Deputy Richard Bruton: I am sympathetic to the case the Deputy has made in that Bill but I am conscious that the previous Oireachtas education committee, which conducted pre-legislative scrutiny of the Education (Admissions to School) Bill 2015, acknowledged the potential tensions between articles of the Constitution relating to education and religion and concluded that it poses a particular difficulty when legislating in this policy area. The Deputy’s Bill has sought to steer a way through that but it is important we make sure it is robust and that there are not unintended consequences as a result of this proposal. This is why the incoming education committee should be given a period to hold hearings on the legislation and to assess it.

In reply to Deputy Byrne, I acknowledged that it is unfair if a school is going outside an area to recruit coreligionists while those close to it are not given an opportunity. It is only fair, though, to acknowledge that 80% of schools are not oversubscribed and the admissions Bill would have made it obligatory for denominational schools that are not oversubscribed to accept all those who apply. There is provision in that Bill to deal with one aspect of this but the Deputy has raised another aspect and I look forward to discussing the Bill later. It is to be hoped we can advance on that basis.
Deputy Joan Burton: The purpose of the Labour Party Bill is to acknowledge the constitutional right for religions to be recognised and practised as people wish. That is agreed by most parties in the House, if not all. However, we are faced with an uncomfortable scenario where parents, especially when their first child attends school, find out that unless they are of a particular religion, they are unlikely to gain access to the school. This is often particularly significant for people of a Catholic background. Our Bill would give much greater protection to minority religions because to maintain the ethos of the school, 51% of the students must of that religion. That would considerably strengthen the position for minority religions compared with the current position.

I do not understand the Minister’s diffidence in dealing with this. The Bill will not amend education legislation. It will amend the Equal Status Act, which is equality legislation. I understand him raising other points but this is just about equal status and seeking to calibrate rights for the religion, the student and the family.

Deputy Richard Bruton: It has become standard and good practice to have pre-legislative scrutiny of all Bills that will come before the House. This Bill raises complex legal and constitutional issues, which I do not say make it unviable, but they need to be examined. That was recognised by the previous Oireachtas education committee and, bearing that in mind, we need to do that. I refer to the way minority religions are dealt with in the Bill. It is common practice that particular Protestant denominations admit those of other Protestant traditions to their schools and give preference to them. The Bill, as drafted, would stop that practice. There are issues, therefore, that we need to tease out. Giving that to the Oireachtas committee, which has the experience to do that, and allowing witnesses to appear before it is the sensible and responsible way forward. I do not pour scorn on the Bill or the effort that has been put into it, which is obvious from the way it has been drafted.

Deputy Joan Burton: I appreciate that but given the likely duration of this Dáil, the Minister has suggested a full year of consideration having had five years of consideration during the previous Dáil and more consideration during previous Dáileanna. The net point is that it is good on the whole to ensure children have a reasonable opportunity to attend school in their own neighbourhood and to make friends and all that that involves. That is provided there is no shortage of school places, which is a different scenario that can only be addressed by building more schools or expanding existing schools. Parents should not be put in a false position whereby to secure a reasonable objective they end up, perhaps against their personal wishes, having to have their child baptised. People of religious faith do not like that either. Should we not give primacy to diversity and inclusion, which many of the patron bodies have been brilliant at providing for?

Deputy Richard Bruton: I do not share the Deputy’s poor belief in the longevity of the Government. I am optimistic that new politics will result in longevity because that is what people want.

The Bill was not part of any legislative proposal scrutinised by the House previously. That is clear from the conclusion of the previous Oireachtas committee. We need to examine the complexities, and the responsible way forward is to provide the time for the committee to conduct that examination and to come back to the House. That is the sensible and correct way to proceed, but we will have an opportunity to debate the Bill later.
5. Deputy Thomas Byrne asked the Minister for Education and Skills to address concerns that the school transport scheme is not being run on an efficient basis, especially with regard to route selection criteria and criteria for providing a service to students wishing to avail of the scheme on a concessionary basis. [18466/16]

Deputy Thomas Byrne: School transport is an issue of major concern. My difficulty is there are three different positions on the scheme within the Department. These are outlined in a ministerial briefing, the programme for Government and by a press officer following a major story in the Irish Independent. There is huge confusion among the public. A number of my colleagues, including Deputy Calleary, have been in touch with the Minister of State about particular instances. I would like clarity for families and children who depend on the school bus service.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank the Deputy for his question. This is a complex issue in the sense that the school transport scheme is a significant operation managed by Bus Éireann on behalf of my Department. Approximately 113,000 children, including 10,000 children with special educational needs, are transported in approximately 4,000 vehicles each school day. The overall costs of the scheme have reduced by 7% since 2008 as a result of policy changes and other efficiencies, and this has had an effect on the scheme. One of its main objectives is to ensure that, as far as possible, eligible children have a reasonable service while, at the same time, ensuring school transport vehicles are fully utilised in an efficient and cost-effective manner. One of the impacts of the policy changes introduced in recent years is that there has been a reduction in the number of eligible pupils availing of school transport places and an increase in the number of pupils availing of places on a concessionary basis. Routes are planned on the basis of the locations of children who are eligible for school transport only.

In general, children are eligible for school transport if they meet the requisite distance criterion and are attending their nearest school having regard to ethos and language. Children who are not eligible for school transport may avail of school transport on a concessionary basis only; the demand for transport on a concessionary basis is mainly from families whose children who are not attending their nearest school. Transport on a concessionary basis is subject to a number of terms and conditions including that there are spare seats available on an existing school bus service and on payment of the annual charge.

The programme for Government commits to review the concessionary charges and rules element of the school transport scheme prior to budget 2017.

Deputy Thomas Byrne: The Minister of State’s answer has not provided any clarity to anybody. I would like him to clarify what is the position. Will students who have concessionary places lose out this September because of the review, or can he give a guarantee to this House that no students with concessionary places will lose out because of the review by his Department, that their place will be available on a concessionary basis as it always has been? That is the commitment we want to hear from him. We want to put at ease the concerns of the parents, in rural Ireland in particular, who are worried about this issue. As the Minister of State will note, a newspaper has run this story on the front page two days in a row and it did that because this issue is a matter of concern as a result of the confusion coming from his Department as to what is happening. The Minister of State needs to do those parents a favour and set out exactly
what is happening and confirm that those students with concessionary places will not be subject to a review for this year, and then we will have to deal with what will happen next year. There has been three different stories and I want to know what is the correct story.

**Deputy John Halligan:** The Deputy is aware that the seats for concessionary applicants are allocated after all eligible children have been accommodated on the school transport service. I accept there are some difficulties with respect to routes, the sizes of buses and so on: of that there is no question. I am inundated with requests for school transport from applicants throughout the country. I give the Deputy a guarantee that no student will lose a seat on the school bus during this term. I have called for the Department to have another review of all aspects of the school transport scheme, concessionary places and otherwise. Nobody will be cut off the school transport scheme in this term, once they are eligible for school transport under the concessionary or the eligibility criteria. There are extreme difficulties, of that there is no question. Deputies have contacted me. I have met Bus Éireann and any groups that wanted to meet me and I have spoken to parents. I have met Deputies from the Deputy’s party. I accept there are compassionate grounds in some instances but every parent wants to obtain school transport to bring their child to school. If people want to come to my office to raise individual cases, they can do so. I can assure the Deputy there will no cuts or changes until another review is carried out by my Department.

**Deputy Thomas Byrne:** I want to clarify with the Minister of State that no students, regardless of their having concessionary places or otherwise, will lose their place on a school bus this September; that they are guaranteed their place on a school bus this September.

**Deputy John Halligan:** Once again, I want to be clear on this. Once all eligible children have their place on the school bus on a particular route, if students with concessionary places already have seats on that route, they will not lose their places, and there is no reason they should lose their place. As the Deputy is probably well aware, if other eligible students who need school transport come into the scheme, that is where the difficulty arises with students with concessionary places - I would have a difficult with this - where those students would be asked to give us their seats to accommodate the eligible students. I have asked for a review on that. I do not like the idea that a student, whether they have their place on a concessionary or eligible basis, would be asked to move off a bus because there is not room on it if another eligible students is given a place on it. I have asked the Department to review that with me. I say to the Deputy and other Deputies in opposition that if they want to put forward suggestions, they can come in and meet me and we will examine it. I would not want to see any student who has a place on a concessionary or other basis lose a place on a school bus.

**Other Questions**

**Residential Institutions Statutory Fund**

6. **Deputy Clare Daly** asked the Minister for Education and Skills further to Parliamentary Question No. 116 of 16 June 2016, why the Residential Institutions Statutory Fund Act 2012 requirement for a review of the Caranua scheme after two years has not been carried out and when it will be carried out. [17912/16]
Deputy Clare Daly: This question relates to the Residential Institutions Statutory Fund and the requirement in the legislation whereby the funds which were to be awarded to the victims of abuse in the industrial schools would be reviewed after a two-year period. There is huge disquiet among the survivor community about the allocations that are being made from that fund. Why has it not been reviewed yet and has the Minister any plans to do so?

Deputy Richard Bruton: I thank Deputy Daly for her question. The Residential Institutions Statutory Fund Act was enacted in July 2012 and provided for the establishment of a statutory fund to support the needs of victims of residential institutional abuse. The Act also provided for the dissolution of the Education Finance Board which was established in 2006 and financed by a €12.7 million contribution under the terms of the 2002 indemnity agreement.

Eligibility for assistance from the fund is confined to those former residents who received awards from the Residential Institutions Redress Board or similar awards or settlements in court proceedings and who would otherwise have received an award from the redress board. Approximately 15,000 survivors are eligible. The board adopted the service name Caranua in October 2013 and began accepting applications on 6 January 2014. The initial uptake on applications was small and in the first year payments amounting to €14.77 million had been made to or on behalf of 1,476 applicants. During the past year expenditure has increased significantly to €43 million to or on behalf of 2,927 applicants.

In response to calls for the eligibility for access to the fund to be widened during the passage of the legislation through the Houses of the Oireachtas, an undertaking was given to review the operation of the fund two years after its establishment. I remain committed to reviewing the scheme. Initial engagement between Caranua and my Department on developing terms of reference will take place in July with a view to the review commencing in the autumn.

Deputy Clare Daly: The Minister has just given me an account of the way in which the system works, but I know that. My question related to the legislation which provides for a review after two years and it is now well past two years and a review has not yet taken place. The Minister’s predecessors, the former Ministers, Ruairí Quinn and Deputy Jan O’Sullivan, both committed to me in the previous Dáil that they would have such a review and would examine widening eligibility to the fund. There is huge concern about this because of the age profile of the survivor community who are getting older. They feel that they have not been consulted on what might be new terms of reference. They are very keen that the children of survivors would be included in being enabled to access the fund. The idea of a €12,000 cap needs to be lifted together with clauses in the scheme about surplus money going to the children’s hospital. This is quite urgent. I was hoping that the Minister would indicate a timeframe for a review on the one hand and outline a system whereby the survivor groups would also be consulted in setting out the terms of reference for that review which is long overdue.

Deputy Richard Bruton: This operation started in January 2014 and the review was to take place within two years and the period in respect of that has somewhat slipped but it will now take place. The terms of reference will be agreed in July and the review will take place in the autumn.

At the time when previous Ministers made commitments that was done having regard to the maximum funds available of €110 million and the potential pool of 15,000 applicants and that the question of reviewing eligibility could be considered following the establishment of fund in the event of application not resulting in a significant expenditure of the fund. It was envisaged
that the maximum funds would be €110 million and it was only thereafter that new eligibility could be considered. At this point we have only 20% of the believed eligible people who have applied and €43 million has been expended. Those are the issues that will have to be examined in accordance with what was said during the debate in the previous Dáil. That is the backdrop to it as I understand it.

**Deputy Clare Daly:** The Minister said that the terms of reference will be agreed in July and the review will take place in the autumn. I must stress, in the strongest possible terms, that the survivors groups would be consulted as part of that process in setting out the terms of reference. One of the problems that has been articulated, for example, is the huge level of administrative costs, with respect to survivors funds, that have been absorbed in the running of the Caranua scheme. I will read from a letter I received from a man who was incarcerated in a Christian Brothers institution in Galway for five years and who suffered mental, physical and sexual abuse as the hands of the Christian Brothers who were charged with his care through the Irish Government. He said he had received a letter from Caranua stating all his needs had been met within the confines of the legislation and that it was not possible to accept further applications from him. He said he had received funding for things in the past for which he was grateful but that Caranua was making him feel like he was begging and had just cut him off. That is not good enough. There are many severely damaged people whose views need to be taken into account. They have already been abused by the State and need an effective remedy.

**Deputy Richard Bruton:** I do not have the full context of the legislation at my disposal, but I understand the role of the fund is to use the contribution of €110 million to fund approved services to support survivors’ needs. The fund has 15,000 applicants and is processing their applications. Quite a number have been deemed to be eligible and payments will be made in respect of them. I do not have access here to the administrative cost, but substantial moneys have been paid out. I am sure it has been done in the most efficient way, but applications must be processed. I am sure the process is being managed as efficiently as possible. I will ask those who are putting together the terms of reference to consult others interested in the appropriate terms.

**Deputy Clare Daly:** If the Minister could do so, it would address something critical. The people concerned were denied a voice in their youth and it is rubbing salt into their wounds that they are being ignored now. Many of their medical needs have not been met, albeit some of them have medical cards. Going back to training is not something those who are elderly want. They want some of the money to be used to assist their families and deal with other stresses. Their voices must be heard. If the review is imminent, it is particularly important to consult them without further delay. Some of the Minister’s answers to my parliamentary questions on the amounts expended thus far give me severe cause for concern in terms of how the scheme is operating owing to the vulnerable nature of the group.

**Deputy Joan Burton:** Will the Minister attend a meeting of the education committee in the next week or two and before the review is initiated to set out in detail what has actually happened to the fund? I have worked with and known personally for many years quite a few of those who were in different institutions. I continue to meet them all the time. People come up and tell me their stories. Before the Minister sets about a review, he needs to talk to the education committee in order that we can meet the need of those who were in these institutions to be respected rather than to simply have their cases closed off. This was one of the most traumatic events in Irish history, as has been said by Deputy Clare Daly. Many of the people involved are much older and have been through a great deal. Can the Minister come and hold a hearing or
discuss the committee? It is not really possible to do so in detail here.

An Ceann Comhairle: We cannot have a debate on the matter.

Deputy Richard Bruton: I do not have any material with me which suggests how the fund is being managed, but I note that it is being managed by a former Secretary General of the Department of Defence who has been an Accounting Officer to the Houses and the Committee of Public Accounts. I have every reason to believe such an official is managing the funds in a prudent and careful way. I am willing, of course, at any stage to go to the Joint Committee on Education and Skills to discuss this or any other matter, but if the issue is around the management of funds, there is an Accounting Officer within my Department and it has been managed under the guidance of a former Accounting Officer. Certainly, I hope and expect the approach to the use of the moneys available has been careful and prudent and in accordance with the purpose intended - to support services for the very people whom the Deputy rightly says were abused in the past and neglected for many years. I hope the fund can meet many of their needs.

Special Educational Needs Service Provision

7. Deputy Mick Wallace asked the Minister for Education and Skills the measures he is taking to address the concerns of parents of children who are attending a school (details supplied) and the parents of children attending other schools in a similar position who have recently heard that their school could lose an assistant under the special needs assistant scheme for the 2016-17 school year; if the ratios as set out in the report of the special education review committee are sufficient to meet the needs of the children concerned; and if he will make a statement on the matter. [18073/16]

Deputy Mick Wallace: The Government’s approach to special needs education seems to revolve around fitting needs to resources rather than putting the needs of individual children first. The SENOs who decide schools’ SNA allocations every year often do not even meet the kids involved but make decisions which affect the rest of their lives. The announcement of 566 new resource teaching posts is welcome, but until the Government invests in needs-based supports on an individual basis, there will be issues. Is there a plan to implement the Education for Persons with Special Educational Needs Act 2004? It would change things dramatically.

Deputy Richard Bruton: The National Council for Special Education, NCSE, is responsible for allocating special needs assistants, SNAs, to schools in accordance with my Department’s criteria for allocating such support. An additional 860 SNAs will be available for allocation to schools from September 2016, bringing to 12,900 the total number of SNA posts available, at a total annual cost of €425 million. The number of SNA posts has increased by almost 22% since 2011. As such, the number has been increased during the recession in the light of the individual needs to which the Deputy rightly points.

The criteria by which SNAs are allocated to schools are set out in my Department’s circular to the committee to which the Deputy referred. The NCSE is not restricted solely to the allocation within the circular and can make additional SNA allocations for classes where necessary and taking into account the needs of individual pupils.

The level of SNA support allocated to a given school can change from year to year as students with care needs leave, new students with care needs enrol, or as students develop more
independent living skills as they get older and their care needs diminish over time. It is open to any school to lodge an appeal in respect of the level of SNA support which has been made available via the appeals process available at www.ncse.ie.

I am asking the NCSE to undertake a comprehensive assessment of the SNA scheme in order to provide better outcomes for students with special needs and to ensure we are making the best additional investment for children with special needs.

**Deputy Mick Wallace:** The 2004 Act provides that children with special educational needs will be educated in an inclusive environment with children who do not have special educational needs. A mother in Wexford has contacted me who had two children in Scoil Mhuire. Her eldest son went through the process when the facilities available were far greater. At the time 57% of children transitioned into mainstream education. Today there is a 0% transition rate and her second child has not had the same opportunity. The Minister can talk about the extra numbers the Government is applying to this, but the truth is that the numbers who need help have increased dramatically and the Government has not kept pace. It is about resources rather than meeting individual needs. Unless the Government changes things, more and more children will fall through the cracks and it will actually cost the State more in the long term. Is there any chance the Government will look at the individual needs of the kids involved and address them accordingly by providing them with a proper chance to transition into mainstream education?

**Deputy Richard Bruton:** To put matters in context, the provision for special educational needs has been increased by 27% in the past few years while, for example, funding for higher education has fallen by approximately 22%. This area has not been neglected but rather is one in which the Government has, rightly, made significant contributions. The amounts are allocated on two bases. Some is provided as a general allocation to a school, while some is provided specifically for children with specific needs. The latter allocations are based on the report to which the Deputy referred and continue to be made on that basis. There is a continuing provision which commands more resources for these children. We are seeing more special classes in which they are being educated. This has been an area which badly needed investment and an investment in its development has been made. I am determined to ensure we will use the money in the best possible way. The Deputy is right in saying we need to move towards personal, individual plans and that we also need to deal with this issue in a whole-school environment, being sensitive to the support the children need to be within mainstream education and not separated from it. That is where the effort is being made.

**Deputy Mick Wallace:** While her oldest kid attended the school, 18 children had 18 special needs assistants, SNAs, and 57% of those children transitioned into mainstream schooling. In recent years, the 18 was cut to eight. Now, none is transitioning to mainstream schooling. This is not rocket science. I am not saying that there is an endless supply of money, but surely we have an obligation to give a greater priority to those who most need it. This State support makes a difference to kids’ lives. An investment by the State prevents people from falling behind, but the woman’s youngest son will never progress to mainstream schooling. What a difference between his situation and her eldest son’s. It is time that cannot be bought back. The early years are a formative period, even more so for children with autism. We must address this issue more positively.

**Deputy Richard Bruton:** The allocation to children has not changed. It is being honoured throughout. There was a cut of 15% per child some time back, but the allocation has been provided throughout the period. My information is that there are still 18 SNAs in the school.
to which the Deputy referred and that there has been no cut to eight, but I will investigate the matter. The mother and child concerned are entitled to appeal to the National Council for Special Education, NCSE, which allocates on this basis and is charged with ensuring the child is properly catered for within the allocation. I will check and revert to the Deputy on the question of SNA allocations in the school. I am assured that although there has been one loss, it was due to natural turnaround in that the group of children being cared for can change from year to year. The allocation depends on the group’s needs.

**Teachers’ Remuneration**

8. **Deputy Jackie Cahill** asked the Minister for Education and Skills his views on the serious low morale young primary school teachers are experiencing due to the their low level of starting pay; the impact of this on the education system; and if he will make a statement on the matter. [18259/16]

**Deputy Richard Bruton:** The Government has committed to establishing a public service pay commission to examine pay levels across the public service, including entry pay levels. The terms of reference and timescale for the commission’s work are a matter for my colleague, the Minister for Public Expenditure and Reform.

The Government recognises the importance of being able to attract quality new entrants to the public service, particularly so in important professions like education. The restrictions in entry pay levels were introduced in 2011 and 2012 across the public service at a time when the pressure on public finances was severe and the scope for new recruitment was restricted. Under the Lansdowne Road agreement, the process of restoring public service pay is commencing. An important feature of this is the flat rate increase that is being implemented. This is proportionately more valuable to those early in their careers. Restoration of the supervision and substitution payment is provided for subject to co-operation with the Lansdowne Road agreement. The agreement did not address the issue of pay of new entrants.

My Department continues to seek to engage with teacher unions on issues of mutual concern and has recently reached agreement with the INTO and TUI in respect of discussions to improve the position of teachers in fixed-term and part-time teaching, a robust review of in-school management structures and an increase in the quantum of the extra Croke Park hours that do not have to be worked on a whole-school basis. The Government has also indicated that it will support the gradual negotiated unwinding of financial emergency measures in the public interest, FEMPI, having due regard to the priority to improve public services and in recognition of the essential role played by public servants.

**Deputy Jackie Cahill:** My party supports the principle of equal treatment for newly recruited public servants, including those in the education sector. New entrants in the teaching profession do not receive the same allowances as long-serving teachers. This cannot be justified and is corroding morale within schools. It is wrong that an important profession like teaching has a two-tier salary system. We are all proud of our education system. Despite the funding pressures of the past eight years, our teachers are providing a top-class service. Everything must be done to ensure that morale is restored. Future pay agreements should focus on equalising pay for new entrants. My party is committed to restoring full equality of treatment for teachers. Will the Minister make the same commitment on behalf of the Government?
I welcome the establishment of a public sector pay commission to examine pay levels across the public service, including entry pay levels. This was a key demand of our party in the discussions on facilitating a minority Government. We will contribute constructively to the commission when it is established and seek an early conclusion of its work.

Deputy Richard Bruton: In the Deputy’s question, he recognised that this measure applied across the public service. It is not confined to teaching. Indeed, it applies in the House where newer Deputies are on lower pay than long-standing ones. It will be resolved across the public service and within the context of collective agreements, which is the importance of the Lansdowne Road agreement.

We are determined to unwind FEMPI, but we must realise that there are crying needs to be met. For example, the House just discussed special education, and there are major needs to be met in health, education and housing. The Lansdowne Road agreement offers a way of balancing people’s rightful ambition to see pay restored with the need to invest in public services. This is the Government’s approach while recognising the importance of the issue the Deputy has raised.

Deputy Jackie Cahill: With these young teachers taking on extra financial burdens as they enter their late 20s and early 30s, it is essential that their pay levels be restored. Some parents must still support children who are fully qualified and in full-time employment. This system will not attract the quality of teacher we want. The sooner that equal pay for all can be introduced, the better it will be for the education system.

Deputy Richard Bruton: Teachers have a rightful case to make for the restoration of pay. The Minister, Deputy Donohoe, pointed out that the Lansdowne Road agreement would cost the State €300 million this year. If the whole agreement was unwound in one go, it would cost €1.4 billion, more than double what is likely to be available for spending in the forthcoming budget. In recognising the pressures on hospital, housing, education and so on, a balance must be struck. That is what the Lansdowne Road agreement does. The pay commission will offer an open opportunity to address the issue the Deputy has raised.

Deputy Thomas Byrne: Notwithstanding the fact that this matter is officially under the Department of Public Expenditure and Reform, the Department of Education and Skills is one of the key Departments affected by it. Throughout the recession, young teachers were employed because we needed teachers whereas staff were not taken on in other areas of the public service. A large cohort of young teachers have been in position for up to four or five years and rightly feel aggrieved and badly treated. I suggest the Minister make this matter a policy priority for his Department in its budget negotiations with the Department of Public Expenditure and Reform and the Government.

Deputy Richard Bruton: This issue has started to be addressed within the context of the Haddington Road and Lansdowne Road agreements, in that the former introduced an element of co-ordination of payscales to counter some of the impact. Under the Lansdowne Road agreement, teachers will get a flat-rate increase of €1,000 as well as the substitution payment of €796. These will be proportionally more valuable to young teachers at the bottom of the scale.

As the pay commission gets established, this matter will be a priority concern. It has not only been raised by teacher unions but by many groups across the public service. It needs to be addressed but in a collective approach to bargaining, which is the approach being taken by the
Minister for Public Expenditure and Reform. I support that approach.

**New Skills Agenda for Europe**

9. **Deputy Catherine Connolly** asked the Minister for Education and Skills the amount of funding he has applied for in the European Commission’s New Skills Agenda for Europe; and if he will make a statement on the matter. [18292/16]

**Deputy Catherine Connolly:** Will the Minister of State clarify the situation relating to the European Commission’s New Skills Agenda for Europe, what money has been applied for and how the process stands?

**Deputy John Halligan:** The European Commission adopted its proposal for a New Skills Agenda for Europe on 10 June. It noted that all member states faced similar problems and opportunities with skills acquisition and development, the quality and relevance of the education and training available, including teaching standards, and learning in settings outside formal education.

The Skills Agenda for Europe proposal seeks to strengthen and, in some cases, streamline existing initiatives to better assist member states in their national reforms. There is no new funding available for this proposal. The EU has done much work on progressing the skills framework in the development of, for example, the key competency framework for lifelong learning, mutual recognition of qualifications, co-operation on vocational education and training, the European Alliance for Apprenticeships, student and academic mobility and co-operation, the Youth Guarantee and the Youth Employment Initiative. It provides the European Social Fund - €542 million for Ireland for the period 2014 to 2020 - and the Erasmus+ funding programmes to provide funding in support of its policies. These initiatives have assisted member states, including Ireland, in enhancing the relevance, efficiency and flexibility of our upskilling strategies and our labour markets to meet the challenges of increasingly competitive and globalised markets.

The proposal seeks a shared commitment to reform in a number of areas where European Union action brings most added value: improving the quality and relevance of skills formation; making skills and qualifications more visible and comparable; and improving skills intelligence and information for better career choices.

**Deputy Catherine Connolly:** I thank the Minister of State for the clarification but I understand that funding was made available in addition to the European Social Fund money, including, in particular, €21.2 billion for social inclusion and €30.8 billion for sustainable and quality employment. I understood this new initiative was launched to great fanfare in June given that, extraordinarily, 70 million people in Europe lack the basic skills of reading and writing. In Ireland, 521,550 adults cannot read at the most basic level. The figures for numeracy are actually worse. The proportion of one in six represents some improvement but there are still over 500,000 people who have difficulty understanding everyday texts. I understood from the fanfare announcement that there was extra money available. That is what I am trying to clarify, particularly given the skills gaps that exist.

**Deputy John Halligan:** I acknowledge what the Deputy said. Some 70 million Europeans lack sufficient reading, writing and numeracy skills. Some 40% of the EU population lack suf-
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To answer the Deputy’s question, over the coming months the Commission will be making a proposal to reduce the high number of low-skilled adults throughout Europe. The initial proposal was made only on 10 June so there will be further communications with the European Union regarding funding.

The Commission is proposing that a skills guarantee be established in co-operation with social partners and education and training providers. This is exactly what will be done in Ireland over the next couple of months. The plan is to meet as many people as possible connected to education and further education, in addition to people who have taken themselves out of education and low-skilled employees who want to upskill. There is a plan, involving nine regional managers, that will be put in place shortly to deal with upskilling. Right now, the funding amounts to €542 million but we are in constant contact with the European Commission and other states to ascertain what funding will be needed to deal with the problems Ireland faces owing to low numeracy and literacy levels and underskilling.

**Deputy Catherine Connolly:** I would appreciate it if the Minister of State reverted to me on money and timelines. Some 65 million people in Europe have achieved a qualification less than the equivalent of an upper secondary school qualification. We can quote the figures but it is clear there is a crisis given the number who experience serious literacy and numeracy problems through no fault of their own. We need a programme to deal with that. When we do work on this, the figures actually improve, so we are crying out for a particular programme. If it was announced that there was extra money for social inclusion and sustainable quality employment, where is that money? If the Minister of State cannot tell me today, I would certainly welcome it if he could revert to me.

**Deputy John Halligan:** Certainly, but the Deputy should not forget the Erasmus programme supports skills development, education and training. There is nearly €15 billion in that fund right across Europe. We get some funding from this. I am not too sure about the amount we get but I will most certainly revert to the Deputy on it.

There are also other funds, including the Asylum, Migration and Integration Fund, AIMF, and Horizon 2020, which relates to that agenda. I will revert to the Deputy over the next couple of weeks with all the details on all the funding and the particular areas it goes to, in addition to the planned objective for the strategy up to 2020.

**School Accommodation**

10. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if it his policy to provide the necessary extra accommodation when two rural schools amalgamate; and if he will make a statement on the matter. [18277/16]

**Deputy Éamon Ó Cuív:** As the Minister knows, from time to time rural schools agree voluntarily to amalgamate. Is there a policy to ensure that in the event of a voluntary amalga-
mation, extra accommodation will be provided as a matter of priority in the school that is to become the new school, and that the necessary funds will be made available for whatever extra accommodation is needed?

Deputy Richard Bruton: I wish to advise the Deputy that in the case of proposed amalgamations, including those of rural schools, my Department is prepared to consider the provision of additional accommodation or other works, subject to available funding.

Requests for accommodation in the context of amalgamation proposals associated with an amalgamation may range from demands for new school builds or an extension or refurbishment of one of the existing school buildings earmarked for the amalgamated school. Alternatively, an amalgamation proposal may involve the amalgamated school operating on a split-site arrangement from the existing school buildings.

As the Deputy will appreciate, a demand for capital funding contained in amalgamation proposals can be considered only on the merits of each individual case. In that regard, the focus of my Department is towards the provision of the essential accommodation that will facilitate the progression of the amalgamation proposal. As the Deputy is also aware, any proposal to amalgamate schools must involve consultation with all of the relevant stakeholders and be planned and managed in a manner that accommodates the interests of pupils, parents, teachers and local communities.

Deputy Éamon Ó Cuív: Where two schools on two different sites decide voluntarily to amalgamate, giving rise to the need for additional accommodation in the school that is to remain open and to which the children in the closing school are to be transferred, and allowing that a school is not to be built, is such a case accorded priority in terms of funding subject to departmental agreement that the extra accommodation is needed to facilitate the amalgamation?

Deputy Richard Bruton: The Department adopts a flexible approach and seeks to facilitate amalgamations wherever it can. However, where capital funding is concerned, the merits of each case have to be assessed. If the Deputy has a particular instance in mind, I can ask the Department to assess the needs in that case. Clearly, this is an area in which the Department seeks to facilitate the wishes of patrons, pupils and parents.

A voluntary amalgamation protocol has been worked out with the Catholic Primary Schools Management Association, CPSMA, in order to anticipate obstacles that might arise in these circumstances. That protocol is being adopted and will be in place for the coming school year.

Deputy Éamon Ó Cuív: I thank the Minister for his offer. There is one specific case but I am also interested in the policy approach. Is the protocol available publicly? Could a copy be sent to me as a Deputy so I could make it available to the schools in question to facilitate their approach so they will not be taking a leap in the dark? There is a chicken-and-egg scenario for schools. If schools do not know the likely approach the Department will take or whether the Department will regard the proposed amalgamation as of high priority for funding, it is very difficult for them to agree to go down a road that might not have a happy ending. Will the Minister confirm that priority funding will be allocated provided the project proceeds in the most efficient way possible? Will he assure me that the protocol will be sent to me on the basis that I will transmit it to the schools in question?

Deputy Richard Bruton: While the Department tries to take a flexible approach, I cannot offer the Deputy a blank cheque in respect of every proposal that is produced. These decisions
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are not taken at a political level but by the Department. The Department has developed a good protocol to ensure people have confidence in the way in which this matter is dealt with, notwithstanding which schools are involved. While the protocol has not been finalised, I am sure it will become publicly available, especially given that its purpose is to make it easier for people to engage in planning, as Deputy Ó Cuív noted. I hope it will give people who are considering this matter the confidence to assess it. I will be happy to facilitate the Deputy and provide him with a copy of the protocol as soon as it becomes available.

Deputy Éamon Ó Cuív: There is no reason for the Minister not to make the draft proposal available. I am surprised it has not been made available to the Joint Committee on Education and Skills for consideration. I understood that the new way of doing business would mean documents of this nature would not be kept from public representatives. Perhaps public representatives would like to have an input in drawing up the protocol. Will it be possible to make the draft protocol available to Members or is there some reason we would not be privy to a draft protocol that could not be commercially sensitive?

Deputy Richard Bruton: I cannot see any reason not to make it available other than that it is being developed with a particular association which, I presume, also wants to manage its stakeholder engagement, so to speak. I have no doubt it can be made available to the Deputy and I will ask that this be done.

School Curriculum

11. Deputy Paul Murphy asked the Minister for Education and Skills his views on the practice in schools where a child’s parents or a young person over 18 years of age opts out of religious instruction; if he will issue guidelines to ensure this right is vindicated; and if he will make a statement on the matter. [18269/16]

Deputy Paul Murphy: Parents have a constitutional right to opt out of religious instruction for their children in schools, as do school pupils when they reach 18 years. In practice, this right is often only partially vindicated at best. Will the Minister issue guidelines to ensure it is fully vindicated?

Deputy Richard Bruton: Under the Constitution and in accordance with section 30 of the Education Act 1998, parents have a right to have their children opt out of religion classes if they so wish. The manner in which any school ensures the right to opt out of religion classes is upheld is a matter for the school concerned. Each individual school must determine the particular arrangements which are most appropriate in its individual circumstances, having regard to local issues such as available space, supervision requirements and how the school concerned organises classes, etc.

The follow-up paper to the report of the forum on patronage and pluralism in the primary sector, which was published in 2014, outlines good practice and options for promoting diversity in all schools. The paper gives an overview of different types of arrangements schools have put in place to facilitate those pupils who wish to opt out of religious education. The paper encourages school authorities to consider their policies and practices and review whether they are taking the steps necessary to welcome all pupils and make them feel included. I understand that in the case of Catholic schools, the Catholic Schools Partnership subsequently published guidelines for Catholic schools regarding the inclusion of all pupils and that this also contains
suggestions on how such schools can manage the opt-out of religious education.

Difficulties could be avoided if, from the outset, a school’s arrangements for those students who do not wish to attend religious instruction are made clear to parents. In that regard, the programme for Government contains a commitment to publish new school admissions legislation taking into account current draft proposals. The previously published Education (Admission to Schools) Bill included a specific requirement that school enrolment policies must include details of the school’s arrangements for any students who do not wish to attend religious instruction. This is an important measure which will help ensure transparency from the outset as to how a school will uphold the rights of parents in this regard. It is my intention to retain this measure in the new legislative proposals. I have commenced a process of consultation and it is my intention to publish a new admissions Bill in the current Dáil session.

A crucial way of dealing with this issue is to provide additional choice to parents. In this regard, the programme for Government commits to increasing the rate of provision of multidenominational schools, reaching 400 by 2030.

Deputy Paul Murphy: We stand for the complete separation of church and State and for religious instruction to be carried out separately from schooling and entirely protected from any discrimination by the State. Leaving that aside for a moment, within the current framework, constitutional rights are not simply a matter for the schools concerned because the State has a role in vindicating and upholding constitutional rights. In most cases the response to people who express a wish that their children do not have religious instruction or do not have a particular type of religious instruction is problematic. There is no separation of religious instruction in State schools and children whose parents do not want them to participate in religious instruction often sit at the back of the classroom while religion is being taught where they hear and partially participate in the class. There are no set times during which parents can plan to remove their children from the school and there is no provision for separate supervision. Guidelines and instructions are clearly needed in this area.

Deputy Richard Bruton: We could consider this issue further. I understand the admissions policy will improve the position in that it will clarify the matter by requiring schools to set out their policy. If a schools policy were discriminatory, parents could pursue the matter through equal status legislation and they would also have redress through the Office of the Ombudsman for Children, which could investigate individual complaints concerning the actions of a recognised school. There are, therefore, procedures in place to address this issue.

The issue of ensuring religious instruction respects constitutional rights is one that is worthy of attention and I will examine it. A great deal is being done in this area. A Private Members’ Bill on this issue will be tabled later and I intend to publish legislation on school admissions. I plan to take a very active approach to this issue. The priority will be to develop a range of schools in order that parents can have their children educated in the ethos of their choosing.

Deputy Paul Murphy: While I welcome the Minister’s response, choice is not an alternative to equality. Children have a clear right to be educated and people have a right to freedom of religion. An increase in the number of multidenominational schools would be welcome, as would clarity on admission policies, but if choice is available only at the point at which parents choose schools, the position will remain problematic. Parents and students must be able to opt in or out of religious instruction, irrespective of what school the child attends. The fundamental point is that a direction should be issued requiring schools to separate religious instruction
from normal classes, as opposed to integrating it into the curriculum, and to provide it outside core hours. Parents could then opt to have their child participate in these classes as opposed to having a system from which parents must opt out, with all the complications such a system has, including the potential to isolate children from their peers.

**Deputy Richard Bruton:** The Deputy’s suggestion goes a good deal further. We must recognise that the Constitution protects the right of religions to run schools and provide for their religious ethos. Equally, parents have a constitutional right to choose not to have their children participate in religion instruction and their participation should be in a programme of values that does not make the child feel excluded from participation in the school. It is important that schools seek to deliver this right. At the same time, we must recognise that the Constitution protects religions and their right to organise their affairs. A balance must be struck and it is in the area of balance that I seek to operate.

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**Educational Disadvantage**

12. **Deputy Catherine Connolly** asked the Minister for Education and Skills if he will reinitiate the suspended delivering equality of opportunity in schools programme, given the necessity for it in particular areas and the disadvantage some schools which would qualify under the programme are experiencing; when he will complete his review; and if he will make a statement on the matter. [18291/16]

**Deputy Catherine Connolly:** My question relates to the DEIS scheme. DEIS stands for delivery of equality of opportunity in schools. When is the programme going to be reinstated?

**Deputy Richard Bruton:** As the Deputy is aware, the review of the DEIS programme is under way and it is my intention that a new action plan for educational inclusion will be published by the end of this year. I advise the Deputy that the current DEIS scheme has not been suspended but that changes to the current programme will not be made pending the outcome of the review.

The current DEIS action plan was published in 2005 and now provides support to 836 schools serving a total of 169,500 pupils. There are 103,000 at primary level and 66,000 students at second level. The DEIS programme has been implemented in partnership with schools and other Departments and agencies such as Tusla, which manages the home-school liaison and school completion programmes, as well as the Department of Social Protection, which is responsible for the school meals programme.

The review covers all aspects of DEIS, including the identification process for the inclusion of schools in the programme - the concern raised by the Deputy - the range and impact of different elements of the school support programme and the scope for increased integration of services provided by other Departments and agencies to improve effectiveness. As part of the review, targeted measures in several key areas will be considered. These include supporting school leadership, networks and clusters for DEIS teachers and schools, teaching methodologies, exploring ways in which the work of schools could be better integrated with other State supports within the community, and in consultation with the Minister for Children and Youth Affairs, Deputy Zappone, making greater use of the home-school-community liaison. My intention is that innovative measures such as these, which are shown to work well in improving results for disadvantaged children and students, can form pilot schemes under a new schools...
support programme.

The number of additional schools to be included in the new programme will be determined by a new identification process for this purpose which is currently in development. Subject to Government approval, it is intended to begin to implement actions arising from an updated plan in the 2017-18 school year.

**Deputy Catherine Connolly:** I welcome the reply but I am disappointed by it. I raised the matter with the Minister at a recent meeting and he clarified that it would be the end of the year. This represented some progress further to a question I tabled on 16 May. In the reply to that question, no deadline was given but the Minister has now given a deadline of the end of the year.

The DEIS programme has taken on no new schools since 2009. I am going to use my time to refer to the Merlin Woods primary school in the east of Galway city. I will set out the statistics for the school. A total of 85% of pupils come from non-English-speaking backgrounds. Approximately 25% of parents are lone parents and live in local authority housing. Up to 75% of the parent body is unemployed. The statistics go on.

A whole-school evaluation was conducted in June 2014 and gave superb feedback. However, the school is at breaking point. Those involved are trying to provide a school service without the benefit of the DEIS programme, although other schools in the area benefit from the programme. This is a clear breach of equality legislation. Will the Minister explain what is going to happen to that school pending his review?

**Deputy Richard Bruton:** The position is that we are now opening this process to new applications but only when we have a new process that can assess every school on an equitable basis. The Department is developing such a model. I hope it will be in force from the next school year. It will be a statistical model in the sense that it will use objective data from the census. As Deputy Connolly is aware, information is collected about people’s income and various aspects of their occupations and positions. This provides a useful snapshot of the school and the pupils. This, coupled with data on reading and numeracy skills, will be used in a clear way in order that people in every school will know they are being treated fairly. That is important because there has been considerable friction over why some schools were excluded and not others. We need objective criteria, and that is what this will deliver. A school like the one Deputy Connolly has described will be a priority for that approach.

**Deputy Catherine Connolly:** It is difficult to avoid the conclusion that DEIS has taken on no new schools to avoid spending extra money. I am unsure why it has taken so long. Some six years later, the evaluation still has not been carried out, yet when I look at reviews by the Department of Education and Skills inspectorate of national and international reports on literacy and numeracy, they refer to numerous reviews of DEIS, the evaluation of DEIS and so on. Appendix IV of one report refers to the achievements and characteristics of pupils attending rural DEIS schools in 2013. There are similar references for 2014.

Six years later why has the evaluation not been completed? When the Minister says it will be done in the next school year, could that be September of this year? Why is there a difficulty in carrying out the review? There has been six years of delay. There are many other schools like this one crying out for assistance. Could the new system be in place for September of this year?
Deputy Richard Bruton: The budget provision has been made for this year and includes 2,500 additional teachers and 860 additional special needs assistants, SNAs, in schools to provide support. There is a clear commitment to increase the support for education. The DEIS schools will be recipients of that support.

What we are doing now is reviewing the whole programme to see whether we can do better in DEIS schools. It has come into sharp relief that although there has been significant improvement in literacy and retention levels, DEIS schools have not succeeded in closing the gap with other schools. We need to look afresh. Are there innovations we could introduce? Are there new things we could do in terms of teaching methodologies, leadership in the schools or supports of one sort or another? That is what I am examining. That needs to be done. DEIS is not stationary. We do not leave it as it is for all time. We are doing a review. We will do the part that includes introducing new schools. More important, we will ensure we are not missing out on initiatives based on international experience that could bring better outcomes to these schools.

Deputy Catherine Connolly: I asked a question about whether it would be September this year or September next year.

Acting Chairman (Deputy Alan Farrell): Perhaps you could have a conversation afterwards, Deputy.

Deputy Catherine Connolly: My question was whether it would happen in September this year or September next year.

Deputy Richard Bruton: First, the evaluation is not complete so we are not in a position to complete that work. Moreover, the budget is committed at this point. The 2016 budget is already passed and the resources for deploying schools in September have been set.

School Accommodation Provision

13. Deputy Thomas Byrne asked the Minister for Education and Skills to set out the status regarding the achievement of a permanent site for a school, details supplied. [18242/16]

Deputy Thomas Byrne: The Minister will forgive me because I have tabled two questions with details supplied. I gather this one relates to St. Peter’s national school in Dunboyne, which is a Church of Ireland school. It is the first since the foundation of the State to be established. It is an important school but there is no permanent site. I know the Minister is aware of it. At this stage there are not many schools in the country without a permanent site, although many are looking for buildings. What is the position? Parents want to know. We are aware of commercial sensitivities but these commercial sensitivities have been quoted for a considerable period on this project.

Deputy Richard Bruton: The Deputy is right. This has had something of a chequered history. The project to deliver a new school building was included as part of my Department’s six-year capital programme announced in November 2015. The school is currently located in temporary accommodation. A potential site option was proposed by the school at an early stage in the process and, following assessment, was deemed to be suitable by the Department. The Department was willing to acquire this site, and departmental officials engaged in lengthy
negotiations with the relevant landowner. Despite the best efforts of my officials, however, the land acquisition was not concluded due to issues outside the control of my Department.

Officials from my Department worked closely since with officials from Meath County Council to identify an alternative permanent site for the school. A number of site options were identified. Each was investigated by my Department in conjunction with officials from Meath County Council. Unfortunately, in the case of all options identified either the land could not be acquired from the landowner or the site was ultimately considered unfeasible to develop.

My Department has since identified a further site which is currently available and has been deemed suitable on technical examination. My officials have initiated negotiations with the landowner with a view to acquiring this site as a final solution.

I appreciate that the process has taken considerable time. In this case, although the Department was willing to acquire a site and despite the resources and time deployed, the process has been protracted and several options have been pursued. Unfortunately, none has yielded a successful outcome.

The inclusion of the project in the six-year capital programme demonstrates my Department’s commitment to the delivery of a new school building for the school in question. I assure Deputy Byrne that my officials are working to acquire a suitable site as quickly as possible.

**Deputy Thomas Byrne:** Will the Minister give a timeframe? How long will this process be? How long will it take? We have all been aware of the process at local level. We are keen for this to be done as soon as possible. Certainly, I have no wish to interfere in the commercial side of the Department or put pressure there. In situations such as this and others that will arise as we need to build more schools in rapidly developing areas, the Minister will need to consider making greater use of compulsory purchase orders which have been used on a number of occasions for schools. He cannot just leave schools hanging. This has happened and should increasingly become part of the architecture of how we provide schools. If the Department can identify a suitable site, these powers are available and should be used. A school - a school such as this in particular - is a central part of the town. For the entire Church of Ireland community in south Meath, with its church, it is a crucial hub. We spoke earlier about school admissions and these schools must be protected. It is not enough for us just to speak about school admissions and protecting ethos, we need to invest in them to ensure they have the facilities they need.

**Deputy Richard Bruton:** It is encouraging that a suitable site has been identified. It is both technically suitable and available and negotiations have been initiated. Obviously, in a commercial situation I will not jeopardise it by seeking to identify timelines or deadlines, particularly given the history of disappointment.

The Deputy raises the wider issue of provision. In their planning of town development local authorities need to be more attentive to planning school needs. Our model only clicks in when the child is born and so on; that is what triggers provision. It is a good system in its own right. However, it would be helpful if local authorities that are planning housing and can anticipate the future need identified sites in their development plans.

I will ask officials to consider if CPOs should have a greater role than has been the case. It tends to be the nuclear option and can involve protracted legal disputes, as we have seen in other areas where they have been used. It is not an always a short and easy solution to issues. However, I will look at the issue.
Deputy Thomas Byrne: I would be slightly concerned about the Minister’s reference to the Department’s model clicking in when children are born. I presume there is an earlier process because, obviously, once houses are planned and estates developed, one can assume the houses will be filled to some extent with children.

Deputy Richard Bruton: That is an issue worth looking at. Obviously, the first tangible piece of evidence is when a child is born. That is a very reliable data source for the Department. A PPS number is issued and enters the planning system. The child concerned is still four and a half or five years away from enrolment. It gives a planning horizon. Generally, the Department has very large catchments which are moving at fairly predictable levels. It would look at trends in births in particular areas. I will certainly ask officials if we can do better. It is a good model and has been pretty reliable. The Deputy is right in saying the integration with the local authority and planning could be better. I will ask if we can do better in that area.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Light Rail Projects Status

Deputy Alan Farrell: I thank the Ceann Comhairle for selecting this issue and the Minister for his attendance.

Obviously, this issue concerning the delivery of metro north to Dublin Airport and the capital of Fingal, Swords, is very close to my heart. It is of the utmost importance that the Government continue to prioritise that which the previous Government recommenced following our economic difficulties. The people of Dublin and especially my constituents in Dublin Fingal have been waiting a very long time for the delivery of this critical infrastructure.

Dublin is the only capital city in Europe without a rail link to the primary national airport. The precursor to this was not the metro north project of the mid-1990s but the rail link proposed by An Foras Forbartha in 1972; therefore, it has been 44 years in the waiting. It is very important that the new Government restate its intentions to deliver this project. Notwithstanding Brexit and the fiscal space available to the Department of Public Expenditure and Reform, we should perhaps even consider fast-tracking it in some way.

I am pleased that the new metro north service, as approved thus far, will have a journey time of approximately 31 minutes. Residents in Malahide who are 9.9 miles from the city centre as opposed to 9 miles for residents in Swords can travel that distance in approximately 26 minutes on the railway. Therefore, for the metro service which will serve more stations and facilitate more people in travelling to and from Dublin Airport and between Swords and the city centre, a journey time of 31 minutes will be acceptable to all. I had set my own personal target of 35 minutes, which, I am delighted to say, Transport Infrastructure Ireland has beaten by four minutes.

The 2011 census identified Fingal as having population growth four times higher than that in Dublin city. In the past two censuses Fingal was recognised as the fastest growing youngest environment not just in the Republic of Ireland but in Europe. Without the timely provision of
the metro and the connection to Swords, an emerging city, the airport and the roads would be even more congested. Figures previously presented by TII suggested approximately 40 additional multi-storey car parks would be required in Dublin city centre alone to accommodate the growth in Dublin in the next ten to 20 years - I believe up to 2035.

I am glad that the new metro north service will have the potential to meet all of the capacity needs of Swords and Dublin Airport into the future. As the Minister knows, the Dublin Airport Authority is moving towards the delivery of a second runway and growth has now exceeded 25 million passengers on its single runway. One can imagine with the development in Swords and the airport’s second runway, if it proceeds on time, that we will see an increased requirement for capacity in getting people to and from Dublin Airport. Some 65% of Dublin Airport users get there by bus and given the growth in demographics in Dublin, we need to ensure the users of Dublin Airport are given alternatives to road-based transport.

I was very pleased to have been with the previous Minister for Transport, Tourism and Sport, now the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, when he made the announcement at Heuston Station. I hope the Minister, Deputy Shane Ross, will continue to engage with representatives from Dublin Fingal and the other constituencies along the proposed route in order to ensure the timely provision of this service.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputy for raising this very important issue which I know is close to his heart. He has been a very staunch campaigner on this issue on behalf of the people of his constituency and will continue to be until metro north is completed. I hope the date for its completion will be earlier than anticipated, but, obviously, I cannot make any promise because it is dependent on the exigencies of the financial situation which is permanently, particularly now, in a state of uncertainty and flux. I thank him for giving me the opportunity to debate this issue in the House. It will be regarded as an important debate and will give an indication of the Government’s thinking about what will happen in the future.

The programme for Government includes a commitment to proceed with the new metro north project and funding is provided in the Government’s capital plan, Building on Recovery: Infrastructure and Capital Investment 2016 to 2021, to facilitate construction of the link, commencing in 2021, with a view to delivery by 2026 or 2027.

It has long been accepted that there is a public transport deficit in the Dublin area generally and the Fingal area on the Swords-airport corridor, in particular. Fingal is one of the fastest growing areas in the country. As the Deputy mentioned, the 2011 census recorded Fingal as having close to four times the population growth rate of Dublin city and almost twice the population growth rates of the other council areas in the Dublin region.

Plans for the original metro north and other major projects had to be deferred in 2011 as a result of the collapse in the economy. The Government is pleased to be in a position to commence plans to provide a major public transport project along the crucial corridor from Swords and the airport to the city centre. Following consideration of the Fingal and north Dublin transport study by the National Transport Authority last year and the recommendations of the authority arising from the study, the Government decided that a light rail link running underground from St. Stephen’s Green through Ballymun, under the airport and on to Swords would be the optimum long-term public transport solution for this strategically important corridor. The funding constraints that applied when the capital plan was being developed and which continue to apply
mean that we are not in a position to deliver everything required immediately. Our first priority must be to ensure we maintain the existing transport infrastructure at steady-state levels in order that it remains safe and fit for purpose after the significant period of under-investment during the fiscal crisis. The funding being provided in the capital plan for public transport investment will see us reach steady-state funding levels by 2020. In addition, funding is being provided to commence critical transport projects such as the new metro north project to meet growing demand. As set out in the capital plan, it is expected that construction of the new metro north project will commence in 2021, with a view to delivery by 2026 or 2027. The estimated cost of the project is approximately €2 billion, excluding VAT. If additional funding becomes available in the next few years, the project preparations being made will position us to make progress with the project in line with available funding.

The revised metro north option being progressed is a more affordable version of the original metro north proposal that had been envisaged prior to the economic and fiscal crises. As such, it should provide greater value for money for the taxpayer. It is important to note that all of the essential components and benefits of the original scheme are being retained. I understand the main cost reduction elements will be a reduction in the length of elevated structure as a result of greater surface running in Swords, one fewer city centre station as a result of the replacement of the O’Connell Bridge and Parnell Square stations with a single station on O’Connell Street, shorter vehicles in line with lower passenger forecasts and smaller stations with shorter platforms to match the reduced length vehicles. The revised lower cost metro north will be a 16.5 km light rail line, with 8.5 km of the route running in a tunnel from St. Stephen’s Green to Griffith Avenue and under the airport. It is proposed to have 14 stops on the line - eight above ground and six underground.

**Deputy Alan Farrell:** I appreciate the Minister’s response which I had the benefit of reading in advance. I compliment the Minister and the Department on the level of detail in it. I never get this level of detail when I ask parliamentary questions and thank the Minister for it. I welcome his reference to the potential availability of further funds to accelerate the delivery of the metro north project. This may well occur with a little luck. The Minister hit the nail on the head when he spoke about linking with the spatial and planning strategies. The sustainable development of the north Dublin corridor is of paramount importance to Dublin City Council and, more appropriately, Fingal County Council which has many greenfield and brownfield sites to develop along the corridor. If the development goes ahead, the councils will have the ability to provide for a great deal of investment that will be of assistance in terms of job potential and community development in the coming years.

It is very important to recognise that the delivery of the metro north project is not just about getting people from A to B; it is also about creating communities and giving people in them the links to get from A to B. There is nothing worse for those living in the communities to which I refer than knowing it will take them 70, 80 or 90 minutes to get to Dublin city centre at peak times. That is the reality for people living in the north of the county and Swords. That is how long it takes to traverse the Malahide Road or the Drumcondra and Swords roads if one has to drive, which is the case in many of the examples brought to my office. While there are excellent bus services in the area in question, there is no comparison between a bus service and the service provided by a for-purpose singular vehicle when people are trying to get to and out of the city centre.

I noted with interest a couple of weeks ago the flying yet again by Iarnród Éireann of its kite about the provision of a heavy rail link to Dublin Airport. I ask Iarnród Éireann to allow
the policymakers to make decisions on transport infrastructure in this country. Those involved with the company should focus on driving their trains and planning their strategies to keep the network up to speed and allow the Minister for Transport, Tourism and Sport and his officials in the Department to get the job done.

**Deputy Shane Ross:** Hear, hear. I agree with the Deputy’s closing statement which we should all welcome on this side of the House. When State companies go walkabout, sometimes it is not particularly good for the general public. Representatives of State companies who engage in such behaviour are usurping the positions of politicians. I welcome what the Deputy has said and wish I had said it, but I am happy to agree with it.

The Deputy is absolutely correct when he says the proposed metro north project integrates well with spatial policies. I think that is the intention for the future of the project which integrates well with the existing and proposed public transport network of Dublin city. The National Transport Authority and Transport Infrastructure Ireland have commenced preparatory work on the planning and design of the new metro north project. A dedicated project steering group has been established. If additional funding becomes available in the next few years - I am not saying whether it will - the preparatory work being done will position us to make progress with the project in line with the available funding. I am trying to hold out some hope without making promises. The Government is committed to providing a metro link on the corridor from the city centre to the airport and Swords. This is clearly set out in the programme for Government and funding has been allocated for the preliminary planning and design of the project. It is envisaged that construction will start during the lifetime of the current capital plan, with the metro to become operational by 2026 or 2027. Metro north will be a vital piece of national infrastructure. It will respond to the needs of the emerging economy in the medium term and cater for the longer term public transport needs of this strategically important transport corridor.

**Hospital Staff Recruitment**

**Deputy Anne Rabbitte:** I do not need notes to talk about the deficiencies in paediatric diabetes services in County Galway because I have been harping on about this issue since I came into the House at the beginning of April. I am pleased that I will receive a reply from the Minister of State at the Department of Health, Deputy Marcella Corcoran Kennedy, today. Given that six months have passed since the launch of the new model of care for children with diabetes, I would like to know when the post at University College Hospital Galway will be filled. The need for the vacant paediatric diabetes specialist position at the hospital to be filled cannot be underestimated. Children in the region who are encountering serious delays in accessing specialist treatment have to go to Limerick or Dublin to avail of these services. The families agree with me that it is unacceptable that treatment is not being made available in Galway to children with a particular form of type 1 diabetes that requires them to use an insulin pump. It is disappointing that even though changes are being made under the new model of care launched last December, this service is still not available, six months on.

The Minister of State might not be aware that a contract has issued for a person to fill the vacancy I have mentioned. Believe it or not, the person in question will not take up the post until February or March next year. When I previously tabled a parliamentary question on this matter, in fairness to it, I received an answer from the hospital in Galway. I cannot understand why contracts are issued to people who are not in a position to take up the posts to which the
contracts apply. Perhaps the Minister of State might explain the reason to me. Why do we issue contracts if we do not have the funding to pay for the posts? It seems that parents have waited for almost five years for this announcement to be made. Four women attended my clinic in Loughrea recently about this matter. One woman, from Oranmore, has to attend Limerick University Hospital with her seven-year-old. Another, who came all the way from Headford to meet with me, travels two and a half hours to Limerick for the service. One woman is waiting, with bated breath, to get her ten-year-old into the service. Another woman from Claregalway who has a 14-year-old daughter is travelling to Dublin for the service.

Their concern is that if they have an emergency, the files are not held in the Galway emergency department that they would have to attend. While they are only 40 minutes from the Galway hospital, their children’s files are not held on the campus. One woman told me that, in the case of an emergency, she would take the chance of travelling to Dublin. In this day and age, chances are not good enough.

I attended the diabetes conference in the AV room last week which was an outstanding event. However, I heard Limerick University Hospital is struggling, down to half a post. Now, the west and the mid-west are under serious pressure. Will the Minister of State explain what plan is in place to deal with this? These parents are not happy with the way things are. If I were a parent in such a position, I would not be happy either. I would think our health service is failing our youth.

With high blood sugar levels, hyperglycemia, or low blood sugar levels, hypoglycaemia, time is of the essence. However, accident and emergency services in Galway are under pressure. It is not acceptable that there is no consultant in Galway to look after children with diabetes, particularly in emergency cases.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):**

I thank Deputy Anne Rabbitte for raising this issue. From her contribution, one can hear how informed she is about it and how passionate she is in assisting the parents who have approached her about it.

Children’s needs should be at the centre of what we do and how we look after them. Parents and families face many challenges in caring for their children with diabetes. I acknowledge that this is not easy.

Galway University Hospital serves as a regional centre for the delivery of diabetes, endocrine and related services to the population of the west. A consultant paediatrician with a special interest in diabetes has been recognised as a priority post for the hospital. A consultant has been appointed. However, the successful candidate is overseas and, owing to prior work commitments, is expected to take up post in March 2017. While every effort is made to offer the patients an appointment at the hospital as close as possible to where they live, there are instances where local hospitals do not have the necessary capacity. In this instance, patients are offered care at an alternative hospital in either the public or independent sector.

There is an arrangement in place with Limerick University Hospital whereby all infants and children with newly diagnosed diabetes under five years of age are referred for specialist services. This will continue until the new postholder starts work. The Saolta hospital group advises that it is seeking to recruit a locum consultant in the intervening period. Also, in the Saolta hospital group region, an insulin pump therapy service for children in the north west
is in place at Sligo University Hospital, with outreach clinics being delivered at Letterkenny University Hospital.

At a national level, a new model of care for paediatric diabetes was launched by the then Minister for Health, Deputy Varadkar, last December. This model of care was developed with expert input in line with international evidence. The consultation process also involved diabetic representative organisations, children with diabetes and their parents. The model proposes to organise paediatric diabetic care around integrated practice units, which will consist of one centre of reference while several additional units will undertake all forms of diabetes care. Tertiary care and insulin pump therapy will be provided to children of all ages by a multidisciplinary team. Additional units attached to the centre will support the delivery of services locally acting under the umbrella of these integrated practice units.

Full implementation of the model of care by the HSE will take place over the coming years. This model of care will improve access to and the quality of care for affected children by reducing acute and chronic complications associated with type I diabetes. It will also improve the quality of life for children and families by optimising diabetes education, carbohydrate counting and insulin pump initiation.

The Department of Health will continue to work with the HSE to ensure the service needs and waiting times in this area will be addressed.

**Deputy Anne Rabbitte:** While I accept the Minister of State’s reply, regrettably the frustration for the parents and the families in question is that the post, which was advertised, has not been filled. Whatever way we look at it, it looks like it will not be filled until March 2017. When I said I would raise the issue on behalf of the parents, their only ask of me was if there was any way the post could be filled in 2016. It is my second time asking the question but I am getting the same answer, essentially March 2017.

Will Limerick University Hospital be able to deal with the extra capacity? Listening to what was said last week in the AV room, it would seem the post at that hospital is under pressure. My concern for the family travelling there from Galway is that this is a service available every second week. I appreciate there is a service in Sligo University Hospital and the people in the north west are quite happy with it. However, the people in the west feel isolated and rejected.

It is also important for me to acknowledge the hard work done by the specialist nurse in Galway University Hospital. By all accounts, she seems to be keeping the whole show on the road but she needs a little more support.

I am glad the Minister of State acknowledged what it does to the families in question, namely, a day off work and a day out of school. While we acknowledge all they are doing, it is little comfort to them that nothing will happen before March 2017. Will Limerick University Hospital be able to cater for the needs of those patients from Galway? Is there any way that, if there were a chronic emergency with one of these patients, through IT systems they could be treated at Galway University Hospital?

**Deputy Marcella Corcoran Kennedy:** Every effort is being made to appoint a locum in Galway in the intervening period until the person who has accepted the post can take it up in March 2017. That is the good news.

The question was specifically on Galway, so I do not have a specific response about the is-
sues the Deputy raised about Limerick’s capacity. I will certainly find out for her. As soon as I have it, I will forward it to her. We do not want people having concerns about the availability of the service required by the children in question.

**Personal Injury Claims**

**Deputy Jim Daly:** The justice system works under the premise that justice is not only to be served but has to be seen to be served. There is disquiet among the people I represent, and no doubt among the people represented by the Minister of State, Deputy Stanton, and other Members, about rising insurance premia. It is not until such time people feel it in their pockets that they look around to see what is causing it. People are astute and quick to get to the bottom of things. There is particular disquiet around the perceived largesse of the awards coming from the courts in personal injury claims. I am well aware of the separation of the Judiciary and the Legislature. However, it only adds further fuel to people’s concerns about whether anybody is watching this or if anyone is in a position to do anything about it.

Is anything being done about the level of awards and the massive amounts that appear to be awarded in the Irish courts on a daily basis? We only get a flavour of it in the news. A hotel owner made a very valid point to me recently in regard to a newspaper report of a €70,000 award to somebody who had slipped and cut their face. In the same court, on the same day, a person who had assaulted somebody got the Probation Act. His point was that the message this was sending was that if he assaulted somebody, he would get away with it, but as a manager of a hotel with responsibility and a duty of care, doing the best he can, he might have to pay €70,000 if somebody had the bad fortune to slip on his premises.

To be fair, it is more than a perception. It is time this House examined the legislation in order to rebalance liability. The day seems to be gone where people have a genuine responsibility for their own welfare. People seem to dream lotto numbers when, as some would see it, they have the good fortune to have a slip on someone else’s premises. Despite all the health and safety, and the measures taken by owners and managers, particularly owners of public establishments, they have seen massive increases of 60% and 70% in their insurance premiums in the last year. Nobody is talking about this, whereas motor insurance has received a lot of attention.

People rightly ask questions about the awards. For example, an award for whiplash is typically €15,000 but, if it happens in England, it is £5,000, or that is what applied before it chose to leave the EU. I wonder whether the courts have become a bit trigger-happy. I accept the separation of the Legislature and the Judiciary applies to the apportioning of blame and to who is right and who is wrong. However, we can legitimately question the amount of the awards as it has nothing to do with the separation of powers. We should examine how much money is being awarded in the courts and on what basis.

I want to explore with the Minister, Deputy Fitzgerald, the possibility of bringing in legislation to rebalance liability and to ensure there is a personal responsibility and an onus on people. I ask whether this House can do something about the two issues of rebalancing liability and putting a check on the amounts being awarded in the courts, in order to ensure people are not being tempted to pursue claims.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank Deputy Jim Daly for raising this subject, which affords me, on behalf of the Minister for
Justice and Equality, Deputy Frances Fitzgerald, the opportunity to inform the House of recent developments in this area. The Minister has asked me to make it perfectly clear at the outset of this debate that the courts are subject only to the Constitution and the law, and are independent in the exercise of their judicial functions. The conduct of any court case, including the determination of liability between the parties to an action concerning a personal injury, is a matter entirely for the presiding judge and the Minister has no function in this matter.

That being said, I wish to draw the Deputy’s attention to a number of initiatives in the general area of compensation for personal injury. The civil liability (amendment) Bill is currently being drafted. The Department of Justice and Equality has undertaken an intensive policy analysis and consultation process with the Department of Finance, the Department of Public Expenditure and Reform, the Department of Jobs, Enterprise and Innovation, the Department of Health, the Office of the Attorney General and the State Claims Agency in the development of these legislative proposals, with the objective of designing legislation which could cover all instances of catastrophic injuries and not just those arising in respect of State defendants.

The components of the proposed legislation are as follows: the court would have the possibility to make periodic payment orders for catastrophically injured plaintiffs who require life-long care and attention; the decision to make a periodic payment order would be at the court’s discretion, following consultation with the parties and having considered the needs of the claimant; payments would be indexed to the Irish harmonised index of consumer prices and reviewed at five-yearly intervals; the periodic payment orders could be changed at specified times to accommodate changes in the plaintiff’s circumstances, such as the move into full-time education; and the existing limits in the insurance compensation fund would not apply in cases of periodic payment orders and, consequently, where an insurance company became insolvent, the full amount due to a periodic payment order plaintiff would be paid in full from the insurance compensation fund. Work is progressing well on this Bill and the Minister expects to be in a position to publish the draft Bill in the next session of the Oireachtas.

In addition, the Legal Services Regulation Act 2015 includes provisions relating to the making of regulations for pre-action protocols in cases of clinical negligence actions. Work has begun in the Department of Justice and Equality on framing these regulations, which are aimed at encouraging timely communications between parties and the early resolution of such actions. The Deputy may wish to note that the Legal Services Regulation Act also contains a number of measures relating to legal costs, including the following: the establishment of a new Office of the Legal Costs Adjudicator to replace the existing Taxing Master’s office; the introduction of new rules relating to the charging of types of fees by legal practitioners and advance notification of costs to their clients; and the introduction of a system of public complaints about all legal practitioners, including complaints as to costs, which are to be dealt with for the first time by an independent statutory authority, the new Legal Services Regulatory Authority.

The mediation Bill, which is currently being drafted in the Office of the Parliamentary Counsel, will introduce an obligation on solicitors and barristers to advise any person intending to commence legal proceedings to give consideration to using mediation as an alternative means of resolving disputes. It is intended that this will help to reduce recourse to the courts, as well as the costs and delays which may arise during court proceedings. The Bill will also provide that a court may, following the commencement of any such proceedings, on its own initiative or at the request of a party to the proceedings, invite the parties to consider mediation as an alternative option and suspend the proceedings to facilitate that process. The Minister expects to be in a position to publish this long-awaited Bill early in the next session.
In addition, the Minister understands that the then Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, met with Mr. Justice Peter Kelly, President of the High Court, on 29 January 2016. The purpose of the meeting was to discuss the current review of the book of quantum. It is understood the Personal Injuries Assessment Board hopes to have the revised book of quantum ready as soon as possible. It should be noted that the book of quantum is not a recommendation for compensation levels but rather a reflection of the prevailing level of awards, that is, compensation values awarded by the courts, settlements agreed by the insurance industry, settlements agreed by the State Claims Agency and settlements agreed through the Personal Injuries Assessment Board process.

To conclude, I want to reiterate my opening statement that the determination of liability between the parties to an action concerning a personal injury is a matter entirely for the presiding judge. The Minister believes that the separation of powers between the State and the Judiciary is a fundamental feature of the judicial system in this country and should remain so. The Minister has no plans at present to legislate for rebalancing liability between parties to an action concerning a personal injury.

Deputy Jim Daly: I thank the Minister of State for his response, although my fears are not allayed much further. We can all have a hands-off approach and I believe we are overly exercising the hands-off approach because of the separation between the Judiciary and the Legislature, of which I am well aware. As a House, we have an obligation in this regard. I am not suggesting for a second that anybody in the House gets involved in apportioning blame and deciding who is responsible for what - that is the job of the Judiciary. However, the law of the land is set by this House and, therefore, there is an onus on us, the Members of this House. I ask the Minister to review her approach, which is not to bring in legislation regarding the rebalancing of liability. It is an issue we should debate in the House. I believe legislation is necessary and that it would be of assistance to the courts, given we have become a bit trigger-happy, as I said earlier, in regard to the amounts of money that are being awarded. There is a lot of what many ordinary people on the street would call nonsense happening in the courts, with people making a lot of money out of a little misfortune. There is an onus on the House in this regard.

In that vein, I respectfully ask that the Minister of State, Deputy Stanton, would go back to the Minister, Deputy Fitzgerald, to get the answer to three questions. First, can the sum of awards made in the Irish courts for each of the past five years be provided to me by the Courts Service, if it is possible to get that information, to see whether there is an increasing trend? Second, what reviews or benchmarking exercises are being undertaken by the Department to compare and contrast the awards in this jurisdiction with other jurisdictions? Third, will the Minister of State, Deputy Stanton, tell the Minister, Deputy Fitzgerald, that I earnestly ask that she review her decision not to introduce legislation, and that she would consider the introduction of legislation to rebalance liability in the case of personal injury?

Deputy David Stanton: I am dealing with this issue on behalf of the Minister, Deputy Fitzgerald, and I again thank Deputy Jim Daly for raising it. I have taken note of the three questions he asked and will forward them on and try to get the information to the Deputy as soon as possible. I pointed out that the civil liability (amendment) Bill is currently being drafted and should make a difference, the Legal Services Regulation Act is coming into force and the mediation Bill is also being drafted.

The Deputy has made a number of points regarding the rebalancing of liability between parties, and I will bring these to the Minister’s attention. The Deputy will no doubt take note of
the many initiatives in the area which I have already outlined. It is important to stress that the doctrine of the separation of powers constitutes the basic framework of the Constitution and an incursion by one arm of Government into another’s area of competence and authority is not and should not be tolerated. The Deputy has agreed with this and made the point on a number of occasions. The determination of liability between the parties to an action concerning a personal injury is a matter entirely for the presiding judge and should remain the responsibility of the Judiciary. The other initiatives that are on the way should help the points the Deputy has made and we will bring his message to the Tánaiste and Government.

**Industrial Disputes**

*Deputy John Brady:* I am grateful for the opportunity to address this important issue not only for my constituents but also because of its wider implications for child minding in the State. The Minister of State may be aware of an ongoing dispute between Childminding Ireland and four IMPACT trade union members in my constituency of Wicklow. Unfortunately, the situation has escalated since I submitted this Topical Issue matter.

The four members have been on strike since 7 June 2016 but things have moved on slightly since I tabled this matter. Negotiations have commenced between the union and Childminding Ireland but there are some issues that still need to be raised here. The dispute arose because compulsory redundancies were notified to staff without prior consultation between Childminding Ireland and the IMPACT members in questions despite the fact that Childminding Ireland is not experiencing any financial difficulties and has produced no business case to justify these losses. The reason given by Childminding Ireland for these compulsory redundancies is that they are part of restructuring going on within the organisation. It is unclear to the staff involved why these redundancies are necessary under the restructuring. The Minister of State might have an update on the matter.

Four IMPACT trade union members have been on strike since 7 June at Childminding Ireland headquarters in Kilcoole in County Wicklow. Last week, those IMPACT members handed a letter to the Minister, Deputy Katherine Zappone, in her office in the Department of Children and Youth Affairs asking her to get involved because substantial State funding goes to Childminding Ireland. Some €360,000 is administered through Pobal to the organisation. The IMPACT trade union members asked the Minister to get involved to encourage Childminding Ireland to address the issue through the recognised structure - the Workplace Relations Commission. While Childminding Ireland has entered into talks with IMPACT members in recent days, a conclusion has yet to be reached. I welcome the talks between the IMPACT members and Childminding Ireland through the WRC and I hope there will be a successful conclusion.

Does the Minister of State have some answers to my questions? Will he clarify if the Minister, Deputy Zappone, used her office to put pressure on Childminding Ireland to engage in the recognised structure - the WRC - which is where this dispute should have been dealt with in the first place? Will the Minister of State clarify if the Minister, Deputy Zappone, had any contact with IMPACT? Why was this allowed to continue from when the staff first went on strike on 7 June until last Friday, 24 June, when negotiations commenced? Three weeks went by before Childminding Ireland began to engage with the relevant bodies. Will the Minister of State clarify the reason for this?

*Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat*
Breen): I thank Deputy Brady for raising this important matter and giving me an opportunity to respond. Ireland has a robust suite of employment rights legislation which offers extensive protection to employees. Those protections include the Protection of Employment Acts 1977 to 2007, which provide for a process of information and consultation between the employer and employee representatives in circumstances where a collective redundancy is proposed. There is also the Minimum Notice and Terms of Employment Acts 1973 to 2005 which give employees entitlements to specified notice periods or payment in lieu of such notice. There is the Payment of Wages Act 1991 which protects outstanding wages, holiday pay, commission and bonuses. In addition, the Redundancy Payment Acts administered by the Minister for Social Protection provide a minimum statutory redundancy payment.

The WRC, which Deputy Brady mentioned, is mandated to secure compliance with employment rights legislation. The WRC customer service section provides information on employment, equality and industrial relations rights and obligations and how to obtain redress where appropriate. Staff from the information unit of the WRC are available to meet with staff individually or collectively to discuss their employment rights, including matters related to redundancy. The WRC customer service section can be contacted at 1890 808090 and the website workplace relations.ie also provides extensive information on employment rights. It is very important that the WRC provides that information.

The dispute at issue arose from the redundancy of a number of staff members due to the restructuring of the organisation. The parties are currently engaged with the WRC in an effort to resolve the dispute. Even the most intractable of disputes are capable of being resolved when both sides engage constructively and in good faith in a voluntary process. The principle of good faith implies that both sides in a dispute make every effort to reach an agreement and endeavour through genuine and constructive negotiations to arrive at a conclusion that is satisfactory to all concerned. Ireland’s system of industrial relations is essentially voluntary in nature and responsibility for the resolution of industrial disputes between employers and workers, whether in redundancy or in collective disputes, rests with the employer, the workers and their representatives. The State provides the industrial relations dispute settlement mechanism to support parties in their efforts to resolve their differences. I urge both parties to continue this engagement in order to find an acceptable resolution to this matter.

Deputy John Brady: I thank the Minister of State for outlining what members of the union are acutely aware of. The union members have been trying to get Childminding Ireland to engage with them through the WRC and that is where the problem has been since the beginning of this industrial action on 7 June 2016. They are aware of what is there to help resolve the dispute but the problem is that a body that receives €360,000 in State funding blatantly ignored it for three weeks. These staff members are effectively locked out of their place of employment in Kilcoole. A body in receipt of substantial State funding failed to engage with the WRC.

I asked two specific questions about whether the Minister who has responsibility, Deputy Zappone, used her influence to exert pressure through her Department on Childminding Ireland to engage with the WRC to end this dispute with the staff members. It also raises broader issues on child minders. There are many low paid workers in that type of work and there is a lack of funding from local authorities and Government which has led to this type of dispute. There are far too many disputes like this one involving exploitation of employees. There are bodies such as Childminding Ireland which are blatantly disregarding approved bodies that are there to deal with these workplace relation issues. The Minister, as far as I can see, has not used her influence whatsoever to encourage Childminding Ireland to get in there and deal with the issues.
that are before it. I do not know whether the Minister is able to answer that couple of specific questions.

Deputy Pat Breen: I repeat that Ireland’s system or addressing industrial relations disputes is voluntary in nature and the responsibility for the resolution of industrial relations lies ultimately with the employers, the workers and their respective representatives. I agree with the Deputy that disputes like this are regrettable for the parents involved. However, the restructuring and the current dispute is an operational matter for the employer and the board of Childminding Ireland. The Deputy asked about the Minister using her influence. I think it would be inappropriate for her to interfere in such matters.

While I have no direct role as the Minister of State with responsibility for employment and labour affairs in this matter, the dispute is with the Workplace Relations Commission, WRC, which is actively involved here. I must tell Deputy Brady that the WRC is the most professional group I have ever encountered here. We have put in place a world-class system for fast and effective resolution of workplace relations. I call the WRC a one-stop shop which deals with all disputes and workplace relations.

In addition, the WRC also has a role in terms of advising workers of their rights and statutory entitlements and ensuring that the employer is compliant with employment rights legislation. I believe the dispute is at the right place at the moment with the WRC. As I said to the Deputy earlier, I encourage all parties to be actively involved. The Deputy has seen disputes out there that he thinks cannot be resolved, but when it comes down to the talks of the WRC in which everybody is involved, there is reason for compromise and work.

The WRC is independent and we have to let it do its work independently. It would be inappropriate for me to comment on company-specific matters at this stage. Let us wait and see what the WRC and the parties involved will come up with. The WRC was established in October 2015 and it has done a very good job so far in the disputes and the relations with which it has dealt. Let us wait and see. We urge all parties involved to ensure that there is a successful conclusion to this dispute in the interests of the child-minding facilities, the parents and the children involved.

Water Services (Amendment) Bill 2016: Second Stage (Resumed)

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

Deputy Ruth Coppinger: The reason I hesitated in beginning my contribution on the Bill is that, according to the new leader of the Labour Party, Deputy Brendan Howlin, during Leaders’ Questions this morning, there is a doubt as to whether we can even be discussing this Bill. According to Deputy Howlin, it is potentially unconstitutional because the EU Commission has declared, in its opinion, that Ireland does not have an exemption from water charges and has an established practice of recouping the charge for water. I just wanted to check that it was okay with the Minister for the Environment, Community and Local Government that we proceeded.

It brings out the farcical nature of this Bill and of this whole charade by the Government. If EU law overrides Irish law, as Deputy Howlin is trying to contend, I wonder how seriously the Minister and the Government are going to take the issue of fighting the EU Commission on this. Or, as I suspect may be the case in nine months’ time when the commission that is being set up
deliberates, is this designed to take the steam out of the anti-water charges campaign and movement and to look for new ways to try to bludgeon the people into submission, using the EU ruling to do so in the process? If that is the case, I warn the Minister that under no circumstances are the people who became very exercised and activated on the issue of water charges going to allow that to happen. The fact that a democratic decision taken by the electorate in February to elect 70% of TDs who made a declaration to oppose and abolish water charges is going to be ignored by the EU Commission says it all about how the EU is behaving lately.

I turn to the Bill itself and to the Minister’s speech made on Friday. The first thing for people who are watching this Bill to note is that this Bill keeps and maintains Irish Water intact. Irish Water is currently outside the terms of this Bill. That may be familiar territory to Members in the House, but people outside might be surprised by that. This is effectively the first broken election promise by Fianna Fáil, which had posters across the length and breadth of the country about abolishing Irish Water and which has instead opted to maintain it. We could be discussing a Bill now about abolishing and burying Irish Water but we are not.

The second key issue is that the Bill is silent on water metering. I ask the Minister to agree to amend the Bill and insert a provision to the effect that water metering will be suspended and ended for the duration of the process in this Bill. By anyone’s standards, the idea that metering is taking place in housing estates as we speak, when we in here are debating whether to suspend water charges, is ludicrous. If the Minister is serious about listening to people, he should agree to amend that in the next Stage of the Bill. It is a complete and utter waste of money that €500 million is being spent on a metering programme that nobody ever asked for or wanted.

The Government keeps telling us it is serious about conservation. I draw attention to a section of the Minister’s speech from Friday and to the legacy of successive parties - Fianna Fáil, Fine Gael, the Labour Party, the Green Party and the Progressive Democrats - who were in power for the last number of decades. I quote the Minister’s own words: “We are guilty of having underinvested in water infrastructure and services for decades”. It goes on about “often financially constrained circumstances”. We were not financially constrained in the 1990s or the 2000s. I was on a council, as I am sure other Members present were, during the period of the biggest building programme in this country. In Fingal County Council, for example, most of the housing - at least 50% of it - was built during this time. None of the recommendations of councillors from the left or of environmentally-concerned councillors was taken on board by councillors of Fine Gael or Fianna Fáil. There could have been a whole raft of water conservation measures in those new homes. These parties should really stand indicted for their lack of investment.

The other issue in the Minister’s speech is an acceptance that there was not enough debate on the previous water services Bill, which is obviously welcome. There was a clear bias in the Minister’s speech when he spoke of those who want water services to be funded by the Exchequer and how they must essentially realise that water in that case is “competing with hospitals, schools, roads and other services for budgetary allocations”. There is another option. Just for a change, the Government could look at taxing the significant amount of wealth and profit of big business in this country. The Minister and his party consistently say that people on the left who oppose water charges have offered no alternatives. I am about to offer the Minister at least five of them.

The first alternative is to stop opposing the EU Commission on one issue on which I do support it: the idea that Apple, one of the largest companies on the planet, ought to be pursued by
the Government for back taxes it owes this country of an estimated €17 billion to €19 billion. That is one suggestion. If we were to do this, we could fund many water pipes.

My second suggestion concerns a millionaires’ tax on income above €1 million. It would allow people a fair degree of spending power. Let us start there. These are just basic ideas to show where there is wealth. If we were to impose a 2% tax on all income above €1 million, we could bring in €2.7 billion. The European Commission has recommended that the Government introduce a financial transactions tax; however, the Government picks and chooses which of the European Commission’s recommendations to which it should listen. It could raise €500 million if it introduced a minimal financial transactions tax, or €1 billion if it was to introduce a more moderate one.

How about enforcing the headline corporation tax rate at the effective minimum rate? That would bring in €2 billion this year alone, which would go a long way towards funding the water infrastructure we need. How about a 10% increase in the effective rate of income tax paid by the top 10% of earners? Again, it could bring in €2.7 billion. We could introduce a change in the rate of employers’ PRSI towards the EU average. I am not suggesting we go above it. It would raise billions of euro every year. These are just some of the new ways by which we could increase the so-called fiscal space and enlarge the pie significantly in order that we would have money and would not be competing with hospitals, schools and all other services.

There are other sources of finance in the country which are seldom mentioned. The Ireland Strategic Investment Fund which others and I have highlighted has €5.4 billion in cash which should be used to build houses for the 140,000 families on housing lists. The National Asset Management Agency has €2.4 billion in cash. Could we use some of it to fund water infrastructure? The Irish banks which were bailed out at huge cost by Irish families have €6.5 billion more on deposit than they have given out in loans. Could we ask them to supply some of it?

Although there are major sources of funds, the Government and Fianna Fáil have their minds fixed on making ordinary workers and families pay water charges, but there are other ways. It is often said the Opposition does not propose alternatives. I have just given approximately six and would love the Minister of State to comment on some of them.

Deputy Bríd Smith: In a matter of a weekend and a day a range of issues have come to the fore that will have surprised and not surprised the Irish public. A very interesting series of attempts to cover up and support each other is happening between the Government and the European Union at the same time as the discussion on Brexit and the question is being asked why ordinary people would vote to leave such a great, kind and democratic institution as the European Union. For us, it circles around the Bill and water charges. It is no surprise that we face another suspension. Fianna Fáil has introduced a great act into the body politic, whereby it will back up the Government, pretend to be in opposition and suspend everything the Government wants to suspend in order to take the heat out of an issue. It did exactly what the Minister, Deputy Simon Coveney, desired to do regarding bin charges, which was to avoid more demonstrations and more feet on the street. The Minister said in the House that we did not need another movement on the streets against bin charges. The Bill attempts to suspend water charges and kick them into a commission of investigation, not to do what Fianna Fáil promised the people, which was to abolish them.

This has been said many times. The more interesting issue was teased out in the newspapers, the media and the body politic over the weekend, namely, the revelation that the Govern-
ment was using the European Commission as a fig leaf to allow it to insist on maintaining Irish Water, threaten the public and push through water charges in some form. Marian Harkin, MEP, and Lynn Boylan, MEP, have done a great job in exposing, through a series of questions, how the issue was used as a fig leaf. By following the logic of the questions asked and the answers given, one can see that the Water Framework Directive was introduced by the European Union in 2000 and signed off on by the Irish Government in 2003 to 2004.

The European Commission was asked what it saw as “established practice” in charging for water. It stated it depended on what the Government was doing when it adopted the directive in 2003 and 2004. At the time, our practice was not to charge for water. In the reply to another question submitted by Marian Harkin, MEP, the European Commission took the view that “established practice” referred to the point in 2010 when the Government indicated it would introduce water charges. The European Union is changing its tune. In one response it was said “established practice” referred to what the position was in 2003, while in another it was said it referred to what the position was in 2010. This is entirely to suit the agenda of the Government.

There is a great relationship between the European Union, Fine Gael and the “Endapendents”, backed by Fianna Fáil, with the intention of trying to hoodwink and fool the population. It will not work. Suspension or no suspension, what has happened here has been another display of outrageous contempt for the democratic will of the people. All the Government is doing is providing a cover for a corporate agenda, multinationals and regressive charges which put the onus back on ordinary people. As Deputy Ruth Coppinger pointed out, there are many ways to skin a cat; there are many ways to skin the corporate cat which is getting away with murder.

There is a contradiction in Fine Gael’s statements. When asked about the European Union’s possible attempt to force Ireland to increase its corporation tax rate from 12.5%, Brian Hayes, MEP, emphatically responded that if the European Union was to attempt it, we would pull out. Whether the rest of the party stands over this, it is the statement of the MEP for Dublin on Fine Gael’s position on the raising of the corporation tax rate. Increasing the rate of corporation tax is a spectre, but imposing regressive taxation on the least well-off is not. The vast majority of people have shown, by putting their feet on the street, voting, being willing to resist bullying and even going to court and prison that they are determined to ensure further austerity will not be imposed on them in the form of water charges.

There are many other ways to pay for water through progressive, not regressive, taxation. When the Government states it is giving more of the same, we must say it is not fooling the population. One can fool some of the people some of the time but not all of the people all of the time. If the Government does not show respect for the dead - water charges must be dead - it must be shown how to respect the dead. To that end, the population will have to take to the streets again. The Right2Water movement will meet on Monday with a view to organising further mass demonstrations. This is in response to the nonsense about whether the EU directive applies to water charges, the contradictory nature of the answers we are receiving and the clear attempt by the European Union to bully the Irish people.

One would think the economic bullies of Europe who are trying to force the Transatlantic Trade and Investment Partnership down our throats and privatise everything that moves in the interests of corporate and global multinationals would have learned from what the people of Britain said in response to the question of whether they wanted to remain in or leave the European Union. They have not learned. Instead, they are trying to shove more bullying tactics down the throats of ordinary people, but it will not work. People are wise to them. There will
be more people back on the streets and further opposition and it will come back on Fine Gael and those in this House who made false promises to the people and are reneging on them. We must totally reject the contents of the Bill and show that we are prepared to resist bullying by the European Union inside and outside the Chamber.

Deputy Joan Collins: I wish to share time with Deputy Connolly.

I questioned what I would say on this Bill because many of us in opposition who support the Right2Water campaign have to question whether we support the legislation because it is a farce. I do not reckon that the EU is working hand in hand with national governments on these issues, yet five days after the vote for Brexit because of the arrogance and the contempt of the 1% in the EU political class, it issued a statement about Ireland that it would be in breach of the Water Framework Directive because water charges are the established practice in the country. That arrogance will come back to bite the Union and the Government parties. When water charges were introduced, I recall a picture of Phil Hogan standing with a smug smile on his face holding a glass of water saying, “You will pay for water.” That is imprinted on the minds of everybody opposed to these charges and austerity. They said, “No way, we won’t pay.” They also said they would not accept them and this was the straw that broke the camel’s back.

Then Deputy Alan Kelly brought in legislation a year later saying he had listened to the people and water charges would be reduced, but we pointed out that was not what the people were saying. They were saying, “No way, we won’t pay.” In the general election, the democratic will of the people was to elect more than 90 Members who oppose water charges with a sizeable number of us prepared to vote against the current water charge regime. Fianna Fáil issued a jingoistic response. Party candidates clearly stated during the campaign that they opposed water charges and they would oppose them in the Chamber. They then came up with a half-baked proposal to set up a commission of inquiry to sit for nine months with a report to be sent to the House. The majority of us oppose this and it will be defeated. In the meantime, the Minister of State with responsibility for European affairs, Deputy Dara Murphy, stated, “I think it is up to us in politics to convince people, that there is merit in having a fair, balanced, limited scheme for charging for water... That achieves the ambition and that reduces waste of water and guarantees we have a stable supply of water.” Obviously, that means a stable supply of income coming directly out of people’s pockets through a charge.

People have asked whether water charges have been buried. I have always said they are dead but not buried. The task other Members and I have is to ensure they are buried over the next period. I do not know whether it is even worth supporting the commission of inquiry. What will the terms of reference be? Who will be on the commission? If it reports back saying it has convinced the people over nine months through the media that the politicians are right and people have to pay a charge and it has done its job, they will not fall for it. The people are watching the situation closely and they are checking every nook and cranny. I held a meeting on bin charges in Ballyfermot last night. That issue has died down because the Minister did not want the same huge numbers on the streets protesting like they did against water charges. However, those who attended asked questions about water charges such as what the Commission means by saying Ireland is not exempt from water charges under the Water Framework Directive.

This issue raises a question about the entire European project. As a country, we have a responsibility to tell the EU we will not implement this directive and we have a different way of doing things. As has been pointed out in the debate, there are other ways to raise money to
fill the fiscal space everybody talks about such as corporate taxation, the Apple issue and the potential bill of between €17 billion and €19 billion, NAMA and credit unions being able to provide funding of between €2 billion and €4 billion for housing and taking the pressure off cutting other services if water services are not paid for.

I remind the House that we have always paid for water services through general taxation and VAT, in particular. That is the way they have been paid for up to now. It is progressive as it relates to the amount people earn. We should return to this. The Government should tell the Commission that we pay for water a different way, which is the same way we have paid for it since the year dot through VAT. That is a more progressive way to do this.

Other aspects of the water charges issue could be debated such as how long it has taken to install water meters, the cost of doing so, the jailing of people and the resistance to the programme. Will the Government stop the water metering programme? Will it accept the fact that the people have said “No” on numerous occasions? Every time Fine Gael and its partners have come back to the House, they say they have listened to the people but they have not. They have listened to the 1% in the EU and the 1% in the private water industry who want to grab our water infrastructure.

Most Independent Members and Sinn Féin have signed up to the Thirty-fifth Amendment of the Constitution (Water in Public Ownership) Bill 2016, which challenges Article 28 of the Constitution, to keep our water services in public ownership. That will be introduced during the next Dáil session. I question whether I will support the commission of inquiry. I would like more detail about who will be on it and the terms of reference. There has never been water poverty in this State because people have not been forced to pay for water directly from their wages. Those who cannot afford to pay are not forced into a position where their water could be cut off. That cannot happen now anyway because the previous legislation was amended under pressure from the people. However, that could happen in the future and it has happened in other countries such as the US where people’s water is cut off because they cannot pay a water bill.

The Government can get money elsewhere to pay for water services. That should be done in a progressive way and should be linked to changes in our use of water and to planning and development regulations. Why does every house that is built not have a dual water system, which uses rain water to flush toilets and run washing machines with clean water only going through taps? That would be an investment for the next century, never mind the next three or four years. That issue has been raised on numerous occasions at council meetings throughout the country but such a measure has never been implemented. I question the Government’s sincerity on environmental issues.

Deputy Catherine Connolly: Gabhaim buíochas as ucht an deis cainte ar an ábhar thar a bheith tábhachtach seo a bheith faighte agam. Tá gá práinneach ann réiteach a fháil sa chomhthéacs seo, ach ní hí seo an réiteach. Níl anseo ach cur i gcéill amach is amach. Tá sé suimúil go bhfuil an Rialtas, cosúil leis an Rialtas a bhí againn an bhliain seo caite, an-tógtha le Lá na nAmadán. Sa bhliain 2015, sheol siad amach na billí ar an gcéad lá de mhí Aibreáin. Is í an dáta céanna atá i gceist arís sa dhréachtreachtaíocht seo.

I am thankful for the opportunity to contribute on a subject that is most important. I come from Galway city and have a background of having served as a member of a local authority for 17 years and I am acutely aware of the importance of water services, a cryptosporidium crisis and a polluted lake. As I speak, approximately 4,000 to 5,000 people around Carraroe, in
Connemara, cannot drink their water. I do not speak from a position of negativity or as part of the radical loony left but as a very pragmatic, practical, radical woman who believes that in any civilised society there are basic services that unite us in solidarity with each other. Water is one of those services, as are waste collection services and health and education services.

It seems that this is a complete pretence and fudge of an issue, and there are more holes in this apparent solution than there are, unfortunately, in our water system that is leaking on a daily basis. The figures we had in Galway were that there is anything up to 40% leakage from the system. We have to deal with that but I am afraid that Fianna Fáil has failed and I do not expect Fine Gael to change that. However, I at least respect its position. It has repeatedly said that water charges are necessary. Fianna Fáil told the electorate that they were not and that it would vote to get rid of them. Rather than use our time and our new energy and the broad range of opinion in this Dáil to find a solution and to work together, we are using our energy on draft legislation that is going nowhere and which will give a watery birth in nine months time to what will not be a solution to anything, with the possibility of further extensions if we need them, depending on the political situation. That is while the metering situation continues against people’s wishes. We do not want it.

We want to conserve water. I take exception to the phrase, “the polluter pays”. I am tired of that terminology. I am not a polluter and most people are not polluters; we are users of a basic service that we cannot live without. To say that we need to be punished in order to save is ridiculous in the extreme. It does not tie in with any research in psychology or with marketing. People must be brought on board in terms of this issue and most of us want to be brought on board. We have children and we want to hand down a better environment to them and the best way to do that is to bring us all on board.

In terms of education, that should happen with the Government and the European Union, which continue to look on citizens as polluters and users of services rather than as active citizens who want to share in making the world a better place. If Fianna Fáil was seriously interested in new politics it would stand with us and say, “Stop this charade and have a referendum to ensure that water remains in public ownership”. That would give confidence to the people.

What really highlights the cynicism of the entire approach is the €100 grant that was brought in to help us to conserve water but now it has been scrapped, which shows that it was just a foolish bribe at the time. However, as can be seen, people are not easily bribed. Now that it is gone, Fianna Fáil does not care about whether we conserve water. There is not a word in the legislation about conservation. There is no reward for us as users, nor is there any positive mechanism to keep us on board. No money is being made available to local authorities to help them.

I became a member of the local authority in 1999 and left it when I was elected to this House. During that time we begged the Government for funding. We knew exactly what was happening. We had very good staff on the ground whose number has since been reduced. We had good engineers and other staff but they were all removed. More than 20% of the local authority staff in Galway was reduced. How could they carry out any sort of job on water services? Even within that they gave us an excellent service. If a problem arose and we called them, they came out immediately. We now have a situation where we make a telephone call to a service in Cork, which results in us going around in circles.

I am not in the business of demonising Irish Water. I believe the demonisation of the chief executive officer of Irish Water, the former city manager of Galway, was and is unacceptable.
I have had my rows with that man but it is unacceptable to demonise Irish Water and its staff when it was set up to provide a service. When what was happening was exposed, however, through very good journalism, there were heads on a platter rather than the Government taking stock and saying it should examine this because it is not working.

Without a doubt, Irish Water was set up with a view to privatising the service. That privatisation has been stopped in its tracks for the moment but I am not foolish enough to believe we have stopped the tide. We have done nothing of the sort. We have simply tried to hold the system to account on behalf of the people who put us in this House. We promised the people who elected us that we would strive and do our best to ensure people had a water service as a human right, which is what they, and we, deserve, and that it would be paid for out of taxes.

I have a difficulty with this issue. While I welcome the suspension of water charges I believe it is the wrong way to go in the sense that we should abolish them and work together to have a service, paid for from taxation, that brings us all on board. Many ways have been outlined for increasing the level of taxation but it is an insult to the people to say they do not want to pay for services. They do, but they want to pay for them out of their taxes and it is our role as a Dáil to increase and broaden the tax base to allow us provide basic services. Dividing one citizen from another, as we have done with health in terms of private and public health care, bin charges in terms of those who can afford to pay them and those who cannot, and repeating the process with water is shocking.

Those in Government have got caught up with an EU mantra that is foolish in the extreme where we at the lowest level have to comply with rules but those at the highest levels do not. They are also deliberately misinterpreting a water directive when it could be interpreted in a positive way to conserve water, and to examine how we can do that and how we can bring people on board. Those in Government and, particularly Fianna Fáil, have wasted a golden opportunity and it shows up the cynicism of the new politics that its members have come in here day after day since February to talk about.

**Acting Chairman (Deputy John Lahart):** The next speaker is Deputy Fitzpatrick who is sharing his time with Deputy Durkan.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on this topic. The amendment to the Water Services Act basically means that there will be a suspension of domestic water charges for the period from 1 April 2016 until 31 December 2016. This suspension can also be extended if required. During the last election campaign, I, along with my party colleagues, argued that we must have a system in place to charge for domestic water and wastewater services. I spoke on the issue of water charges in this House in April and my position has not changed.

A number of people on the opposite side of the House have campaigned exclusively on the issue of water charges. One would think that the issue of water is the only one that affects the country. It is not the issue that people who call to my clinic want to talk about. The real issues I hear raised on the doorsteps include the Government’s plans for the health service; finding a solution to the housing crisis; improved funding for the education sector, in particular the Dundalk Institute of Technology; creating new and sustainable jobs; and the impact of the UK leaving the EU. These are the real issues facing people.

It is interesting to note that a survey carried out among voters in this year’s general election showed that only 8% of them had indicated water as their main issue. People have told
me that under no circumstances must we ever go back to the boom and bust policies of Fianna Fáil that destroyed this country. The populist position to take is to reject charging for water and wastewater services. We have seen in the past week how those who pursue populist policies run from their responsibility when they get the opportunity to act on their policies. I have no doubt that we would see the same happen here should those be given the opportunity to act on their populist policies. I would urge people to consider this when they next vote.

I want to put on record my position should it be decided that water charges are to be abolished. All people bar none who have paid their water charges should be given a full refund in the event of water charges being abolished. Under no circumstances should those people be left out of pocket because they legally paid their bills. The nine-month suspension of the charges is to allow for a process to be set up to examine the charging of water services.

An expert commission is to be established which will make recommendations on a sustainable long-term funding model for the delivery of domestic public and wastewater services. A special Oireachtas committee will then consider the recommendations and, in turn, the Oireachtas will be asked to vote on them. At this stage, my concern is that those on the opposite benches know how they are going to vote regardless of any recommendation. They have their heads stuck in the sand and do not want to see any reasonable alternative to water charges. I ask all those opposite to provide a viable alternative to a charging system for water and wastewater if they have one. Simply stating that it is to be paid out of general taxation is not a realistic position. People are tired of hearing the same old line from those in opposition. It is now time to put up or shut up. If a Member has an alternative solution, now is the time to show it to the people who voted for him or her.

We hear a lot of new politics in this Dáil. Now, we have an opportunity to see it in action. I look forward to hearing the views of those on all sides of the House when the recommendations are published. It will be interesting to see new politics in action then. What happens if the Commission and the committee both recommend that the current system or something similar should be implemented? Will those opposite vote for the good of the country or will they vote for their own personal gain?

Once again, I record my position on water charges. We should have a system of charging in place that is based on usage with a generous free allowance. We must encourage those who use the least and discourage those who waste water. If the House decides that water charges are to be abolished, all those who have been compliant and paid their water charges must get a full refund. We must not under any circumstances disadvantage those who have been legally compliant. The bottom line is that the country needs to invest over €1 billion in its public water system just to bring it up to an acceptable standard. The money has to come from somewhere. It will not just appear. I ask those who think water should be free where they think the funding is going to come from. I look forward to the findings of the expert commission which I hope will provide a way forward for a modern and reliable waste water service.

**Deputy Bernard J. Durkan:** Over the years, I have had numerous occasions to speak on this and similar subjects in the House. The debate has always been the same. It is a question of whether there should be a charge for domestic water supplies. I believe there should be a recognition that an investment is needed in the development of the water supply system far beyond anything that has been envisaged over the past 30 years. I have put down numerous parliamentary questions to various Governments and Ministers over the years inquiring as to the proposals to provide the capital funding for the provision of adequate water supply, stor-
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age, treatment and transmission services. It is now recognised that the costs are laid out more or less as had been indicated in the past number of years at somewhere between €5 billion and €8 billion although it could be more if we were to have a reliable water supply similar to that which is available in other countries throughout the EU, which gets the blame for a lot of things.

I can remember when our water supply was comparable to most others in the western world. When one went on holidays to neighbouring countries one was always very careful about the water supply. That has changed because they have invested in their water supplies while we have not. It is one thing to curtail the quality of water, but it is quite another to curtail the quality of water by virtue of a lack of investment and to put lives at risk. We have had the situation in this country over the past number of years where rivers and lakes were polluted to an appall- ing extent while at the same time we had people saying we could certainly not have any charge for water. We cannot have any recognition that water requires an investment and we will do as we did before by going on and ignoring it. It does not work that way.

The demand from industry as well as from the domestic market are such that a failure to respond in a clear and emphatic way to the investment requirements of our water supply system will mean our industrial activities will be curtailed dramatically. It will not be possible to pro- vide the water services required for an expanding economy, it will not be possible to expand the water services required for industry and it will not be possible to do it for an expanding popula- tion. Taking all of that into account, there is a need for massive investment along the lines already identified. Where that is going to be funded from is the next question. It will not be possible to fund capital expenditure of that magnitude from a domestic charge. Neither should it be expected to be hived over to the industrial sector because we either want jobs or we do not. If we want to kill off economic growth, the way to do it is to pile as much taxation on the job creating sector, on each person who is at work and on each employer, as possible. Eventually, we will not need a water supply because nobody will be at work. The position is clear.

We must recognise that a charge of some description is necessary to recognise the fact that water is not free. This question has come up again and again. We are told water is free because it comes down from the clouds and we should know all about that in this country as it comes down often enough. However, it has never been free. I remember when everybody went to the village square with a bucket and turned a handle. This is not so many years ago. In every square in every town, there was a pump and one got the water and brought it home. It was free in that no one can impede a person from gaining access to a water supply albeit one might have to go to the river with a bucket. However, time passed and we became more sophisticated. We provided a water supply to households. It then emerged that it would cost more money and we would have to do something about it. That was done too. Incidentally, I can remember a time when it was suggested at an election that we would not have to pay rates. There was a figure in the old rates system in respect of water. It was a nominal sum but it was there. Somebody decided to abolish rates. I will not say who it was. I cannot remember. My memory does not go back that far. It happened, however, and motor tax was abolished at the same time. The next thing that happened was that the country went bust and we had to reintroduce the whole thing all over again because there was no money in the kitty. People asked why we did not fill the potholes or provide water or do all the other things we were supposed to. The answer was that there was no money. It all had to be changed over again.

As such, when people say it is all provided for in general taxation, I note that it was not. I put down a parliamentary question to a previous Government asking to what extent the water costs had been transferred to general taxation and the answer was that they had not been. There
one is. I am not saying the Minister of the time was telling a lie because I know that Ministers never do that. Certainly, the Minister at the time did not tell a lie. He was giving the information as he was asked as to whether it was provided for in general taxation and he said “No”.

We are now back where we started asking how we fund and provide a service in the future or if we do it at all. If we fail to do it, we will have run away from our responsibilities and at some stage in the future, somebody will pass judgment on what we have been doing. The EU has been blamed. I was listening to Mr. Nigel Farage this morning. I do not like to speak about those who are outside the House who cannot speak for themselves, but he had a long list of proposals for the future admonishing the European Union, despite the fact that he has been a representative in the European Parliament for a number of years. One of them was tariffs on trade which is to say isolationism. That will be very interesting in the future because we will not be able to sell our goods and they will not be able to sell theirs. Everybody will put up the barriers and eventually things will come to a halt. That did not work in the past and we changed it. Other people have ideas about the system in eastern Europe 35 years ago or more where the theory was that everybody piled everything into the grand pool and everybody drew from it as time went by. Of course, that system went bust. No one wants to accept responsibility for everyone else’s problems. Things do not work that way.

Regardless of whether we like it, the question we must now ask is whether a nominal charge for a water supply is good. My view is that it is, as it reminds everyone that we should conserve. Conservation must be a major issue in the debate. Whatever the outcome, we must ask what is in the best interests of those people and industries that require an ongoing supply of water and what is the responsibility of publicly elected representatives whose job it is to provide others with that service. It will not be enough to fudge the issue and say that someone else will have the responsibility to do it, that they will not see it at all because it will be a general issue and that they will tax X, Y and Z because they will not accept responsibility. We must accept responsibility. I favour the concept of either a flat charge for a basic service or a waiver system, which we had previously and which would take families’ circumstances into account. There is no objection to that.

The danger is that, once an issue becomes a political football, it will eventually be kicked to death and nothing will happen. Consider our current scenario. A candidate in a by-election decided that he would oppose water charges, full stop. Subsequently, a party in this House made the same decision, followed by another party. Not every party agreed at the same time. Unfortunately, democracy does not work like that. It would be nice if it did. If this becomes a political football, we could well find the same question still hanging over our heads in ten years’ time as to how to fund a water supply that is sufficient to meet our domestic and industrial needs as well as increased expectations and demands.

At this point, we must ask ourselves what we are about. It is not just enough to blame the EU. The EU does not impose anything. It imposes what was agreed by the member states making their individual contributions. That is the sum total of what comes out of the EU by way of directive. There is no use in pretending that it is not. That is how it has always been. Something might have been agreed last year, five years ago or ten years ago.

In the final analysis, we must invest in the water supply. We have a duty to the Irish people to ensure that this is done. We must put in place a system that is reliable and will not break down every five minutes. We must renew the existing system. There is no use in people complaining about pipes being porous and leaking water all over the place while also complaining about the
expenditure. We must do something about it. If we are to do that, we must start somewhere.

I wish to comment on general taxation. Many of us received e-mails and requests before the general election to the effect that motor tax should have been abolished or attached to general taxation or energy tax. That sounds good and some countries have done that. Maybe it suits them. Maybe they get or generate their energy in a different way. However, we tried that as well and it did not work. There was resistance when the alternative was introduced. As they say, that is politics.

Regarding investment in water, how to regulate it, how and whether to charge for it and whether to install meters, it has adequately been proven in my time in the House that meters are necessary. If there is any possibility of conserving water, that is how it will be done. People will automatically know that they must conserve because water will cost more past a certain level. It will be in everyone’s interests to conserve. People will say that we should meter afterwards, but that is not how things work. We must put the infrastructure in place before we can develop it.

In so far as taxation is concerned, we must undoubtedly find a way to invest. The major capital investment that is required cannot come from domestic users. The amount would be too great. It could have been done 25 or 30 years ago, but it is too late now. In my dealings with domestic householders, they do not mind paying a fee as long as they get a good quality of supply. Deputies who represent parts of the country that depend on group schemes and so on will point out that the people there have been paying for their water supplies all of their lives. Some have been paying up to €2,000 or €3,000 per annum, which is a considerable amount.

One way or another, we need a greater recognition of the fact that we must find a way to cease polluting, improve the quality and reliability of supply, resolve the antipathy that has been generated towards a charge for water and find an acceptable mechanism.

**Acting Chairman (Deputy John Lahart):** The next three Deputies are sharing time.

**Deputy John Curran:** I wish to share time with Deputy O’Rourke and the Acting Chairman once we manoeuvre the situation with the Chair.

I welcome the opportunity to contribute on this debate. I am pleased to support the Water Services (Amendment) Bill 2016. It sets out a route to end the water charges regime. The failure to pass the EUROSTAT test and the low payment rates have undermined the basis of our water services model. Water charges failed in 2015, with only 53% of bills being paid, equating to an annual revenue of approximately €144 million. Last year, the water conservation grant cost approximately €100 million. There was an administration charge of €25 million and interest on repayments of a further €41 million. Expenditure was in the region of €166 million against income of €144 million, generating a loss.

The Bill reflects Fianna Fáil’s agreement in facilitating a Fine Gael-led minority Government to see water charges suspended immediately and the decision on future charges to be decided by the Dáil. The Bill is a compromise. Members from all sides entered the election with their manifestos and policy positions on water and water charges. The Minister and his party did not win the election. Neither did we. We have different views on what should be done with water charges and Irish Water. It became clear that the dynamic of the Thirty-second Dáil was somewhat different than that of the Thirty-first, with a majority of Members favouring the abolition of the charges and many favouring the abolition of Irish Water. It is clear from listening
to other Deputies’ contributions that, despite having an electoral mandate and this being one
of their policy positions, they failed to engage in the process. The Bill is a compromise, but it
gives effect to what we set out to do. We did not win the election and we are not in government,
but this was a key component of our campaign. While the Bill retains Irish Water, it suspends
the conservation grant and establishes the legislation to suspend the charges.

Deputy Durkan asked what the long-term funding models for the delivery of water would
be, but that is the point of establishing the expert commission. We are not walking away from
the issue. This is not an irresponsible Bill. We understand Deputy Durkan’s points about the
need for future investment in water services. It is part of a programme. Suspending the charges
affords a window of opportunity, or timeframe, for Members of the House to engage, first
through the expert commission and then through a committee of the House. The matter will be
brought back to the Dáil within nine months, which I welcome. I am disappointed that not all
Members engaged in the process to establish the programme. The vast majority of Members
were of the view that the charges should be suspended.

I do not want to repeat many of the points made, but I must state we sometimes forget very
quickly that is only a little over two years since the issue first arose. In October 2013, winter-
time, the Irish Independent stated:

Dublin City Council said supplies could be cut off today from 6pm until 7am – two
hours longer than yesterday – and that restrictions will remain until Monday. The shut-off
comes during a busy mid-term week when Dublin is bustling with tourists and Halloween
revellers...

The article quotes the city engineer as saying: “The problem is that the lake water is prov-
ing very difficult to treat – not because it’s bad, but because of the characteristics of the water.”
He also stated: “Normally, Ballymore Eustace is a stable environment because it’s a big, deep
lake.”

In Dublin the water supply is on a knife edge; there is a fine balance. At any given time,
our usage is near capacity and there are not many spare resources. Deputy Bernard J. Durkan
touched briefly on future economic and residential development, in respect of which there is
a problem. It struck me that a conservation grant was given to households last year. If that
money which amounted to a sum in the region of €100 million had been invested directly in re-
pairing leaks or improving capacity, it might have had a far greater output in terms of the water
supply in the Dublin area.

With regard to metering, much of the leakage occurs not necessarily in private properties
but from main pipes along roads. Neighbourhood and block metering, which helps local au-
thorities to identify leaks in areas, needs to be established and implemented in order that leaks
can be identified quickly.

In June 2012 the Oireachtas committee produced a report. At the time the Minister’s De-
partment was stating 41% of water nationally was lost through leakages. I believe it used the
expression “unaccounted for”, which meant loss through leakages. From 2000 to 2010, my
party in government invested in the region of €500 million per year in water services. Much
of the investment was in sewage treatment services and to improve water quality. Of equal im-
portance, particularly in the Dublin context, where the supply side is under significant pressure,
is ensuring a significant investment programme to fix leaking pipes to reduce the rate of water
leakage substantially.

I am pleased that the Bill is before the House. I will be very interested in seeing and working with the findings and recommendations of the commission and the Oireachtas committee.

Deputy Frank O'Rourke: I am delighted to speak on this topic. The current water charges system has failed. It has failed because, when considered in the context of overall taxation policy, it has failed the fairness test. Like many other policies the Fine Gael–Labour Party Government implemented when correcting the public finances or sharing financial gains, its policy in this regard was to prioritise the well-off instead of the less well-off. All of its budgets were adjudicated on by the ESRI as being regressive in nature, as distinct from the fairer progressive approach needed. The ESRI’s report on budget 2015 which confirmed Social Justice Ireland’s analysis of that budget stated it had been the fourth regressive budget in a row introduced by the Fine Gael–Labour Party Government and a budget that widened the gap between rich and poor. The ESRI’s analysis of the previous year’s budget, budget 2014, showed that it had had its greatest impact - a reduction of 2% - on low-income groups.

For taxation measures to be accepted by the people, they must be fair, but the way in which the Fine Gael–Labour Party Government went about implementing the water charges regime lacked fairness. A quick analysis of the income and expenditure figures for water charges demonstrates what a total fiasco the former Government made of the implementation of the charges regime. Let us consider last year’s figures. In 2015 only 53% of water bills were paid. This level of payment secured annual revenue to the State of €144 million. However, €100 million was spent by the Government on the water grant which was promoted as some kind of a water conservation incentive. However, this payment was not linked with any conservation measure; it was only to get the people to pay their water charges. It was an indirect admission by the Government that its approach to water charges had failed. In 2015, €41 million was due in interest repayments over the year, while another €25 million was paid in administration costs. On this basis, taking costs and revenue into account, the State actually lost €22 million in total on its water charges regime in 2015. Some €46 million a year is being spent on wages in Irish Water, while more will be spent on bonuses. This is on top of the €172 million in set-up costs. I am not aware of any other tax introduced in recent memory in the collection of which money was lost. We need to end this failed regime and move on from this issue.

When all costs are factored in, namely, the €540 million spent on water meters, the €172 million spent in the setting up of Irish Water and the €46 million spent in running it and paying wages and bonuses, the Government’s creation of Irish Water will leave the taxpayer €759 million worse off this year than if it had not been set up. Taking this in the context of the local authorities already having in place many specialised and dedicated staff dealing with water-related issues, was there a need to create such a monster as Irish Water? The staff in local authorities are carrying out the works at the request of Irish Water.

One of the reasons for setting up Irish Water was related to its ability to borrow money off balance sheet. Private borrowing by Irish Water is now effectively impossible owing to its growing reliance on Government payments. It will be more expensive for Irish Water to borrow on the markets than the Government. Why would we set up this body, facilitate it to borrow money at more expensive rates than are available to the Government and then effectively ask the people to meet the increased cost of borrowing through their water charges?

Water charges were introduced following the introduction of the universal social charge,
the property tax and the removal of many social protection benefits, including benefits that were taken from older people. When the Fine Gael–Labour Party Government made a decision to adjust universal social charge levels in its last budget, it decided to reward the well-off disproportionally, which was another example of its regressive and unfair approach to taxation policies.

The Government will introduce further amendments to the Bill to ensure the suspension period runs in tandem with the timeframe for the work of the expert commission and the Oireachtas on the issue. Our support for the Bill is subject to this happening. No new bills will be liable for payment until the end of March 2017, by which time the Dáil is due to have voted on the future of water charges, having considered the expert commission’s report and the recommendations of the special Oireachtas committee. In effect, water charges are gone until the Dáil votes on the matter.

In the European Parliament in September 2015 Sinn Féin MEPs voted in favour of “providing for the application of a progressive charge that is proportional to the amount of water used”. It is clear that the official Sinn Féin position on this issue abroad is quite different from that at home. From 2007 to 2011 the then Northern Ireland Minister for Regional Development, Mr. Conor Murphy of Sinn Féin, had the opportunity to reverse the policy on water metering, but he made no attempt to do so. Under his watch, a comprehensive water metering programme took place across domestic properties in Northern Ireland. In the recent Brexit referendum campaign I watched with interest as Sinn Féin campaigned for a “Remain” vote. In every EU referendum that took place in this jurisdiction in recent memory it campaigned against the European Union. Which is the real Sinn Féin? Again, we find its approach is completely inconsistent.

Ireland faces a range of issues, not simply the argument on water charges. Dáil Éireann is obliged to confront these matters. The health service, housing, the future of education, including special needs education, supports for older people and crime prevention all require a major political commitment. We need to resolve the water charges issue and move on and the Bill gives us an opportunity to do so. It gives us a window of opportunity to end water charges, solve the problem of Irish Water and move on to the serious political issues, while still enabling stable government at a time when stable government is most needed. The Bill reflects the first part of the Fianna Fáil agreement in facilitating a minority Government that will see water charges immediately suspended and their future decided by the Dáil.

Deputy John Lahart: I welcome the opportunity to speak to the Bill and commend my colleagues who participated in the talks on the formation of a Government and negotiated to ensure the Bill would form part of the Fianna Fáil agreement to facilitate a minority Government. I represent a constituency that is divided on water charges. In one part, albeit one that is not restricted geographically, significant resistance to the water metering programme continues, while in another part, the programme did not meet such resistance and was greeted with enthusiasm by some.

Speaking previously on this issue, I noted how the establishment of Irish Water had the potential to be a ground-breaking development on a par with the establishment of the ESB. As I pointed out at the time, however, Irish Water’s destiny was sealed from the moment it was established, accommodated by a guillotined debate in this Chamber when elected Members were denied an opportunity to discuss amendments or engage in any serious worthwhile debate. The previous Government then engaged in perhaps a dozen U-turns and the then Minister for the Environment, Community and Local Government, Phil Hogan, threatened to punish non-
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payers by reducing their water supply to a trickle.

It could have been so different. The speed with which the previous coalition moved to shoehorn this utility into existence raised deep suspicions among members of the public about the possibility of water services being privatised. This, with the fact that thousands of people, many of whom are vulnerable and rely on State assistance and entitlements, simply could not afford to pay, deeply angered people. This anger was felt not only by traditionally vulnerable people but also by public servants, gardaí, nurses and teachers, all of whom had been put to the pin of their collar and baulked at the level of charges being suggested in reports.

The failure of Irish Water was not solely because people did not want to pay. There was a failure to win public confidence and secure moral public investment in the utility through a lead-in time of between three and five years. The company also failed to secure the confidence of the most committed supporters of water conservation and metering who envisaged a smart, flexible and responsive system that would genuinely reward efforts at conservation. Instead, everyone who wanted one got a conservation grant for doing nothing.

The previous Government insulted people’s intelligence. The Minister spoke recently about the need for education in the context of pay-by-weight bin charges. A university business faculty somewhere must be designing a course on how not to build a commercial state utility using Irish Water as an example. Thanks to the Fianna Fáil Party’s willingness to facilitate the formation of a Government, the challenge we face is to move forward and take the necessary steps to correct the mistakes made.

As I said, however, it could have been so different. The previous Government could have embarked on a prolonged education campaign, beginning in primary schools and evolving into post-primary and community education. Instead, schoolchildren protested with their parents at marches and wrote the right to water principle into their 2016 proclamations. The Department of Communications, Energy and Natural Resources could have embarked on a detailed, dynamic communications strategy informing the public over time of the finite nature of the natural resource that is water. The previous Government could have worked in tandem with the State broadcaster and encouraged it to play its part in producing balanced documentaries about the importance of water conservation and international best practice. It could have invested over time in the science of water conservation, encouraging research into water conservation measures. As I pointed out in a previous contribution, the state of Massachusetts in the United States has introduced new building regulations that oblige builders to ensure hot water flows within 12 seconds of the tap being turned on. The previous Government could have used the opportunity to design a smart metering programme that enabled consumers to monitor their water use, thereby empowering them in terms of usage. It could have explored additional water harvesting technology for domestic use and examined further building regulations that could have assisted reduction in domestic water use. The previous Government could have designed an intelligent programme but did not do so and, in its haste, squandered a major opportunity to do something great for at least a generation. Instead, it designed, at mesmerising speed, a model that appeared to envisage Irish Water being fattened up for privatisation. It then promised to punish citizens who would not pay, the majority of whom could not pay.

The previous Government lost its mandate on water charges at the general election. The Fianna Fáil Party made a commitment to the electorate and this Bill is the first step in achieving it. We have outlined a clear pathway for realising this commitment, and the majority of Members of this Dáil will decide on the future of water charges following the report of the expert
Deputy Alan Farrell: I take issue with Deputy John Lahart’s remarks that the previous Government lost its mandate on Irish Water. All parties have agreed that the RTE exit poll taken on the day of the previous general election was highly accurate. The poll found that 5% of those who gave the Fianna Fáil Party their first preference voted on the issue of water. If one were to analyse the specific rationale behind the decision of individual voters to vote for particular candidates, the water factor would be unquantifiable. There is no validity, therefore, in the argument that the majority of Members of the Dáil elected in February oppose water charges or that they were elected to abolish Irish Water. It is impossible to determine whether this is the case and I do not believe the extreme left on this issue.

I will not defend the actions of the previous Government, of which I was not a member. It is clear that the construct of Irish Water was flawed in terms of gaining public acceptance. As a Fine Gael Party Deputy in the previous Dáil, I was unhappy with certain issues related to Irish Water. Just before the previous Minister for the Environment, Community and Local Government, Deputy Alan Kelly, changed an element of the water charging regime, I voiced my concerns in an interview with RTE, as did many other Deputies on the day in question. The very next day the Cabinet took the welcome decision to change its position.

The bottom line with regard to the outcome of the general election is that the previous Government made mistakes on a multitude of issues, including Irish Water. We are human and the mistakes that Government made cost the careers of dozens of Fine Gael and Labour Party Deputies. I have a major problem with the concept that because the majority of Deputies in the previous Dáil passed an unpopular law introducing water charges based on commitments given by Deputy John Lahart’s party in the preceding Dáil, we must completely undo and fundamentally change the manner in which a public service utility is structured and funded. There is something inherently wrong with that proposition.

I take a principled position on water charges. Since 2009, charging for domestic water use has been a Fine Gael Party policy which I signed up to in 2009 at local elections when I was re-elected as a councillor, again in 2011, when I was elected to Dáil Éireann, and in 2016 when I was re-elected to the Dáil. While I have no desire to see water charges removed, I accept that the establishment of a commission examining the structure of Irish Water and the charges it applies is a good thing. It is a pity the political cost of the ongoing fallout from the introduction of water charges has been a debate involving the suspension of water charges.

The Minister will meet Commissioner Vella next week. I have no wish to speak for the Minister, but I imagine the question he will be asking is whether we could be fined, potentially, for our suspension of water charges, because Article 9.4 of the Water Framework Directive applies and the derogation does not apply. Are we going to be fined?

The cost could be similar to the figure Ireland was fined for turf cutting. I understand that figure was €25,000 per day. If so, it would cost the State approximately €10 million over the course of a year or €7.5 million if it was for nine months. I doubt that will be the case and imagine it would be for 12 months. That is a total of €10 million that we could be spending on water services.

I offer some examples. A gentleman who worked for Dublin City Council and Dublin Corporation for 40 years was in my office recently. He was a very nice man. He worked in
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water services provision for the city council, as well as Fingal and South Dublin county councils at various stages. He referenced the Vartry tunnel in Dublin which supplies approximately 340,000 customers. It is 150 years old but does not have a brick or any cement in it. It is a natural bored hole, literally cut out of the rock, muck and everything else around it underground. It is in danger of collapse. Irish Water and Dublin City Council, on its behalf, must service the tunnel. Those involved have to shut off the water and crawl up a hole in the ground. If there is a collapse, they have to shut off the water and literally crawl up a hole in the ground to try to find it. In 2016 that is a perverse state of affairs. I have seen a report on it. It was provided to me by the gentleman I referred to. The report is on the record of and was debated by Dublin City Council many years ago. The report identified the requirement to fix the tunnel but nothing happened. We have had 50 years of complete and abject failure of successive Governments to invest in water infrastructure, yet the moment we instigate a charging regime that, I hope, was to normalise the investment process, we suspend it for political expediency purposes.

Dublin operates at 98% capacity. We are not having a drought now but if we had a drought in the summer months for a couple of weeks at most, and Dublin’s supply from County Wicklow and elsewhere and Fingal’s supply from Leixlip and elsewhere dried up then potentially hundreds of thousands of customers would be either throttled, that is to say, there would be a reduction in water pressure, or shut off. Hundreds of thousands of people would be affected. Most of our European counterparts operate on a 15% capacity. In other words, they are operating at 85% and have 15% headroom for such eventualities. We do not. We have 2% headroom.

There are 16 locations throughout the country where, if a person flushes the toilet, the wastewater goes directly out to sea untreated. Two of these are in my constituency in the vicinity of Rush. On three occasions in the past month alone, four beaches in my constituency were closed on the advice of the Environmental Protection Agency on the basis of toilets overflowing and wastewater from treatment facilities ending up in the Irish Sea.

The Dáil arithmetic requires us to adopt a resourceful position. I say as much because if we had not adopted this position, we probably would not have a government. Furthermore, even if we had, a democratic vote of Dáil Éireann would abolish Irish Water outright as well as the charges. That would be the end of that. Instead, an opportunity has been provided to us with Fianna Fáil support, which is appreciated, for the purposes of discussing this matter to ensure that we get it right this time. That is good. I remind the Deputies opposite of an RTE exit poll. It is available and people can download and assess it. According to the poll, only 5% of voters voted for Fianna Fáil based on the issue of water.

I wish to touch on the Water Framework Directive and Article 9.4 in particular. The Commission has given a rather unambiguous response. The so-called Irish derogation would no longer be an option. Having come off RTE “Drivetime” and a discussion with Deputy Paul Murphy, I imagine the response will not put an end to the debate on the derogation. The bottom line is that the European Commission has said that the derogation no longer applies and that we are not in a position to abolish water charges without consequences. I hope this hastens the debate in terms of ensuring that we have a reasonable and rational discussion about a reasonable level of funding and Ireland being the only country in the EU or the OECD that does not have water charges or that did not have water charges heretofore.

I was in the Chair when Deputy Ruth Coppinger took to her feet earlier. She said this Bill was unconstitutional because it went against the EU Water Framework Directive. That puzzled me and, I imagine, anyone with who has read the Ladybird book on the law. The bottom line
is that we have a law in place and an opportunity to ensure we frame it correctly in terms of a reduction of taxation for our constituencies and citizens throughout the State. Moreover, we must ensure that the polluter pays, which was the principle adopted with the Water Framework Directive in 2003. The directive set out that by 2010 all EU member states would agree their position on a charging regime. We had a derogation because we did not have such a regime, but we do now.

It is interesting that the Department submitted its first river basin management plan in 2010 without reference to the derogation. I was a Member at the time the debate took place on the question in 2012. The Commission published a report on the Water Framework Directive and Ireland. I remember the arguments in the House and the briefing notes on the fact that there no longer was a derogation. I recall the debate centred around whether it had been signed away as part of the bailout. I believe it was.

We have had 840,000 meters installed throughout the State. What an extraordinary waste of public resources it would be if we were to abolish Irish Water and water charges at the end of this process. Getting rid of 75% of Irish Water’s phase 1 programme for the introduction of water meters would be an incredible waste of resources. Having said that, I remember the statistics from 2014 on the number of properties identified as having major leaks. One property in particular was leaking 1 million litres of water per week, enough to supply the entire town of Lusk in north county Dublin. I recall Deputy Brendan Howlin referenced Enniscorthy, a town with a similar population. The bottom line is that without water meters that would not have been identified, because they were not on-premises leaks. It is good that we are installing meters and it would be an extraordinary waste of our resources if we failed to utilise the meters that have been installed. Whether we agree with it from an ideological perspective, the meters are in place. They cannot be taken out and stored like the e-voting machines, never to be seen again. The bottom line is that they are in place, the taxpayer has paid for them and we should use them.

I made the point about Ireland being the only country in Europe or the OECD that has not had water charges heretofore. We are a unique nation in the sense of our partnership with the European Union. We like to think of ourselves as being special to some degree, but really we are not. We are an incredibly impressive country in terms of what we achieve. This is a small island on the outskirts of Europe, yet we are world leaders in so many areas. We have a highly skilled workforce and a vibrant economy, which thankfully is beginning to come back. However, we still do not accept the basic principle that everyone else pays for water production and that we pay 49.5% marginal income tax. That is quite enough. A person on a low to medium or an above-average income who is asked, “Will you pay more tax to have proper water infrastructure?” will always answer, “No. I pay enough tax already.”

For 50 years our taxation system fundamentally failed to invest enough taxpayers’ money into water infrastructure because it was underground and could not be seen. Local authority members were more engaged in fixing potholes, putting in playgrounds and things like that, which is fine. I was a councillor for seven years and accept that is what happened. However, for over 50 years Ministers in the Department of the Environment, Community and Local Government failed to invest properly.

The suspension of water charges, as envisaged in the Bill, presents a difficulty for me and many others who worked very hard to ensure that this arrangement was introduced in the first place. It was not something we wanted to do, but it was the right thing to do to ensure the burden on taxpayers was reduced in their individual taxation bills which incentivised work. We
took over in March 2011 and we hit the bottom in March 2012. At that point this was designed to allow us to move forward, have a sustainable level of investment by the consumer in our infrastructure and see the rewards. We have ramped up investment, from €250 million in 2012 to approximately €550 million this year.

I can state clearly and unambiguously that the suspension of water charges because of political impetus is abhorrent to me. However, I accept that if we had not done this Irish Water would already have been abolished and charges with it. I hope we can have a meaningful debate across the House in a respectful way, as it should be, to ensure we get the best possible outcome from the debate. We should not simply ignore the expertise we are bringing in which, I am sure, will be agreed by the House, because of a political or misplaced ideological position. I understand we do not want to increase the burden on people but we need to face the reality that if we do not continue with a reasonable level of charge, it will result in a curtailment of public services or an increase in taxation.

Deputy Dara Calleary: I wish to share my time with Deputy Anne Rabbitte.

I listened to Deputy Alan Farrell’s rather grudging acceptance of the Bill. In years to come, people will look at the story of Irish Water to date and it will come across as one of the greatest public policy implementation failures in recent times. Neither the Deputy nor any of his colleagues at any time acknowledged the failure of implementation here.

Deputy Alan Farrell: The Deputy must have missed it.

Deputy Dara Calleary: I did not hear it too much at the end.

The Deputy spoke about meters being in the ground and having a use. However, he refused to acknowledge that they were only there for decoration under an arrangement introduced by his Government. They do not contribute in any way. That was done by the previous Government and in particular the former Minister, Deputy Alan Kelly.

The Deputy spoke of political expediency in introducing the Bill, but he did not acknowledge the lack of accountability. He did not acknowledge that people would accept that the construction the previous Government presented to people to deliver water did not have democratic legitimacy. As a result, the majority of this House as it is currently constituted has a mandate to change and get rid of water fees because of the mistakes and the manner in which the ball was dropped by the previous Government.

A little humility in terms of the implementation would go a long way. We all want that respectful debate and the Bill allows for that to be done with a commission involving experts who know the story internationally. Had that been done at the beginning of the Irish Water charade rather than being rammed down the throat of the people and being set up in a gold-plated way without having any kind of sense of the delivery of the service, the story and this debate might be very different. However, we are here.

Our legal advice is different from that contained in the latest European Commission contribution. The former Deputy, Marian Harkin, MEP, is quoting different legal advice in terms of what derogation means and what water services directive it is using.

Deputy Alan Farrell: The only opinion that matters.

Deputy Dara Calleary: However, the European Commission should also realise that the
construct of water charges and Irish Water never achieved democratic legitimacy in this country. It never achieved the support of the people. I hope other events in the past 72 hours will force the Commission to consider how it is doing its job of implementing the ideals of the European Union to which we all subscribe. In terms of representing and reflecting the opinion of people, it must engage with people’s concerns and people have serious concerns about water and water charges in this country. While I accept we have different legal opinions, politically the European Commission needs to put this one on its radar.

I wish to bring to the Minister’s attention a number of issues in the construct of the Bill. Speaking as a rural Deputy, primary among them is the future role of group water schemes in delivering water services. For the most part, group water schemes are accepted as an essential part of water infrastructure. The members and clients of group water schemes have no difficulty in paying for the service. The majority of them are open to the community or part of the community. All this shows how different the construct of Irish Water could have been.

It is very important that somebody from the National Federation of Group Water Schemes should sit on the commission to bring that experience to bear and bring the views of those who will continue to pay water charges to that table. It is a very Irish way to deliver water through the group water scheme network. Many communities, if they had depended on a State organisation to deliver water, would still be waiting for water, but community-led activity with support from the Department through subsidies ensured they got water.

I have always said we should consider the group water scheme model of delivery in other areas, for instance, broadband, to get services into those areas where central government puts it to the end of the queue or where private companies never bother. It is essential that the voice of group water schemes and their users are represented on the commission and that their views are listened to and not just ticked off.

I welcome the commitment that the capitation that was reduced in line with the €100 grant will be increased. We put huge pressures and demands on group water schemes, which is as it should be for delivering an essential service. It is important that it be delivered properly and healthily. We also need to give them support in doing that. During the years there has been a very good relationship between the former Department, the federation and the various schemes and it is important that continues.

There is a commitment in the programme for Government to continue the subsidies that were provided under the CLÁR programme for bringing water into the most remote areas of the country that can still not get it. It is important that this commitment is fulfilled. There are still areas which do not have huge populations but where there are young families who may be the basis of renewing a community and they need to have water. Without the old CLÁR programme they will not get it.

In that vein, I have noticed a trend in the few planning applications we have seen in recent times, which thankfully are beginning to increase, whereby the water connection fee being charged by Irish Water and local authorities is extraordinary and bordering on extortionate. If we want to encourage families back into rural communities, we need to assist them and not penalise them with development levies and then with a separate water connection fee. In one case a family with two young babies trying to build a house in a rural community are being charged €2,400 just to connect their house, which is not that far away. We need to look at that in an holistic way.
Perhaps the Minister, Deputy Heather Humphreys, working with the Minister, Deputy Simon Coveney, can look at the way water connection fees are constructed. I accept that they have to be charged, but they should be charged in a way that encourages people and does not penalise them for wanting to move into a rural area.

I want to give credit to the people who work for Irish Water for the central role they have successfully played in the important task of planning. We have identified that it is important for a water utility to have an overarching role as we move forward. Notwithstanding my criticism of Irish Water - I can only speak for the staff in the west region - I have always acknowledged that its team did this very well. We did not need such a large institution to be created in such a gold-plated manner, but that is what happened under the watch of the Minister’s predecessor. We needed something much smaller with the ability to react in a speedy manner. We needed a body that could work with the local authority staff who knew the connections on the ground. That is something Irish Water has done well.

The notion that there will be a collapse in the amount of money we are spending on water infrastructure does not add up. If Deputies compare the amount of money spent in recent years with the amount provided directly for councils during Fianna Fáil’s time in government, they will find that we were spending more on capital infrastructure than Irish Water has been spending. While I accept that moneys will be better spent by a national co-ordinating body, I do not agree that we need the big, gold-plated, larger-than-life operation that Irish Water has been up to now. I know the word “humility” is not in the dictionary or the pattern of behaviour of the Minister’s immediate predecessor. In the Minister’s approach to the new commission in the next nine months, he must acknowledge what was done wrong. He must acknowledge the occasions on which legislation and regulations were rushed through the Chamber in a band-aid style manner in the hope that the legitimacy that had flowed away from Irish Water from its establishment would somehow return. That could not be rectified, which is why we are here now. I do not think the legitimacy of water charges will ever be won back because of the disaster that was Irish Water. We should now recreate a water delivery mechanism that will achieve the support of people, work on a national basis in conjunction with the regional plans and the local authorities and meet the water infrastructure needs of a 21st century country. That must be done in a manner that will instil confidence from the outset.

Deputy Anne Rabbitte: I am pleased to have an opportunity to speak to the Water Services (Amendment) Bill 2016. Like my Fianna Fáil colleagues, I support the Bill. I will not discuss the various legal clarifications that are outstanding at this time. As a result of the Bill which reflects the first part of Fianna Fáil’s agreement to facilitate a minority Government, water charges will be suspended immediately. I thank the Minister for outlining the timeframe the other day. The suspension period will begin on 1 July, when the work of the commission will kick in. We should receive a report on how it is going in December. The special Oireachtas committee will report back in March and the Dáil will subsequently vote on its recommendations. I understand that if the committee has not fully completed its work, the Minister can determine that the timeframe available to it needs to be expanded.

My colleague, Deputy Dara Calleary, has spoken really well about rural schemes and I do not need to rehash what has been said. One of the reasons we as a party did not support water charges in the very beginning was that we did not believe people should pay for water that was not drinkable. Like many other Deputies, I have experience of this in my home area of east Galway. I live in Portumna where the water is chlorinated on a regular basis because its quality is not great. Eight miles out the road in Woodford there are lead pipes with asbestos connections...
which are regularly broken. The people of Woodford have waited 15 years for these pipes and asbestos connections to be improved. The footpaths have not been repaired during that time. It was only last year, following the establishment of Irish Water, that they realised they would never have the road repaired because they had gone from No. 11 to No. 33 on the waiting list. I refer to Main Street in Woodford. Although funding was subsequently sought and - fair play to Galway County Council and the Department - the road was repaired, I suggest that in itself was a signal that the pipes were not going to be repaired.

There are other issues with Irish Water in Loughrea, 20 km away. When rain falls, the back gardens of houses in the Coscorrig estate are completely flooded. I suggest this is happening continuously because no one in Irish Water is answerable. We are not feeling its funding coming to us. We could not feel the value of the Irish Water infrastructure because we believed it was a quango. In fact, it was more about public relations and the propaganda of selling its image than it was about giving benefits to people on the ground. The people of Loughrea are still subject to a boil water notice. We cannot get answers when we ask when they will come off it. This issue is having an impact not only on the people of Loughrea but also on the people of Craughwell, further into the county, who are included in the same water scheme. I am trying to build a picture to show the Minister how Irish Water has failed the people of east Galway. I am not just talking about the rural schemes in the villages; I am also talking about towns. Portumna, Woodford, Loughrea and Craughwell have all been affected. People were paying their water charges all the while, even though they felt really reluctant to do so because they were receiving such a poor service. The water was not drinkable and subject to a boil water notice. The authorities in Portumna cannot apply for a blue flag because there is no reason to believe the water supply in the locality will be of sufficient quality two years in a row.

The Minister might say the problems I have mentioned are not all of Irish Water’s doing, but I suggest they can be attributed to its failure to put in place an overarching umbrella to support us. When I sat on Galway County Council, we struggled to get clear-cut answers from representatives of Irish Water. When they came before us, they were unable to give us definite answers. They could not give a timeframe for delivery, for example. Everything needs to be subject to time management. People need to receive feedback, but we were not getting the relevant feedback. Both parties have agreed to this legislation which will send this issue out to a commission in order that people can talk about it. We need to find a deliverable solution that will ensure the infrastructure - the pipes and personnel, etc. - will be in place before people on the ground are ever asked to pay water charges again. There is a need for a a timeframe for anything that needs to be delivered. People do not want to pay for water that they cannot drink. They should not have to go down the road to SuperValu or Aldi to buy water, while paying water charges at the same time. I do not want to have to represent people in such circumstances. I do not believe we should have to pay for water if we cannot drink it. I do not have to say anything more than that. I welcome the Bill and look forward to what will come out of the report.

Deputy Robert Troy: I welcome the opportunity to speak to this important legislation. Some Members of the Dáil would have suggested it could never be facilitated. We would not be discussing it if it were not for the composition of this Dáil. I compliment my colleague, Deputy Barry Cowen, and the other members of the Fianna Fáil negotiating team for ensuring this legislation would be debated in the Dáil and part of the arrangement for facilitating a minority Government.

I know that representatives of Sinn Féin like to hop up and down. They are masters of the art of expressing sheer indignation. When they are representing people’s views, they show how
outraged they are about this, that and the other. They put proposals before the Dáil in its early
stages during Private Members’ business as part of an effort to claim some political credit, even
though they absented themselves in having any hand, act or part in the negotiations and talks
on the formation of a Government. They did not consider supporting a minority Fine Gael
Government or a minority Fianna Fáil Government. They did not consider abstaining to enable
some formation to come together in the national interest. They did not feel a duty to alleviate
the need to return to the country in a second general election.

This legislation will suspend water charges for a nine-month period. From 1 July, anyone
who has been paying water charges will not have to pay any for nine months. It will afford an
opportunity for all Members, after the commission has investigated and reported back, to de-
bate fully where we go from here. My party has stated it is opposed to water charges, like the
majority of Members of the Dáil. If the majority stay true to their commitment, water charges
will not be reintroduced.

How did we reach this point? As previous speakers said, we reached it because of the
manner in which the previous Government - initially the then Minister and now European
Commissioner, Phil Hogan, and subsequently Deputy Alan Kelly - went about the creation
and establishment of Irish Water. It was an unbelievable series of disasters. What we saw
was possibly the worst ever introduction and implementation of a public policy with U-turn
after U-turn. First, PPS numbers were to be mandatory, with the claim that there was no way
it could be done without them, but, lo and behold, that was changed. Second, a fee structure
was put in place which, again, could not be changed, but, lo and behold, a conservation grant
was introduced. In itself, the grant was the biggest con job of all times. Regardless of whether
somebody paid for water or whether they used 10 litres a week or 110 litres a day, everyone re-
ceived the same amount under the heading of conservation grant. Like many of my colleagues,
I saw old age pensioners who did not have the wherewithal to face another tax wondering how
they would pay their water charges. The previous Government gave itself much wriggle room
and leeway to change and modify policy to suit the political reality at the time, yet no leeway or
concession was given to some elderly people who had failed to apply for the conservation grant
owing to their age, or who were not able apply online because they had no family support, or
who were afraid to deal with Irish Water in any manner or means. With a deadline set in stone,
they missed out on the €100 grant. No leeway was given to them, but there was plenty for the
Government as it moved from crisis to crisis when establishing Irish Water.

Irish Water was established on the premise that it would be able to borrow off balance sheet
and, accordingly, bring forward a large-scale investment programme in water infrastructure
around the country. That was right as a large investment is needed in water infrastructure.
However, the Government went about spending €500 million on water meters, which are not
used, and over €100 million on consultants to set up Irish Water. In its first year of operation
Irish Water lost €22 million. I do not know how losing €22 million could be considered to
be good practice in investing in large-scale development, but I suppose it is down to how the
original legislation establishing Irish Water was introduced in the Dáil. In that particular week
I remember that we on this side of the House were ridiculed for merely questioning the time
given to debate the legislation. We were shot down and it was deemed that the debate on the
Bill would be guillotined. Less than three hours were given to debate one of the most important
Bills to pass through the last Dáil. By virtue of the fact that it went from having a majority of 30
seats to being 30 short, I hope and expect the Government realises that those on the Opposition
benches have ideas and an important role to play in the scrutiny of legislation. That explains
why this legislation is being debated in the Dáil now.

It is disingenuous when one sees Labour Party Members introducing legislation similar to that against which they actually voted in the previous Seanad. Fianna Fáil brought forward legislation in the Seanad to ensure Irish Water would always remain a public utility. At the time the Labour Party Members of the Seanad voted against it, claiming it was not needed. It is amazing how a person’s opinion can change when he or she moves from the Government to the Opposition benches. Just like Deputy Alan Kelly when Minister for the Environment, Community and Local Government tried to fool the electorate and failed, I do not believe they will be fooled by the Labour Party’s most recent proposals.

Under the Water Services Act 2007, if there is a problem with or a leak from public sewerage under a public roadway or footpath, it is the responsibility of Irish Water. Before that, it was down to the local authority to deal with it. Whether it was on purpose or an error in the 2007 Act, a problem has emerged with public sewerage in older housing estates. For example, many local authority houses on Green Road, in O’Growney Drive and St. Bridget’s Terrace in Mullingar have been bought out. To keep costs down when such estates were being built, the sewer pipes were not placed along the main road or the back lane. Instead, they were placed right at the back door of the houses. Accordingly, if there is a blockage in the sewer pipes, it is deemed to be the house owner’s responsibility, even though it is actually a public sewer. These home owners are being penalised as Irish Water will not correct the problem. This needs to be examined. It is not the house owner’s fault that when the houses were constructed, the pipes were not placed along the main road or in a public space.

Again today we heard the European Union’s opinion on whether we can have derogation in the case of Irish Water. Sometimes, when one hears the European Union coming out on cases such as this, it seems like it is meddling in the national affairs of a particular country. For all of the positives which were debated at length in this House only yesterday in the light of Brexit, when we hear the European Union stating it will determine whether we can implement the will of the people through this legislation, we do not have to wonder why some people are fed up with it or why some actually voted in the way they did in the recent referendum in the United Kingdom.

On the whole, this is welcome legislation. As I said, it gives an opportunity to suspend water charges for a period of nine months, during which time we will have an opportunity to consider a funding model that is fair and equitable and that will not place an unnecessary financial burden or hardship on people. Let us remember the way the original legislation was introduced. It was introduced on the basis that a person in receipt of an old age non-contributory pension of €230 a week who was struggling to survive was to pay the exact same annual amount in water charges as someone like me. The Minister may disagree, but that is the case. I am thinking of an old age pensioner living alone in a local authority house who is receiving €230 a week and paying rent, electricity bills and prescription charges. That person simply could not survive. The outgoing Government in its introduction of water charges never once took account of a person’s ability to pay or thought of the person who could not afford further charges, who was living hand to mouth and waiting for Friday to arrive every week in order to collect his or her old age pension. This is not made up; it is factual. It is welcome that from 1 July water charges will be suspended.

I wish the commission well in its deliberations and coming forward with proposals that will ensure we can raise the necessary funding to make the investment needed in towns and villages
across my constituency and in every other in order that we can see them develop and grow. At the same time, the charges must not be put on the backs of ordinary, decent working people.

Deputy Eamon Scanlon: I am glad to have the opportunity to speak about this issue. I am coming at it from a different side in that I am speaking on behalf of those who are being billed twice.

In Sligo and, I am sure, other counties Veolia was given the contract some years ago for the implementation of the water scheme and the collection of charges. At an earlier stage, we contacted it to point out that people were being charged twice, that they were being charged once by Veolia and again by Irish Water. Some months ago, when I contacted Irish Water, it was very helpful and at the time resolved the issues involved. People were to get a refund of what they had paid. However, more recently, when I contacted Irish Water again, the situation had been more difficult and the result often depends on the person to whom I am talking.

The point is that once people are billed by one utility, they should not be billed again. It is wrong that people have to pay twice. When people are with Veolia, they pay €20 per quarter for the meter, or €80 a year, and if they have a second meter, they pay again. For this, they receive 50,000 gallons of water a year and then pay for any water they use above that amount, as many people do. I would like to see this issue sorted out.

What will happen to those who are part of group schemes? They organised themselves as a group and applied for and received grants to provide water schemes. In some cases they had to contribute £4,000 or £5,000 individually. They have been paying for water continuously during the years. What does the Minister propose to do for them? I believe they are being overcharged and it is wrong that they should have to pay when others do not. I ask the Minister to try to resolve the issue.

Sligo County Council has made an application in respect of sewerage schemes. There is a group scheme that takes in Grange, Tubbercurry and Enniscrone, all of which are under severe pressure. The applications in respect of these schemes have been in place for many years and there have been a few false dawns. I ask the Minister to use his good offices to see whether they can be progressed as quickly as possible.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): I welcome the opportunity to respond to the commentary from colleagues on all sides of the House. I thank Members for their contributions to the debate. This is a very short Bill and there has been little discussion on the technicalities of the legislation. I hope we will have an opportunity to do this on Committee Stage in the coming days when we will go through the Bill line by line to make sure we get it right.

Essentially, the thinking behind the legislation is clear. It is about trying to create a window of opportunity to have a less politicised discussion on how we pay for domestic water services in terms of the supply of clean, safe water, which clearly is not the case in parts of the country. That is evidence, if we needed it, that we need to change the system we use to deliver water. The previous system was operated through the local authorities which were under-funded in many cases. Although there were many good engineers within the local authorities, the reality is we had a very disjointed system, with individual local authorities trying to do their own thing. When we look at the statistics, the results are shocking; some 49% of water leaks through pipes before it reaches its supposed destination, thousands of people are subject to boil water notices.
for long periods and raw sewage is going into harbours, rivers and lakes.

The House does not need me to make the arguments on the need for an improved water treatment and delivery system for households across Ireland. I hope the discussion in the next nine months will be about how we do this, who pays for it and how it is to be paid for. The one constant in this debate is that everybody accepts that we need to pay for water and that this is not a free resource in terms of its treatment and management. What the debate is about is whether we should pay for it through general taxation, whether there should be a household contribution element for the amount of water used, whether the volumes used should be paid for in full by households or whether some other metric should be used.

I appeal to other parties during this process to contribute to that debate. Within the next couple of days - certainly this week - we will have the announcement of an expert commission. I have tried to ensure a real balance on the commission in terms of legal and technical expertise and knowledge, including an input from group water schemes. This interaction with the commission will certainly be facilitated in the next five months in order that we can come to a set of recommendations on which it will be up to us to decide as the democratically elected representatives of the people. For some, this will not be an easy process because many people have already committed politically to an outcome, which in some ways is not helpful to the process. Fine Gael has a political policy position on how water should be paid for, as do Fianna Fáil and Sinn Féin. No party has a majority in this House anymore; therefore, we are trying to put in place a structure to put some questions and options on the table which make sense, first and foremost, for households in the provision of water, in the belief that the delivery system will work for them and that it will be fair. If there are two neighbours who use dramatically different volumes of water, for whatever reason, is it fair that they effectively pay the same amount for that resource through general taxation? It is not and neither is it fair to ask somebody who cannot afford it to pay for water. There is now such a structure in place.

I thank Sinn Féin for supporting this legislation, even though its position on it is very different from mine. I hope it is an indication that it will buy into the process and try to work with and contribute to it. In nine months’ time we will have an all-party Oireachtas committee which will bring forward recommendations to the House, regardless of how uncomfortable they may be for some of us. There is a risk for everybody, but probably more so for the Government parties than for anybody else. We will, however, take on board the committee’s recommendations and have an honest and informed discussion without the constant political manoeuvring whereby all political parties and none try to outmanoeuvre each other to be more popular on this issue. Real anger and resentment have been encouraged through the water debates that have taken place on the streets and in this House. My job as Minister is to deal with the issue.

As people get to know me, I hope they will get to know that I am someone who wants to listen to other perspectives. I might not agree with them all of the time, but there should be consensus in the House on water as a resource and how we deliver and should pay for it in order that as Governments change there will not be radical changes of policy on the delivery of something as fundamental as water. If we did that in the case of electricity, the country would not be able to function. If we did it in the case of gas, we would have huge difficulties and interruptions in supply and funding models. It is a little like what the Minister, Deputy Simon Harris, is trying to do in the health service because it is a fundamental service for the public. There is no more fundamental provision of a resource into people’s homes than the provision of water and, as Minister, I will try to facilitate that process.
I will be in Brussels next week to meet the European Commissioner for the Environment who I know quite well because he is also the marine Commissioner and I was formerly the Minister for Agriculture, Food and the Marine. I know him well from negotiations on fisheries and he is a very decent and straight individual. I have already spoken to him at length on the telephone. I want to go to Brussels in person to explain what we are trying to do. For an outsider, the resentment, marches, protests and anger seem like a very strange process in the politics of water provision, especially to people in other countries who have been paying domestic water charges for a generation, or certainly for decades. I am not pretending for one minute that it is contrived. The anger many people feel towards water charges is genuine and to try to get acceptance of a new financing model will not be easy in that context. There have been a lot of mistakes made which have led to that anger, but there is also politics being played which has encouraged it. When I talk about trying to take the politics out of water provision, I am not talking about trying to create some cosy consensus with which everybody will be comfortable but rather about having an informed debate to make a decision that can last through various changes of Government, which will undoubtedly happen in the next number of decades. We should have a consistent and sustainable approach to water provision which is consistent with our obligations and commitments, both nationally and internationally. It is something we want to embrace rather than have forced on us by a water framework directive.

The issue of public ownership has been raised repeatedly. There is no privatisation agenda in the Government on water services. If one looks at the legislation that safeguards this, for any future Government to privatise Irish Water, it would have to obtain permission to do so through a plebiscite. It would require a referendum for it to happen. That is the length to which the last Government went to to reassure people that there was no privatisation agenda. The previous model of water delivery whereby local authorities were forced to outsource the building and management of water treatment facilities to private companies was leading to privatisation by stealth. Irish Water is taking back ownership of many of wastewater treatment facilities; it is a reversal of what was happening previously in the context of privatisation. I am open to suggestions others may have to provide further reassurances in maintaining Irish Water as a publicly owned utility and to reassure people that there is no privatisation agenda. Let us look at what we can do in that regard. I have listened to what people have been saying, but it is not as simple as holding a referendum on water infrastructure given the complexities around private ownership of much of the water infrastructure in rural Ireland through group water schemes. People are perfectly happy with the current infrastructure which is working quite well and which they are financing. For group water schemes, we are moving to ensure the financial models and supports in place before the introduction of the water conservation grant will be returned to. We have spoken to the National Federation of Group Water Schemes about this and it seems to be very happy with what we are proposing to do. We are also proposing to increase the grant aid available for private wells and their maintenance. There is nothing to fear for group water schemes or those who have been paying for their water for many years.

There are contracts in place to finish phase 1 of the water metering programme and we will see it through. There is a second phase which is more complex in providing meters in apartment complexes and other housing units that are not as easy to access. Decisions will be made in the future in that regard; we are not making any decision on it right now.

I am not going to start holding a stick over people because of their legal views in interpreting the Water Framework Directive. All I am saying is the European Commission’s view on it does not come as a surprise to Fine Gael and it should not come as a surprise to anybody.
else either. Let us wait and see how it assesses the issue. There will be legal expertise in the commission which will look at the issues and listen to the arguments and what people have to say. It will make an independent assessment and recommendations in the five months it will be working on the issue. Let us wait and see what it will state. I am happy to let it do this, but some people seem to be hugely surprised by and contest what the European Commission has been stating on the issue. It should not come as a surprise at all.

This process is about trying to fix some of the failings to which people have been referring repeatedly. I appeal to them to work with us on the issue. Who knows, in the not too distant future, Fianna Fáil or Sinn Féin may be in government and it will be their responsibility to try to ensure we deliver an improved water provision each year and make sure fewer people will be subject to boil water notices and fewer families will be affected by public health issues that are impacted on by pollution and poor water quality.

When we look at what Irish Water is planning to do in dealing with leaks between now and 2021, its targets are clear. It aims to move from a figure of 49% to 38%. This can only be done over a phased period. All of the leaks cannot be plugged overnight. It is hugely expensive, but Irish Water is committed to continuing that process. Not only that, we will essentially have an observation body which is also being set up as part of the nine-month process and which will report quarterly to the Oireachtas to ensure the targets which are being set in the business plan for Irish Water and on which the regulator is insisting are being met. We will have an independent monitoring body to report to the committee and the Oireachtas to make sure that will be the case. That is part of what we are trying to do in creating an acceptance and an understanding of the challenges Irish Water faces and how it is responding to them on behalf of the State which will continue to own it into the future.

I look forward to hearing what Members will have to say on Committee Stage. I ask Members to try to facilitate the movement of this legislation as quickly as possible. Let us not forget that we are effectively introducing a freeze on water charges from 1 July, in a few days time. By the time the legislation is finalised and enacted, it will effectively be retrospective for a number of days or a week or two. That is fine and there is nothing extraordinary about it. However, the sooner we get it through, the sooner we will provide certainty. It will allow the commission to get on with its work and allow the process to begin to, I hope, resolve some of the issues that have been the source of a lot of frustration for Members opposite. It will allow us to move on from this issue, as I think many of us would like to do, and focus on the many other challenges that the Government and the House have to face.

Question put and declared carried.

Deputy Simon Coveney: Unanimous support.

Deputy Eoin Ó Broin: All six of us.

Water Services (Amendment) Bill 2016: Referral to Select Committee

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): I move:

That the Bill be referred to the Select Committee on Housing, Planning and Local Gov-
Dáil Éireann

Pursuant to Standing Orders 82A(3)(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

Energy Bill 2016 [Seanad]: Second Stage (Resumed)

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

Acting Chairman (Deputy Eugene Murphy): I understand two Fianna Fáil Deputies - Deputies James Lawless and John Brassil - will now make their contributions, but there may be a third. If that third Deputy arrives, the three Deputies will have to share their time accordingly.

Deputy James Lawless: I wish to see the Bill through to the next Stage, but I am aware that there are some time constraints in that regard. As I sit on the relevant committee, I am aware that we are due to receive it tomorrow. I, therefore, hope it will proceed smoothly this evening. I have a number of comments to make on the energy sector as a whole and the Bill also.

Sustainable energy and energy security are desirable and targets to which we all aspire to achieving. They are targets we can and should do more to achieve. Before I deal with that issue and the Bill specifically, it would be remiss of me not to acknowledge concerns in the energy sector that have arisen not only in my own constituency but in others also. This is not necessarily directly pertinent to the Bill but more so to the energy sector as a whole. It is a good opportunity to air them in the House.

There appears to be an over-concentration in this country and others on a single form of renewable energy, wind energy, wind turbines in particular. Their prevalence in the midlands, along the western and the north-west coasts, etc, has been controversial and many applications have been refused as a result. I refer, in particular, to the Emlagh wind farm in County Meath and also the O’Grianna case on the west coast in which various court decisions led to an overturning of the decision. The Emlagh case went to the High Court in which the objectors won their case.

Some legitimate concerns have been raised and I do not necessarily agree with all of them. Some of the concerns expressed about the wind energy sector, in particular, are grounded in reality. Set-back distances remain a concern in many areas. The question of efficiency has been raised as regards whether a spinning reserve is required. Is there a need to depend on a fossil fuel, a non-renewable form of energy, to keep turbines in action at times when the wind speed is not sufficient to power them. The provision of turbines has been extremely divisive within communities. That is a fact we can all acknowledge.

Public consultation has been lacking in many cases where wind energy project developers - the “big wind” as it is termed - have arrived in communities under the cover of a notice in a less well accessed publication. I saw this happen in Johnstownbridge in the Hamlet Court Hotel when, on a dark Tuesday night in November, a public consultation meeting took place about which nobody had heard, before or since. That is regrettable and not the way to engage with communities and secure their goodwill. I saw it first hand in the case of the Macken wind farm and the Maighne wind farm. The other point of note is that sometimes wind farms tend to span more than one county or local authority area. It can be difficult for county councils if
there are three turbines in one county, four in another and five in yet another in close proximity. It can mean that there are multiple applications being dealt which, in some cases, end up being referred to An Bord Pleanála. What seemingly is unprecedented, in the case of the Maighne wind farm with which I am most familiar, is that An Bord Pleanála has repeatedly deferred making a decision. Initially it was due to be made last September; then it was due to be made in February or March and now it is being deferred again. I did not realise the legislation gave An Bord Pleanála powers to do this, but obviously it does or it is being done in any case. I flag these concerns to the House.

While we all wish to embrace renewable energy, it is important to diversify and scatter what is in our basket beyond one source. I refer to the guidelines. It would be a gesture of good faith on the part of the Department and the Minister if they moved ahead with new ones. We are aware that the guidelines are outdated. Anyone with even the faintest knowledge of the sector will be aware of this. New wind turbine guidelines are long-awaited. The technology is very fast-moving and always has been. If we want to embrace the sector and the concerns of communities, it is very important that we move on the guidelines as soon as possible as a positive step, to put communities out of their misery and win buy-in among the wider community.

I will briefly discuss the positives. For four days solid in early May Portugal ran on renewable energy sources. Electricity stations were powered entirely by solar, wind and hydro power sources for a 107-hour period from 7 to 11 May. That is an extremely positive example of how well it can work. Elsewhere in the European Union, Germany achieved an even more impressive feat also in the month of May. Prices were in the negative for a while, something I am sure householders here would welcome. The renewable energy sector needs the right framework to compete with fossil fuel plant operators to make it competitive and place it in a context in which it can bypass fossil fuel plant operators on efficiency and competitive grounds also. I look forward to the Bill moving to the next Stage.

Deputy John Brassil: I wish to quote a conclusion made by the Minister in his contribution on the Bill:

The Bill does not set out to revise or recast the energy regulatory framework in an all-embracing or comprehensive way. Whether such wider and more comprehensive reform is required will be addressed by the review of the legal and institutional framework for the regulation of electricity and natural gas markets, including the Commission for Energy Regulation’s mandate.

I will discuss the mandate and important role of the Commission for Energy Regulation, CER, particularly in the case of a project very close to my heart in County Kerry, known as the Shannon LNG project. It was initiated in 2006 and involves an investment of €500 million to €1 billion to bring liquefied natural gas into Ireland for the first time. It was going exceedingly well until approximately 2009 when a decision by the CER to implement a new tariff structure for the gas coming through the interconnector across the Irish Sea put it in abeyance. I have already spoken to the new Minister about it and last Wednesday we had a very productive meeting with a delegation from the community, the company, local councillors and Deputies. The project has been designated as a national strategic infrastructure project and the European Commission has awarded it project of common interest, PCI, status which means that it wants it to be built for the reasons outlined in the policy statement of 2016. The project ticks all of the boxes. It would ensure security of supply in a very difficult market, particularly given that we are dependent on gas from a source 4,000 miles away in which the political situation is very
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volatile. It would provide for diversity in the Irish gas market, connectivity to the global LNG market and have the added benefit of low carbon emissions.

In recent times, following the European Commission’s intervention in awarding the project PCI status, the support of Bord Gáis Energy and Gas Networks Ireland has been critical. We are looking not only at importing gas at Ballylongford but also at reverse flowing it through the interconnector to supply gas to the United Kingdom and northern Europe. The project has great potential. The worldwide LNG industry wants to competitively supply the Irish and north-west European gas market through the Shannon LNG terminal. In order for this to happen, the key players are the industry with an investor, Gas Networks Ireland, which owns the network and Bord Gáis Energy which controls the interconnectors. We must all act together.

Coincidentally, the project is mentioned in A Programme for a Partnership Government, which I very much welcome. It states:

The new Government remains supportive of the proposal to construct a LNG terminal near Ballylongford, County Kerry. The LNG facility would bring connectivity for the first time to the global LNG market. The prospect of such a facility would be a positive step for the island of Ireland. While the regulation of the gas market is the responsibility of the energy regulator we will request the national dialogue on climate change to examine if there are ways to facilitate liquid natural gas on the island of Ireland.

How does the Government intend to implement this policy statement in a manner that will result in successful investment and job creation in the Shannon region? It is in all of our interests to make the project happen. The regulator, the Minister and the industry have key roles to play and we must work together to get the project over the line. The knock-on benefits for a rural county such as Kerry would be immeasurable. There is immense potential for knock-on industries that would flow from such a development in Ballylongford. There is, therefore, an onus on us all to try to make it happen. In a spirit of co-operation, I ask the players mentioned to get together to get the project over the line.

New wind energy guidelines have been proposed for many years, but deadlines have come and gone. I ask that the new guidelines be published before the summer recess, if possible, or, at the latest, by September to give guidance to the industry. This is critical. An interest in solar energy has emerged. There are a number of projects in my county, one of which has been submitted for planning. Owing to a delay regarding the PSO charge that will be applied to solar energy projects, there is confusion in the industry and people do not know what the benefits will be and whether they should go ahead and develop solar energy farms. The issue must be resolved quickly to allow development in this area.

Deputy Brendan Smith: This is my first opportunity in the House to congratulate Deputy Seán Kyne and wish him well on his appointment as Minister of State.

As my party colleagues have stated, we broadly support the Energy Bill 2016 which mainly involves amendments to existing energy Acts and strengthens secondary legislation, which is very important. One issue of concern to us and consumers throughout the country is the high retail energy prices footed by consumers, despite the collapse in wholesale gas prices. Consumers are not seeing an equivalent drop in the prices charged to them that should be expected due to the fall in prices worldwide. My colleagues in this debate have indicated that the Commission for Energy Regulation, CER, must be reformed and empowered to take account of the
impact of current retail prices being foisted on consumers by energy providers which is having an effect on the prices paid by consumers and competitiveness.

One project is a source of serious contention in the north east of the country, namely, the proposed North-South interconnector. During this and the previous Dáil, I have raised the issue by way of parliamentary questions, but I have never received a satisfactory response. The former Minister, Alex White, always dodged the question by outlining that the matter was before An Bord Pleanála. None of us expects anybody to interfere with the work of An Bord Pleanála, but we did not receive satisfactory answers during that period from the former Minister or his predecessor, Pat Rabbitte. Last August I made a detailed submission to An Bord Pleanála on the proposed project, with Councillor Clifford Kelly, one of my councillors in County Cavan. We lodged a detailed objection last August and our colleague in the Oireachtas, Senator Robbie Gallagher, with his then council colleagues in Monaghan, Seamus Coyle, P. J. O’Hanlon and Padraig McNally, made a very detailed submission objecting very strongly to the proposed North-South interconnector. Individuals, community groups and public representatives of other political parties submitted hundreds of very good objections.

Last January I welcomed the fact that An Bord Pleanála had agreed to hold an oral hearing, which took place over a period of many weeks in Carrickmacross, County Monaghan. I participated in the oral hearing, with Fianna Fáil colleagues and public representatives of all other political parties. I outlined clearly and strongly that I strongly objected to the proposed project. Any public utility, in providing public services, must be cognisant of the concerns of individuals, families and communities about a project that will traverse so much of the country, as the proposed North-South interconnector will. At the oral hearing the County Monaghan Anti-Pylon Committee and the North East Pylon Pressure Campaign, representative of communities in counties Meath, Monaghan and Cavan, also made very detailed and well researched proposals and lodged objections to EirGrid’s proposals. With others, I outlined the many negative aspects of the planning application in terms of the unacceptable scenario that would arise with the construction of monstrous transmission lines through large parts of counties Monaghan, Cavan and Meath. The project, if permitted to proceed, will destroy heritage and tourism in the area and place huge impediments in the way of farming practices.

Debate adjourned.

**Equal Status (Admission to Schools) Bill 2016: Second Stage [Private Members]**

**Deputy Joan Burton:** I move: “That the Bill be now read a Second Time.”

Education policy can throw up many opinions and preferences, some of them contradictory, but most of us agree that children benefit from meeting and getting to know others from different backgrounds and religions. Most of us agree that diversity in our schools is an opportunity for society, not something to feel threatened by. No Member would support the idea of parents being coerced to baptise their children just to secure a school place for them. We would, I hope, find this offensive, from both a religious and a secular perspective, yet most of us, certainly from the Dublin area, have come across these cases. Most, if not all, Members agree that local children should have access to their local schools because they serve as the centre of our communities. As society becomes more diverse and as more people opt out of the predefined roles assigned and imposed by religion, our school system faces a watershed. Can it adapt and cope with the new demands that parents now make of it?
No single change in the law will meet all those parental demands. In particular, where pupil applications outnumber pupil places, the solution will not be found simply by rewriting school admission policies; the solution is to build more schools, and that is what we did during our term in office. Our national school system was originally intended to be religiously mixed way back in the 1800s. However, from the beginning, all the main churches refused to co-operate in the provision of religiously mixed education. Despite the State’s intentions as the founder and funder of the system, it became overwhelmingly a denominational system of separate provision, and the State, in successive editions of the Rules for National Schools, increasingly recognised and even enshrined this denominational reality. This development reached its peak in rule 68, which dates back to 1965. In that rule, the Minister and the Department instructed our State-funded schools: “Of all the parts of a school curriculum Religious Instruction is by far the most important.” Every school was instructed that a “religious spirit” was to inform and vivify all its work. My colleague, the former Minister for Education and Skills, Deputy Jan O’Sullivan, rightly revoked this rule last December. It is, of course, no function of the State to instruct schools about the place of religion in the education they provide.

The problem now is that we have a system of national schools that are privately owned but publicly funded, and access to those schools is decided by religion, but we still have a Constitution that envisages something different. This goes back to the 1800s, and there is a clear tension between different constitutional provisions that have an impact on admission policy for our schools. On the one hand, the Constitution makes it clear that the State is entitled to fund denominational schools and that those schools are entitled to provide religious instruction during the school day. On the other, the Constitution also requires that legislation on State aid for schools must not prejudice the right of any child to attend a State-funded school while opting out of religious instruction. This much has been stated in the Supreme Court: if a school accepts public funds, then any child, no matter what her or his religion, is entitled to attend that school and has the right not to attend any course of religious instruction at the school. However, we as legislators have not yet come to terms with what this means and what it imposes on the design of our education system.

The Constitution Review Group reported in 1996 that Article 44.2.4° had the potential to give rise to difficulties. Our task, therefore, as legislators is to strike an appropriate balance between the right of a school to preserve its denominational ethos and the right of a child to attend a State-funded school and to avoid religious instruction there if that is what the parents of the child wish. In other words, when a denominational school accepts State funding, it must accept that this aid is not given unconditionally. The State-funded school must be prepared in principle and in practice to accept pupils from other denominations or none and to provide separate secular and religious instruction. The Bill aims to achieve this effect in law.

I acknowledge that our Bill does not go as far as some commentators and interest groups would like, and I will spell out clearly why. Discrimination in the provision of education is generally prohibited by the Equal Status Acts, but there is an exemption for denominational schools. Section 7(3)(c) of the 2000 Act provides that a school does not discriminate where it admits one child in preference to another on religious grounds. Some campaigners have called for a straightforward repeal of this subsection to end the exemption for schools from our anti-discrimination laws. I acknowledge that the call has a certain appeal, but I believe this is seriously flawed as a solution. Suppose the Act was amended to outlaw a discriminatory admissions policy for State-funded schools and it was insisted on that every school must be open first and foremost to its neighbouring children, with students enrolled on the basis...
of proximity rather than religion. If there were two national schools in a particular area, one Catholic and one Presbyterian, both schools would no doubt protest against the change in the law but both would comply with it. At the end of the admissions process, simple demographics dictates in the Republic that the Catholic school will still end up with a largely Catholic student population. The problem is that the Protestant school will also, particularly if it is in my area of west Dublin or in Lucan or Swords, because the Catholic population is so numerous that, on a proximity basis, they would more than likely fill both schools. If the law was amended in this manner, it would have to be applied equally and in a non-discriminatory way to schools of all Christian denominations and all minority faiths. Ironically, even though those who want a change in the law are chiefly targeting Catholic schools, only these schools would survive the impact of such a change.

A repeal of, rather than an amendment to, section 7(3)(c) would spell a more or less immediate end to participation in our education system by the Church of Ireland and the Methodist and Presbyterian churches, as well as the Jewish and Islamic faiths. This proposal might well appeal to ex-Catholics, but it takes no account of non-Catholics, and that must make it constitutionally dubious. Since the public funding of denominational schools is contemplated by the Constitution itself, any preconditions that are imposed by the State to receive that funding could not be such as to destroy the denominational character of a school. If schools admission policy was required to be entirely neutral on religion, the smaller the faith, the greater the risk that its schools would entirely lose their denominational character, a character our Constitution rightly entitles them to have. Even if we were constitutionally entitled to do so, we in the Labour Party do not want to see an end to minority faith participation in schools and, therefore, our Bill does not seek to destroy the ethos of denominational schools. It does seek, however, to impose conditions for State funding that reflect the requirements of the Constitution. It falls to us to propose this Bill because the Government has already made clear that it has no intention of legislating in this area and we are back to the scenario of St. Augustine, the long grass, holding off and Lord let me do it some day but not just yet.

At present, the law states that a school can absolutely refuse to admit a child on religious grounds if the school can prove that the refusal is essential to maintain the school’s ethos. That would be a very hard case to prove and it is not used in practice. Therefore, we do not propose to change this provision. The Act also states that any denominational school can give preference to children of its own denomination. There is no test of necessity and no proof required at all. This exemption applies to every school, regardless of whether it is State-funded. Such a preferential admissions policy might, for example, provide for admissions of, first, Catholics of the parish, then, second, Catholics from outside the parish, and then, third, local non-Catholics.

A “religious first” rule for enrolling students requires the production of a baptismal certificate or equivalent as a condition for admission. As a result, non-baptised children can be turned away, especially in urban areas where schools are hugely over-subscribed. I am very familiar with this in my area. The patrons of all the different religious denominations and patrons such as Educate Together and community national schools work hard, notwithstanding the contradictions in our law, to ensure that as far as possible every child is a welcomed child in the school, regardless of religion, ethnic or cultural background. We must acknowledge the aspect of the present law that sanctions a preferential admissions policy, admitting students from outside the school’s catchment area in preference to those of a different religion or none who live in the area. That is the problem with the existing law. Such policies run the risk of depriving more and more non-Catholic children of education in their neighbourhoods.
The purpose of this Bill is to amend the Equal Status Act to redress the imbalance between the right to maintain denominational schools and the right of children to receive a secular education in a State-funded school. Under our proposals, a denominational school’s preference for one religion would only be accommodated to the extent that it is demonstrably needed, by reference to actual circumstances, to meet the demand for denominational education in its catchment area, in accordance with the conscience and lawful preference of parents. Once that local need is met, the school cannot continue to prefer its own co-religionists to fill up the remaining places. I should make it clear that we intend to allow each school to define its catchment area under its statutory enrolment policy. Not every catchment area is equal in size. A Catholic school may well be in a local parish comprising a few thousand houses while a Protestant school may well serve half a county. We have examples of that in Dublin and in Meath. We have that factual situation.

Another important change is proposed in our Bill. It states that, in deciding whether an admissions policy or a refusal is proved to be essential, due regard must be had to the constitutional right of any child to attend a State-funded school without attending religious instruction, and also to the concomitant obligation that every such school should be so organised as to enable that right to be enjoyed. If the local State-funded school is the only reasonably available school and it is a denominational school, then, notwithstanding its religious ethos, the secular and religious instruction in that school must be severable to enable a child to attend that school without receiving religious instruction. Otherwise, the school should not qualify for public money.

I refer again to the report of the Constitution Review Group, an eminent body that included two former Attorneys General and a director general of that office, as well as two future superior court judges. On this issue, the group concluded bluntly that the denominational character of the school system does not accord with the Constitution. The report states:

The situation is clearly unsatisfactory. Either Article 44.2.4o should be changed or the school system must change to accommodate the requirements of Article 44.2.4o.

Faced with the choice between amending either the Constitution or the school system, that group did not recommend a change to this part of Article 44.2.4o. First, it pointed out that the provision was a limited exception to the general constitutional prohibition on the State endowment of religion. Second, it argued that if Article 44.2.4o did not provide safeguards for minorities, the State might be in breach of international obligations. It argued that an amendment would be a retrograde step in the context of Northern Ireland and would send the wrong signal concerning pluralism in the State. We in the Labour Party accept these arguments. We are not proposing an amendment to the Constitution but, if the Constitution is not to change, then the education system must change to align itself more closely to what the Constitution requires. Therefore, denominational education providers must accept that public money is not given unconditionally. The Constitution imposes requirements. It requires that every publicly funded school must be prepared, in principle, to accept pupils from denominations other than its own and to have separate secular and religious instruction. That is not just the Labour Party’s position, it is also the position, or very close to it, of most of the parties in the Dáil having regard to the recent general election manifestos.

In the spirit of new politics, it is open to the majority in the Dáil this week to progress this Bill through Second Stage and send it on to Committee Stage where we can continue the debate, reach consensus and, finally, make an agreed improvement to the law. I do not claim that its
drafting is perfect or that it covers every conceivable contingency, but Second Stage debate is about accepting the principles and policies of a Bill. If it is accepted, we can all contribute to improving the Bill on Committee Stage.

I have seen the Government’s proposed amendment to the Bill. I understand the Minister’s good intention in this respect but the road to inaction, particularly in this Dáil, is paved with good intentions and, in a way, an excess of talk. The Government’s proposal is that this Bill will only be deemed to be read this time 12 months hence. It is to be postponed for 12 months. It would be helpful if we could set a political target for parents because this is about parents, boards of management, teachers and patrons all trying to do the best for the children of the area. I represent Dublin West where we have the highest level of diversity in the State and where an extraordinary contribution is made by patrons, teachers and parents for the betterment of children. We as a Dáil should aim to have this legislation in place for the 2017-2018 school year. It would address the issue in this context of parents having to be involved in baptism where they do not wish to do that. If they wish to do it, it is a wonderful celebration, but if they do not, there is something false and forced about it. If this Bill were accepted and we then dealt with it in committee and at pre-legislative scrutiny level, we would then be ready for that timeline. I urge the Minister, in terms of our Republic, that this is the appropriate thing to do and not to dilly-dally with this for another year. As this is a precarious Dáil at times, is another year the equivalent of putting it off for three years or more? I understand that the Minister is well disposed and has engaged very generously in the discussion, but I suggest that he rethink the amendment he proposes, because it puts the matter out of bounds in terms of academic years for several extra years. I am not sure that is his intention, but it is the consequence of what he proposes. The Minister also proposes that we sort out so many issues when, in fact, as I think I have outlined in my speech, most of the pertinent issues are addressed in the Bill. Where they are not, the proposals that have been put forward by the different groups and the parties in their manifestos are capable of being addressed on Committee Stage so that we have the best outcome for all of our children in the diverse society that many of us happily live in now.

Minister for Education and Skills (Deputy Richard Bruton): I move amendment No. 1:

To delete all words after “That” and substitute the following:

“Dáil Éireann resolves that the Bill be deemed to be read a second time this day twelve months, to allow for scrutiny between now and then by the Oireachtas Committee on Education and Skills and for the Committee to consider submissions and hold hearings that have regard in particular to ensure that:

(a) the proposed Bill strikes a balanced and measured approach in relation to competing rights;

(b) the proposed Bill does not give rise to any unintended consequences that create any adverse impact on the schools of minority denominations;

(c) the issue of catchment areas for schools will be examined, with due respect to the importance of established geographic boundaries and organisation, as well as having taken into regard experience in other jurisdictions and the views of stakeholders;

(d) the proposed Bill takes account of any impacts and distortion on school transport policy and provision; and
and to fully discuss and explore other practical issues and consequences that may arise as a result of the proposals, and further agrees that the Bill would proceed separately from the Education (Admission to Schools) Bill, scheduled to be published by Government this term.”.

I welcome the tabling of the Bill by Deputy Joan Burton. It is important legislation. Contrary to what the Deputy inferred, I am keen that progress be made in this area. I did not say I was not keen to progress the legislation; rather, I have always said I was keen to work with the committee to advance legislation in this sphere. That is because when the education committee has examined this issue in the past, it recognised that there were difficult legal and constitutional issues that had to be balanced. This is not a simple issue but a complex one. Nonetheless, it is important, and I am very keen to progress the work. That is the spirit in which this amendment is put forward.

I am very keen to progress other areas where choice for parents can be genuinely opened up. I will push ahead with the admissions Bill, on which a great deal of work was done by Deputy Jan O’Sullivan when she occupied the post I now have. She did a great deal of good work, including pre-legislative scrutiny. The Bill did not include a provision of this nature. There is a lot of established work with which we can progress. The admissions Bill is well worth pursuing. It will bring extra clarity and definition to the area and be good for parents. I am also determined to push ahead with a plan to build on the work of Deputy Jan O’Sullivan and her predecessor, Ruairí Quinn, to expand the number of multidenominational schools available in our system. We have set a target of 400 over 15 years, which will represent a considerable acceleration of the pace of transfer. Clearly, a great deal of work will go into that.

Deputy Burton rightly pointed out that there are huge numbers of patrons, students and boards out there doing fantastic work. It is my genuine belief that they deserve the opportunity to attend hearings held by the Oireachtas committee and make their input. This is an issue that will have an impact on many schools and they need to have a chance to assess it and inform us in the Oireachtas of the potential impact it might have. There is a strong case to be made that children should not be unreasonably refused access to their local schools. That has been well articulated by Deputy Burton and others. In particular, oversubscribed schools should not routinely pass over local children to admit children of their own denominations where those children have options in their own areas. That is a principle that informed Deputy Burton’s Bill. It is vital that we provide for the consultation that a proposal of this nature involves. Everyone has recognised that there are legal and constitutional issues, and in her own presentation Deputy Burton picked her way carefully through them to ensure that she respected them. It is very important that we get the reassurance not just of this debate, which will be short, but of the sort of scrutiny that can occur in committee and that it deserves.

The Bill has raised a number of particular matters that will have to be examined much more closely when we get to the hearings stage. The Bill relies on a school’s catchment to define the area within which preference can be given. The concept of a catchment has not been used in Irish education legislation and as such it is a new one. It is not particularly defined in the Bill. It is certainly arguable that a better approach would be to permit preference for a child where he or she does not have a closer school of the same denomination rather than to define “catchment,” which is a term we have not used in the past and that is not clear, although I think from Deputy Burton’s presentation that she envisages that catchments would not be standard things.
Every school would have a different type of catchment which it would presumably define for itself. That obviously provides scope for creative definitions of “catchment” to allow the continued exclusion of local children. A school could define a catchment as a whole county or the whole country. There is an issue that needs to be examined there. The Bill ties catchment of a particular school with catchment of a particular denomination, which overlooks the practice whereby particular Protestant religions frequently give preference to children of other Protestant traditions even though they are not of the same denomination. That is a practice with which we should not lightly interfere.

The concept of requiring a religious school to prove, even within its own catchment, that its preference is, in the words of the Bill, essential to ensure reasonable access to children of that denomination within the catchment certainly pushes the issue quite far. Article 44.2.5° includes the right of religions to organise their own affairs. Even though the schools are in receipt of public funds, there is an issue with a requirement to prove that it is essential. Furthermore, the criteria against which the schools would have to prove that case are not set out. These are issues we need to examine. I am aware that the existing Equal Status Act uses that phraseology in respect of individual refusals, but the admissions Bill we are promoting will provide that a school that is not oversubscribed cannot refuse entry to any pupil. We are going beyond the requirement to prove that it was essential to disallow it in those cases. We need to tease out how the system would work in practice. One of the things about which we must be careful is the risk of creating a situation in which parents have no choice of school. We do not want to do that. We do not want to have parental choice constrained totally by address. Parents are recognised as the primary educators in our system, and that should be facilitated so that they have as wide a choice as possible. One of the things I am very keen to do is to expand that choice and to provide more multidenominational schools so that parents can operate their own choice to have their children taught in schools of their own ethos. That is the best outcome for parents, which is not to say that parents who choose to have a child in a school that is not of their ethos should not be properly accommodated also.

The matter of catchment may also raise issues for boarding schools, which will need consideration. That is especially so in the context of many Protestant boarding schools, which have very broad catchments. That is part of their attraction. The Bill introduces a provision on children who are opting out of religious instruction with regard to some kind of test to prove that preference was essential. I am not sure I see how those two things are connected. There are constitutional and, given the education legislation, legal obligations to ensure a child’s parents who want to opt out have the facility to do so.

This is a constrained debate, but I will welcome this legislation in the short time that is available to me. Our approach of providing a year during which these issues can be teased out will be helpful and allow us to move ahead swiftly, given that we will have worked through complex issues. If these issues had to be reflected upon and developed solely within the Department without having the opportunity to share that work with Deputies or for the committee to hold hearings with people in a public forum, the preparatory work would not be as well done. The way in which Deputy Burton and the Labour Party have proposed the Bill has given us an opportunity. We can push on with the elements relating to, for example, the admissions policy and move to the point at which the Dáil can make decisions on the Bill, which complements some other measures. The old phrase is, “If I have seen further it is by standing on the shoulders of giants.” There have been many reforming people before me in the Department. I want to build on their work and not let valuable measures prepared in the previous Oireachtas be lost.
I hope this offers Deputy Burton some reassurance. My approach to the Bill is constructive and not in the spirit of St. Augustine. I have forgotten what he said, but I know the phrase.

**Deputy Brendan Howlin:** Let him be chaste, but not just yet.

**Deputy Richard Bruton:** Exactly. We need to proceed with the necessary care that public hearings of the Oireachtas committee would provide us. In that spirit, I commend the amendment to the House.

**An Ceann Comhairle:** We will move on to the Fianna Fáil slot. Deputy Thomas Byrne is sharing time with Deputies O’Keeffe and O’Loughlin.

**Deputy Thomas Byrne:** I thank the Labour Party for introducing this Bill. It seems that, if we have proper consultation on this issue, it will be possible to reach a consensus in the Dáil. However, I do not see that consensus yet. For my part, that is primarily because I have not been able to meet all the interested parties. I have met some impressive lobby groups that made good cases in seeking the repeal of the Equal Status Act and other measures, but this is the holy month of Ramadan for Muslims and I have not been able to meet them as a result. The Church of Ireland has not been available to meet either, although it sent an urgent message this evening about its concerns with the Bill. For these reasons among many others, it is essential we take time to consider the Bill and speak to all the interested parties. They must be heard just like we and the impressive lobby groups that want change for good reasons must.

While Fianna Fáil supports the Government amendment, we would not allow the period to reach one year as a means of delay. As Deputy O’Loughlin, the incoming Chair of the Committee on Education and Skills, will agree, this issue can be addressed efficiently and must be dealt with properly. In recent years, time has been wasted on the divestment process, covering only a little of the distance that we must travel on the issues of choice and ethos in schools. Using a sledgehammer to crack a nut or demanding change without consultation or bringing people along has proven a barrier to change. A slightly different approach is necessary if we are to bring people with us. Everyone can see that the arguments are correct. Fianna Fáil accepts that the treatment of non-Catholic parents and children in the education system is an urgent rights issue and must be addressed quickly.

This situation has resulted from the changes in our society and the ever-increasing mismatch between patronage arrangements and the wishes of parents. I acknowledge the role of religious organisations in providing education via the national school system. Some provided it when no other education was available. While we must remember that some of the people involved shamed that work, I thank the religious overall. They are not in our schools as much as they used to be. In general, they did tremendous work for decades when the country had few resources.

The Equal Status Act 2000 prohibited religious discrimination in educational services. However, it allowed schools to enrol co-religionists in preference to members of other faiths when the schools were oversubscribed. Some 20% of schools are oversubscribed nationally, but particularly in Dublin. This has become a live issue. Having met those parents who cannot get their children into local schools, their case is inarguable to some extent and is one for which I have great sympathy. This situation has arisen on occasion in County Meath. I agree with the Minister that our policy while in government, that of providing choice, has worked in some areas. In Ashbourne and where I live in Meath, one generally has a wide choice of educational
providers, for example, Catholic and non-Catholic Gaelscoileanna, Catholic national schools, Educate Together, etc. This is good and forms part of the solution to the problem.

No parent should have to baptise a child just to get that child into a school. All children, regardless of religious denomination or outlook, should have access to a school in their local communities. Every Deputy will agree that this principle should be self-evident. However, amending section 7 of the Equal Status Act in the manner proposed in the Bill is too simplistic. As some of the minority faiths that have contacted me today have said, this would endanger the ethos of minority faith schools. I do not like the idea of them having to prove that a refusal or admissions policy is necessary to protect their ethos. The Minister has outlined the constitutional difficulties with it. While I will not go into the detail, this approach would invite court decisions, which would not be right when the issue can be addressed in a better way.

We favour the introduction of selection criteria for oversubscribed schools based on locality and catchment while recognising that children of a particular faith are entitled to attend a school of that faith. The Bill does not address the so-called baptism issue in school admissions properly. Proving an admissions policy is difficult. Going through the question at the committee of what would be required to protect ethos would be useful. Ethos is difficult to define. There is a Catholic ethos, but some schools have a different Catholic ethos. Educate Together has its own ethos and, although it has been in existence since the 1970s, we have only become more aware of it in our communities in the past 15 years or so. What is ethos and what needs to be protected?

Fianna Fáil’s policy refers to catchment areas, but I would be the first to admit that this issue needs to be examined. I agree with the Labour Party and disagree with the Minister that catchment areas will form part of the solution to the issue, as schools should have catchment areas. There must be a way of allocating resources fairly. We must work out what catchment areas are. I am unsure as to whether I agree with the Labour Party’s approach of letting a school decide, since a school could apply an especially broad catchment area. I am unsure whether the State should get involved in parish boundaries. We should stay away from that if we can. However, we must have a way of recognising catchment areas. Some schools include catchment areas in their admission policies and there are bus catchment areas and so on, but this matter has not been properly examined by the State to date. Deputy O’Loughlin’s committee will have to consider it to provide guidance for us.

We have only received brief legal advice on the Bill, as it was published last week, but we believe there will be constitutional issues with it. I say this in good faith. The Labour Party issued a statement on Monday asserting that this was the new politics and it would consult other parties about the Bill. Quite frankly, there was no consultation. Although I met Deputy Burton and, in fairness, had a fruitful conversation with her, it was very much off the cuff. We just bumped into each other. It was a worthwhile conversation but it would not strike me as consultation. I do not wish to be too critical on the issue but believe that if I had this Bill before the House, I would certainly be canvassing opinion across all sides rather than simply going in for a Dáil debate. Canvassing opinion would have been worthwhile because we could have expressed some of our concerns on the Bill, perhaps at an earlier stage. In any event, this can be done by the education committee, and it needs to be done by that committee. We believe the Bill requires further scrutiny before it passes through Second Stage. The problem with simply passing Second Stage today is that the Bill will just proceed to Committee Stage, which traditionally does not provide for consultation or for people to come in to give evidence. It simply involves a line-by-line examination of the Bill.
Deputy Brendan Howlin: We could change that.

Deputy Thomas Byrne: We could change things but it would be better to opt for pre-legislative scrutiny before engaging in line-by-line scrutiny. Line-by-line scrutiny is pedantic; it is about words and their meaning. The issues are too big to be dealt with simply by addressing definitions. We really need to examine broader issues such as catchment and ethos. We should explore on the public record why this issue is of particular importance to minority-faith schools. As I stated, I have not been able to consult representatives of at least two minority faiths, and I am sure the other parties have not been able to do so either since this Bill was published. It would be wrong to proceed without consultation.

The concerns I am addressing with regard to this Bill and the issues I am raising in disagreeing with it are entirely predicated in the first instance on the Constitution and, second, on the protection of the rights of minority faiths. This is a matter we must take seriously as a country. It is not a matter we have taken seriously over the decades. The Church of Ireland community, in particular, was not always treated fairly by this State. At the very least, its views on this matter must be taken into account.

When one notes all the issues concerning race that are bubbling up in the United States, the United Kingdom and other countries, including Ireland, one must conclude that the views of the Muslim community must be taken seriously. If it is to see us as seriously trying to integrate it into society and communicate with it, the passage of a Bill like this, which may affect it, must involve consultation. I have not yet spoken to representatives of the Muslim community so I have yet to obtain their views. I presume the legislation does affect them; they have only two schools. Their views will be very important if we are to demonstrate seriousness of intent. I have not had the opportunity to consult the Muslim community, nor has the Dáil, because we are currently in the month of Ramadan.

I am absolutely confident that the Dáil will reach consensus. I sincerely hope it will be achieved by the autumn and that we can have our consultations. The education committee will not be busy with legislation in the way the justice and finance committees might be. Therefore, we will have time to deal with this issue and get this right in a relatively short period. Having this legislation ready for September 2017 is and should be an attainable ambition. I agree with Deputy Burton fully that this needs to be dealt with by then. I am absolutely confident that a consensus will emerge.

Deputy Brendan Howlin: We should not say 12 months.

An Ceann Comhairle: Let us not have a conversation about that.

Deputy Thomas Byrne: On the period of 12 months-----

Deputy Brendan Howlin: New politics, a Cheann Comhairle.

Deputy Thomas Byrne: That is what is being presented here. We have not amended it. I am outlining to this Dáil the commitment of the Fianna Fáil Party to moving forward on this as quickly as possible. We want this addressed and we know it needs to be addressed. It will be addressed. We will not let it slide to the end of the 12-month period. We believe it can be dealt with before then. If this Dáil wants it to be dealt with before then, that is what will happen.

Deputy Kevin O’Keeffe: The principles of this Bill are correct but I am of the firm view
that a further balance needs to be found within the Bill in order to protect the ethos of many of our schools. What is being proposed by the Labour Party tonight is far short of what is required.

The Equal Status Act 2000 was very progressive legislation brought in by the Fianna Fáil Government. It brought an end to many issues of discrimination that were still present in our society. Any measure that further improves equal status is one of which I am very supportive. It is imperative that any alteration to section 7(3) of the Equal Status Act not put Christian or minority-faith families in a disadvantaged position when sending their children to school. This Bill has the potential to do that. In saying that, the wording of section 7(3) of the Equal Status Act 2000 does need to be updated. It needs to be reformed rather than removed. When places are available in any given school, they should be allocated on a first-come-first-served basis. The process should take into account the locality of the family. Religion should not be the determining factor in these circumstances. The Labour Party Bill does make provision for this.

In essence, schools do not have to provide justification for turning away students of a particular religion if they claim to be oversubscribed. This is wrong and is correctly amended in the Labour Party Bill. The principle behind this Bill is correct but it is too simplistic. I agree that the selection criteria for entry into schools should not be based on whether a child has been baptised. Every child should have the opportunity to attend his or her local school regardless of religion. However, every school has the right to defend its ethos. Minority-faith schools will also lose the right to defend their ethos if section 7 of the Equal Status Act is simply removed.

The majority of schools are already doing a good job in caring for children of different cultural and religious backgrounds. The teaching of different faiths and religions forms part of the religious curriculum in our schools while allowing schools to protect their ethos. The Bill gives neither majority- nor minority-faith schools the protection they require.

The Bill allows us to begin a discussion on how best to approach the issue of access to our schools. If there is an issue with schools turning students away on the basis of religion when oversubscribed, it affords us an opportunity to discuss how best we can overcome it while protecting both the family and the ethos of the schools. However, the Bill is too vague and does not legislate correctly for this complex issue. Fundamental matters need to be resolved before the Bill can progress any further.

It is ironic that the Labour Party is now trying to alter the flaws in our education system despite having held office in the Department of Education and Skills for five years, during which it made no attempt to resolve the issue we are now discussing. The Bill lacks balance and information and does not take into account the potential constitutional issues that may arise. As a result, my party colleagues and I will not be supporting it.

Deputy Fiona O’Loughlin: I wish the Minister well and certainly look forward to working with him in my role as Chairman of the Joint Committee on Education and Skills, together with my colleagues, including Deputies Carol Nolan and Thomas Byrne.

Our education system must be fit for purpose in this modern age, reflecting the reality of the diversity of the communities within which we live and our society in general. Every child going through our education system should be treated and cherished equally. No child should be isolated because of his or her religion, lack of religion, race, colour or background. Our education system, which is publicly funded, must be equally accessible to all children.

With regard to the treatment of non-Catholic parents and children in our education system,
there is definitely an urgent rights issue. I say this as somebody who was educated by the Sisters of Mercy not only at primary and secondary levels but also at third level, in Carysfort College. I also taught in a faith-based school. There is an ever-increasing mismatch between the current patronage arrangements for national schools and the wishes of parents. It is important to note that 96% of national schools are under denominational patronage. Surveys have found that only one in four parents would actually pick such a school if he or she had a choice. This is the reality we face.

I have no doubt about the principle of this Bill and I believe it is extremely well meant. Along with my colleague Deputy Thomas Byrne, I believe we need more consultation. If I am to do my job as the incoming Chairman of the committee correctly, I would like to have an opportunity to extend an invitation to many groups to appear before the committee to discuss the issue. That is my priority for the committee, although every member will have an opportunity to set out his or her priorities.

The proposal to enshrine in legislation the catchment areas for schools is important. Currently, catchment areas are not enshrined in legislation, nor are they a statutory requirement in admissions policies. Any solution to the issue of admissions will require enshrining some form of catchment area in school admissions policies. Specifically, schools should not be able to admit children of the same denomination as the school who live outside the catchment area in preference to children of a different denomination from inside the catchment area. This is a key point on which I believe we all agree.

My party colleague, Deputy Thomas Byrne, addressed the issue of protecting minority faith schools, as did Deputy Joan Burton. Fianna Fáil proposes that catchment areas for minority faith schools be sized according to the availability of schools of a different ethos. It is unlikely that this proposal could be perceived as unconstitutional. It would mean that catchment areas could be sized according to the prevalence of the school ethos, for example, Presbyterian, Jewish and Muslim schools would need to have wide catchment areas for admissions. In such circumstances, a child from outside the catchment area would not be considered for a school place before a child from the local area, even if the local child is not of the denominated religion of the school or of no religion.

I acknowledge the role Educate Together has played in helping to solve the admissions problem. The Fianna Fáil Party supports the organisation’s ongoing involvement in the patronage of schools. All schools should be multi-faith in their enrolment policies and education practices, albeit under different patrons.

The Fianna Fáil Party in government introduced a community national school model in 2007. This model should play an increasing role as new schools are opened and others are transferred from Catholic patronage. Any large-scale movement of schools from Catholic Church patronage should be planned carefully, however, to avoid significant disruption and a possible decline in educational standards in schools. A gradual transition in the patronage arrangements of schools is vital.

An Ceann Comhairle: Deputies Carol Nolan and Maurice Quinlivan have seven minutes’ speaking time. However, in the absence of unaligned Deputies, they have ten minutes.

Deputy Brendan Howlin: The unaligned Deputies may yet arrive.

An Ceann Comhairle: We will play it by ear.
Deputy Carol Nolan: Ba mhaith liom buíochas a ghabháil leis an Cheann Comhairle as ucht deis a thabhairt dom labhairt ar an mBille seo.

I welcome this Bill as an attempt to address the issue of religious discrimination in access to education, which has come to the fore in recent times as the school population has become more and more diverse. I am glad Deputies have an opportunity to address it in the Chamber. Section 7 of the Equal Status Act 2000, which has been interpreted to allow schools to discriminate between students on the grounds of religion, has been roundly condemned by campaign groups and teachers’ unions, including the Irish National Teachers Organisation and the Teachers Union of Ireland. In 2011, the UN Human Rights Council recommended that Ireland eliminate religious discrimination in access to education. The Ombudsman for Children has also recommended that the relevant legislative provision be amended.

While I appreciate that the vast majority of schools operate fair admissions policies and do their best to accommodate all children, discrimination in admissions policies has become an issue in some areas, particularly where schools are over-subscribed. Unfortunately, it is not only in the area of religion that children face barriers in terms of access to education. A problem also arises in respect of children with special educational needs who often face a variety of soft barriers in accessing their local school, an issue highlighted recently by the National Council for Special Education. It is my understanding that this issue will be addressed in the upcoming admissions legislation due to be published by the Government. I and my colleagues look forward to engaging to ensure that children with special educational needs can access education on an equal footing with their peers.

While I broadly support the sentiments behind the Bill, I also have a number of concerns. The legislation appears to retain the right of denominational schools in receipt of State funding to give preference to pupils of that denomination in terms of access to education. While this is no doubt an attempt to overcome potential constitutional issues and secure the maximum possible political support for the Bill, it is an issue of serious concern. It is a sad reflection on this House that in 2016 we cannot simply give effect to the right of every child to receive an education without facing any form of discrimination.

The Sinn Féin position is that the right to education is a fundamental human right and every child should be able to access his or her local State-funded school on an equal footing and without discrimination, including discrimination based on disability or religion. Sinn Féin has campaigned heavily on this issue and last year produced a Bill that would eradicate discrimination in access to education. In that regard, I commend my predecessor as Sinn Féin spokesperson on education, Deputy Jonathan O’Brien, on the hard work he did on this issue.

Sinn Féin’s support for the Bill is qualified. My party would like the issue to be debated thoroughly and the views of all stakeholders taken into account. We appreciate there is a need to examine the constitutional workings of an amendment to the Equal Status Act in respect of the rights of all children and their parents to practise their beliefs. We would like an opportunity to further examine this issue on Committee Stage, with a view to developing a position that ensures the constitutional rights of every child are balanced in a fair and equitable manner. The State has an obligation to ensure the rights of all children are protected and it must take action to ensure this is the case. My fear is that this Bill will not achieve this objective. For this reason, we will seek to amend it on Committee Stage to ensure the most robust possible protection is in place for all children. I look forward to working with all my colleagues on this issue and making the most of this genuine opportunity to ensure equal access to education for each and
Deputy Maurice Quinlivan: While Sinn Féin will support the Bill, in light of serious concerns expressed by a significant percentage of the population on this issue, we believe the legislation does not go far enough. As such, this is disappointing and a lost opportunity.

There is little doubt that the issue of school admissions has become extremely controversial. We are dealing with the legacy of an institutional structure and a mindset from a bygone era that is not fit for purpose in modern Ireland. In 21st century Ireland, we have a society that is racially, ethnically and ideologically diverse. In terms of religious affiliation, we have people in communities of all persuasions and none. The question for the State and its institutions is how to manage this diversity while at the same time ensuring equality of access for all. In education, particularly primary education, achieving this balance has proved problematic for the State thus far. In large part, this failure is due to the unwillingness of successive Governments to take control of the national school system, which is, after all, funded by taxpayers, and their failure to challenge powerful vested interests. The reluctance to tackle this issue once and for all has produced the chaos, confusion and anger that have become evident in public discourse on this issue.

The State has a duty to act in the best interests of all children. The only way to achieve this is through the introduction of a secular, public primary education system. While this Bill makes a positive contribution towards achieving this goal, it does not go far enough. We live in a complex world and the current admissions system is not sustainable.

I compliment the Educate Together campaign which has done fantastic work in the area of school admissions. Sinn Féin will continue to pursue this issue until we have a State-run primary school system that in practice and ethos is open to all children, irrespective of religious affiliation, race, class or ability.

An Ceann Comhairle: Deputy Mick Barry has seven and a half minutes’ speaking time.

Deputy Mick Barry: I expected the Ceann Comhairle to give me a few extra minutes as well.

An Ceann Comhairle: We will stick to the schedule.

Deputy Mick Barry: I welcome the parents in the Gallery who have been campaigning for change and justice on this issue. The current practice in respect of school admissions and the teaching of religion in schools is at odds with the views and aspirations of the majority of the population.

According to a poll conducted on behalf of Equate, a total of 87% agreed that the State should ensure children do not experience religious discrimination during the school day, while 84% agreed that reforms should be carried out to ensure no child is excluded from education on the basis of whether he or she is religious or non-religious, as the case may be.

Some 96% of primary schools are controlled by religious organisations and 90% are controlled by the Catholic Church. This means that those who are not Catholic face the greatest problems. Muslims, Hindus, those from other Christian denominations and those with no religion face serious difficulties accessing local schools. Children live beside and play with neighbouring children but because of the religion of their parents, they are
separated when going to school. In all other aspects of life, Ireland has diversity in religion and cultural backgrounds. We see this in the workplace, sports clubs and communities but not in schools, which remain segregated according to the religious backgrounds of children’s parents.

The experience and testimony of parents with children trying to get into schools is stark. The Education Equality organisation has supplied the Anti-Austerity Alliance and other parties with testimony from parents. I have before me several quotes and I will read three into the record. A woman said:

The experience has caused significant stress and anxiety for our family, for a prolonged duration of time. My husband and I have been under enormous pressure to baptise our son against or conscience in order to secure a school place for him.

The second quote is from another parent:

Our daughter is bottom of the list in our local schools, as they are religious ethos schools even though they are state funded ... Our friends have had their children baptised to ‘jump the queue’ even though they are not religious. We don’t want to have to do this.

The final quote is from a man who says:

My daughter was born in Ireland. I was finding it impossible to get a school place for her ... I got a call from the office of Arch Bishop enquiring about the problem ... He offered me a solution: “To make your daughter’s admission easy and quick, why don’t you baptise her?”... I was furious ...

He was right to be furious. Those words ring clear and true to me. They stand in some contrast to the weasel words we have heard in the House tonight from Deputies who say that they support the Bill, that they believe it is progressive and a step in the right direction but that they are not going to vote for it. That is simply not good enough.

The experience of these parents and others who have been in contact with the Anti-Austerity Alliance Deputies shows that their rights are not vindicated by the State. Their right to choose religion or not to have a religion is not respected. According to the Equate survey, one person in five is aware of someone who has had his or her child baptised to help the child to get access to the local school. The right of a parent not to have his or her child attend religious instruction is not a reality under the current arrangement. The right of children to education is not respected, as children must travel past their local school to go to another school. Furthermore, there are examples of children not getting access to school and having to postpone the start of primary education.

It is not only parents who are taking issue with religious discrimination in schools; the United Nations takes the same view. This year the UN Committee on the Rights of the Child called on the State to change the laws in respect of school admissions and how religion is integrated into the school day.

I am going to be caught for time. Do I get those extra minutes?

**An Ceann Comhairle:** No, the Deputy does not.

**Deputy Mick Barry:** The Government has used the Constitution as an excuse for the lack of action on this issue. It contends that the State is obliged to maintain a situation whereby the
The Anti-Austerity Alliance welcomes the Bill because it would lead to a dilution of the current wording of section 7(3)(c) of the Equal Status Act. The Labour Party Bill would essentially change the pecking order in school admissions policies by allowing local children not of the religion of the school second priority after local children of the religion of the school. This would be a slight improvement but it is still insufficient and it is not what the hundreds of parents who are campaigning on this issue are seeking. The Labour Party Bill also legislates for due regard to be afforded to vindicating the rights of those not taking part in religious instruction. However, the parts of the Education Act that make this difficult in practice will stay on the books.

The Socialist Party and the Anti-Austerity Alliance advocate for complete separation of church and State. We do not believe the State should interfere in people’s religion and we do not believe the teachings of religion should inform State laws. Religious organisations should not run State services in education and health. Such services should be well funded by the State, open to all and run democratically. Although we will be voting for this Bill on Thursday, we remain committed to reintroducing the Equal Participation in Schools Bill in the coming weeks. If the Labour Party Bill is passed, we will bring forward amendments on Committee and Report Stages.

There should also be changes in legislation, in particular, section 30 of the Education Act, to end the current position of the Minister having to be deferential to school patrons. Our Bill would require religious instruction to take place at the end of the school day after core school hours. We encourage parents and all those interested in equality to continue their campaigning work. We encourage people to attend the Education Equality gathering for change this coming Sunday at 3 p.m. in St. Stephen’s Green.

An Ceann Comhairle: We will move on to the Independents 4 Change. I understand Deputies Catherine Connolly, Thomas Pringle and Clare Daly are to share seven and a half minutes.

Deputy Catherine Connolly: There are two of us. What time do we have?

An Ceann Comhairle: The Deputies have seven and a half minutes. We do not barter for time here.

Deputy Catherine Connolly: No, we are back at school. I welcome the sentiment behind the Bill but I do not believe it will achieve the change we need. Our international obligations have already been cited. As has been said, the United Nations Committee on the Rights of the
Child has recommended that Ireland amend the existing legislative framework to eliminate discrimination in school admissions, including amendment of the Equal Status Act.

The Ombudsman for Children has recommended change. The Ombudsman’s office reviewed material on our UN obligations dating back to a 2006 review of Ireland’s implementation of the United Nations Convention on the Rights of the Child. That review recommended a change in the admissions framework and so on. The review also examines our monitoring of the international covenant on civil and political rights. Again, the recommendation was to remove discrimination.

The Labour Party is trying to change something without changing it in any real sense. I see the difficulty the Labour Party faces in this regard. There is a strong lobby not to change. However, as was the case during the election, the Labour Party and the previous coalition Government were somewhat out of touch with the views of people. The surveys we have seen support the views of the people to whom we have talked who are demanding change to ensure we do not discriminate against children.

The Minister for Education and Skills has said there will be more schools, and I welcome this. He has set a figure of 400 additional schools within a certain timeframe. However, that does not resolve the problem. While it will give choice, it does not sort out the problem. Let us suppose a small area has only one school. How does someone there who does not want to attend religion class or go to a school with the religious ethos of that school manage? How do we give that child and her parents rights under the Constitution? In fairness, the former Minister, Mr. Ruairí Quinn, set out on a positive road to try to divest schools of patronage. However, the progress has been extremely slow and I understand only eight schools have divested themselves of religious patronage. We have a historical legacy with 96% of the schools run by religious denominations. However, people have moved on. While I value religion, I also value the right of a child to attend a school without having to participate in religious education.

I do not believe the amendment in the Bill will deal with the complexities of what we are facing. We need to look at it and grasp it in order that we treat all children equally. We give rights to children who want a religious education and we cite the Constitution to back up those rights. However, we cite the Constitution only as an obstacle when it comes to children who do not want that type of education. One cannot pick and choose from the Constitution to suit one’s argument.

The Constitution sets out rights entitling people to education and entitling them to practise their religion. However, there is no constitutional right that we would give public funding to a school that will only admit children of certain religions. The Equal Status Act should have addressed the problem at the time, but it did not and that is why we have a problem. It allowed an exception that it should not have allowed at the time. The UN had already indicated we were not meeting our obligations in 2000 and yet we introduced the Equal Status Act. Clearly the Government at the time did not have the courage to do that.

**Deputy Thomas Pringle:** The Bill appears to attempt to deal with the issue of discrimination on religious grounds when it comes to admission to schools. It looks on first reading of the Bill that there is a right to attend a school and opt out of religious education, which the school must facilitate, but the Bill appears to place the onus on parents to assert that right.

The second amendment to section 7 of the 2000 Act is explained as giving effect to the
principle that if a local State-funded school is the only reasonably available school for a child, “religious education in that school must be severable”, meaning religious education must take place outside the classroom. My concern is that this section appears to place a parent in a situation of conflict with the school to assert that right. Many parents would not want to be in that situation, and why should they have to be? The State, as the body that delivers on the right of all children to receive an education, should ensure religious education in all publicly funded schools is severable.

This week EQUATE published a commissioned opinion on the constitutionality of reforming section 7(3)(c) of the Equal Status Act 2000. Opinion from three constitutional law experts agrees that the church has no constitutional right to unconditional public funding for private or denominational schools and that the Constitution permits the imposition of reasonable conditions on the provision of public funding. While it found that the outright repeal of the section may be open to challenge in that this may be seen as excessive interference with the management by religious denominations of their own affairs within private religious institutions, it also stated in its opinion that an amendment of the section could be made in order that it cannot be relied on by publicly funded schools. It would not prevent religious denominations from operating discriminatory admissions policies in private religious institutions but solely make the provision of public funding to such institutions conditional upon non-discriminatory admissions policies.

The courts in dealing with attempts by the Oireachtas to reconcile competing constitutional rights have established a strong presumption of constitutionality. This means there is a presumption that the Oireachtas has considered the competing rights and has attempted to strike a balance. The Labour Party in this Bill has relied heavily on the Constitutional Review Group report from 1996 which is 20 years old now. I believe the opinion from EQUATE is more up to date and deals with recent case law.

For most families outside of Dublin and the major urban areas there is no choice in what school to send their children to. If I had wanted to send my children to a non-denominational school in Donegal, I would have had to send them to a school 50 miles away, which would not have worked for anybody. While our local school did not and does not insist on children having been baptised to attend, the current system would allow it to and that needs to change.

I would be inclined to support the Bill, but only on the condition that it could be amended substantially in committee. I note that the Government wants the Bill to pass Second Stage in 12 months’ time, which is too long. Surely the committee could consider it much sooner. I am not sure how the Minister wants to achieve it. It might be worthwhile to have that discussion in committee, but at the end of the process we must have legislation that means no school can discriminate on religious grounds against any child. I believe that is what we must achieve.

Deputy Mattie McGrath: I am delighted to be able to speak on this Bill. I compliment the Minister and wish him all the best in his new portfolio. I look forward to him engaging not only in this but also in many other areas with local communities.

I salute the boards of management, the parents’ councils and the entire school community in my constituency. That is all I can speak for. Throughout the years I have served on boards of management of a primary school and a new community college, including setting up that college involving the amalgamation of three schools. Those people must be saluted and complimented on how they operated in difficult circumstances and dealt with calls for change. They
We need to make haste slowly. We need to look back to where we had local plebiscites on divestment of schools some years ago. There were very mixed reactions. In many areas it was not made clear to them what they were voting on and there were low turnouts. We must not throw out the baby with the bathwater.

There are some good points in the Bill and I compliment the Labour Party on introducing it. We need a reasonable and reasoned debate. The timeframe of 12 months is not unreasonable. We must bring it before the Committee on Education and Skills and it would be important to have public hearings because this has serious ramifications. We do not want to victimise any of the minority faith schools that have been operating under pressure, including some small rural schools in my constituency.

There are other areas that are also very serious. Under the closed school rule, families are being divided. I have been contacted regularly by parents with two or three children in a primary school, and under this rule, based on measurements from satnav, the eye in the sky or whatever, they find they might be a couple of hundred metres nearer to a different school. That has serious implications because the family is divided and there might not be a seat on the school bus, if they get the bus, to get to the school they always went to. It causes huge inconvenience. It is difficult enough for any family to deal with getting their children enrolled in a school. I sympathise with people who have difficulty in getting enrolled for reasons of faith and so on. That should not be happening and, thankfully, it is not happening in my constituency as far as I am aware. We must examine this closely.

We must not just wipe aside the voluntary commitment given by boards of management that we have had and parents’ councils in more recent years, and the whole school family. We need volunteers to come forward to support. When we look at the health system, just because we got rid of the religious from it, it has not improved. We need to examine this very carefully, think of the consequences and ramifications and not have undue haste. I look forward to having further debate in committee and to having public hearings also.

Deputy Danny Healy-Rae: I welcome the opportunity to speak on the Bill. I congratulate the Minister, Deputy Bruton, on his new portfolio. I am sure it will be no problem to him, as he has served in many other Ministries. I have to say we do not have discrimination issues in Kerry, Killarney or Tralee. We have people of many different religious denominations attending our national schools and secondary schools. We do not have any issues. I am not aware of them anyway. I have to salute our boards of management and parents’ councils for the good work they continue to do to ensure our children are properly seen after. We have no discrimination in Kerry of which I am aware. That is what I have to say.

We certainly have problems in other areas of the school system. Going back the years, if a school closed in an area the Department of Education and Skills gave an undertaking - a written undertaking in many cases - to transport the children of the locality to the central school in the parish free of charge. Sadly, the Department has reneged on that promise or consideration on many occasions. This has hurt many people in rural parishes and caused a great deal of expense for those who now have to bring their children four or five miles - in some cases, the school is six or seven miles away - to school each morning and evening. If a national school bus run does not have ten children, it will not qualify under the free transport scheme. I believe this is unfair, especially as the Department of Education and Skills previously gave an undertaking to
transport such children to school free of charge.

I would like to mention an issue that was raised by Deputy Mattie McGrath. I refer to cases in which the older children in a family are attending a school that traditionally has been attended by members of the family in question. Three or four years ago, some bright spark decided that such children should have to attend a nearer school on the basis of a satnav or whatever. It is unfair that the younger children in this family, who would normally have been accompanied to school by their older siblings, now have to go to a different school. I believe all the children in such a family should be entitled to go to the school that was traditionally attended by their family and all the families around them. It is wrong that they are divided and separated now. This change hurt many parents when it was made three or four years ago.

The school transport system needs to cater for all our children, but that is not happening at present. I will give an example. In some cases, a parent needs to have a medical card in order for his or her child to qualify for free school transport. If one parent has a medical card but the other parent does not, their children are denied free school transport. It is very unfair that families in such circumstances have to pay €350 for a school transport ticket for each of their children because many of them can ill afford such an expense.

AnCeann Comhairle: We will move on to the Social Democrats-Green Party grouping. Deputy Catherine Martin and Deputy Róisín Shortall will share seven and a half minutes.

Deputy Catherine Martin: Tógfaidh mé ceithre nóiméad. I welcome this Bill because I strongly believe we need to reform fundamentally the schools admission practices in all State-funded schools and ensure equality of access, participation and opportunity in our schools. While what is proposed in this Bill is preferable to the current system, it does not go far enough. What is required is quite simple: no State-funded school should be able to discriminate for or against a child on the basis of his or her religion. How can it be fair that a child who lives right beside a school and whose name was the first to be placed on the admissions list can miss out on a place because he or she is not of the preferred religion? Of course there is a place for freedom of religion and religious schools in Ireland. This should be both recognised and respected, but not in an exclusive way. Taxpayers’ money should not be funding discrimination.

Our children are growing up in a worrying time. This worry is caused not just by the external existential threat of climate change, but also by the much more frightening human threats of hate, fear, anger, intolerance and violence. In recent times, we have seen the rise of far-right nationalism in Europe, the nomination of Donald Trump as a candidate for the Presidency of the USA and the anti-immigration rhetoric that fuelled large parts of the ultimately successful “Leave” campaign in the Brexit referendum. All of this leaves me more concerned for our children’s future than I have ever been before. It has left me with an even stronger conviction that we must fight this fear with courage, this anger with love and this hate with tolerance. We must defeat exclusion and alienation with inclusivity in everything we do, including how we educate our children.

The most valuable lesson any child can learn is that of respect and love for all the people around him or her, regardless of their ethnicity, their religion, the language they speak or where they are from. No danger is greater to our children than the danger of isolation and insulation. It is a great tragedy if a child cannot encounter other children who come from different backgrounds, cultures, points of view, ways of life or religious beliefs. A child who cannot interact with the wonderful diversity of our country and our world to the fullest possible extent is a child
whose childhood is not as rich as it should be. Our schools are where our children make friends. While the religious ethos of so many of our schools is helping to shape the good values of the people of our country, no child should be denied a possible friend because he or she prays in a different way, or he or she does not pray at all.

In saying this, I acknowledge the huge contribution made by the religious to education over hundreds of years. They were often the only educators who were playing an invaluable role at home and abroad. They are renowned throughout the world. In years gone by, they provided education in a voluntary capacity, and at times at great risk to their own lives. We must also acknowledge, embrace and cater for a changing modern society in which all our children are treated equally when it comes to education. Religious discrimination has no place in modern society. All schools in receipt of State funding should be fair, transparent and inclusive in their admissions policies. Discrimination on the basis of religion would not be tolerated in any other walk of life and the education system should be no different.

**Deputy Róisín Shortall:** It is important to say at the outset that if this Bill is passed as it currently stands, it will not end religious discrimination in our schools. The purpose of this Bill has been cited in media reports as “seeking an amendment to the Equal Status Act to allow equal access to Catholic schools whether baptised or not”. It has to be said that this Bill would do nothing of the sort. It would retain on the Statute Book the legal discrimination against children in circumstances where there is a shortage of local school places for children who share the same religion as that of the school patron. It blatantly puts the interests of the Catholic Church ahead of the interests of children. That is still a Catholics-first policy in anybody’s book. Such a policy is not acceptable.

The Social Democrats want to see section 7(3)(c) of the Equal Status Act 2000 abolished, especially for publicly funded schools. There are various opinions on whether this is constitutionally possible. I am aware that EQUATE recently got an opinion from three senior counsel. I know that Education Equality also received legal advice as well. According to all of that advice, it is possible and constitutionally acceptable to abolish or seriously amend section 7(3)(c) of the 2000 Act. We believe the right course of action at this point would be to test the constitutionality of the abolition of section 7(3)(c). We should proceed not with this Bill, but with legislation to abolish section 7(3)(c). We should let that legislation be tested in the Supreme Court and if we need a referendum, so be it.

Even in its limited provisions, the Bill before us lacks clarity. For example, it does not define the term “catchment area”. If schools are defining their own catchment areas, what is to stop them from simply broadening the area to facilitate non-local people who are co-religious over local people who are non-religious? Neither does the Bill define reasonable access. Who gets to decide what constitutes reasonable access, for example?

The Government proposal is not a solution either. A 12-month delay on this issue is simply a long-fingering exercise. It will mean children enrolling this coming year will continue to face serious discrimination. Moreover, children enrolling for the next school year will face that discrimination also.

We have dwelled far too long on this issue. It cannot be right on any level that State-funded schools can continue to discriminate against children on religious grounds. Doing nothing suits those in favour of the status quo just fine. However, with every enrolment year that goes by, yet another cohort of young children are turned away at their local schools. As legislators, we
should be ashamed that we allow that to happen to four and five-year old citizens. This Bill does little to address this discrimination. It is pretending to be something it is not. It is not even a good start. If passed, it would stall real reform for years. As legislators, we have a responsibility to ensure our public education system reflects and respects the diversity of modern Ireland.

**Deputy Jan O’Sullivan:** I welcome the fact that, by and large, there is general appreciation of the Bill’s contents, with the exception of the last speaker. Members, primarily on our left, have said they support the Bill. I am disappointed, however, that both the Minister and Fianna Fáil are willing to kick this down the road. Last Friday, I described this as the do-nothing Dáil. This is another example of pushing away a decision, which we believe needs to be made now.

**Deputy Thomas Byrne:** The Labour Party could go over the 2015 Bill.

**Deputy Jan O’Sullivan:** In fairness, Deputy Thomas Byrne made the point that the issues of concern could have been teased out on Committee Stage. In that sense, I am disappointed the Government has tabled an amendment to the Bill’s passage. While I welcome the fact the Minister has said he is willing to publish the admissions Bill in this term, I do not see any reason the two Bills could not go side by side. It is particularly disappointing the Government tabled an amendment to the Second Stage passage of this Bill.

This is an effort by the Labour Party to make more incremental progress on these issues, which require measured balance. When in government, the Labour Party has always addressed issues of equality. When Dick Spring became Tánaiste in 1992, he gave equality a place at the Cabinet table. The then Minister, Mervyn Taylor, initiated the Employment Equality Act and started work on the Equal Status Act. Those two Acts formed the bedrock of progress on eradicating discrimination across many areas of Irish life. When we came back into government in 2011, we addressed many equality issues, the most obvious being the referendum on marriage equality, which the people, thankfully in their wisdom, opened their hearts to and made a reality.

Considerable progress was also made in the education area. My predecessor, Ruairí Quinn, when he became Minister for Education and Skills in 2011, established the forum on patronage and pluralism. As a result of its recommendations, a system of consulting parents was established wherever a new school was to be provided. This resulted in most of the new schools established since 2011 being multidenominational. He also initiated the divestment programme, which we all acknowledge has gone slower than we would have wanted. However, it did get the support of patrons, including the Catholic Church and the Archbishop of Dublin, in particular, showed leadership on this. It ran into difficulty at local level. When I was Minister, I met the various patron bodies to see if we could untangle some of these difficulties. I know the Minister has committed to continuing that work, which I welcome. There has been a 43% increase in the number of multidenominational schools and a 54% increase in the number of children attending such schools since 2011.

When I became Minister, I revoked rule 68 which placed religious instruction as the most important subject in schools, irrespective of their ethos. I wish the Minister well in achieving the targets he has set out in increasing diversity in our schools.

Deputy Burton outlined the background to this Bill both in terms of the constitutional provisions and the historic development of schools in Ireland. There is a balance to be achieved. What emerged was not the original intention when the national school system was first set up in
the 1830s. In this area, one makes progress incrementally. It is not a system that can be turned around overnight. There are issues of ownership, apart from anything else.

The one issue we are concerned about and want to address is that of parents baptising their children into a religion in which they do not believe. There is something fundamentally wrong about that. This Bill is drafted to address the reason some parents feel forced to take such a course. While all parties agree this is wrong, I have not heard any other practical suggestions in the debate on how to deal with this.

I disagree with Deputy Shortall that this Bill is not doing anything. It is putting in a provision whereby denominational schools cannot give preference to children of that denomination outside the catchment area ahead of other children in the catchment area who are not of that denomination. It is not true to say the Bill is not doing anything progressive.

It is true that 80% of schools are not oversubscribed and, therefore, the issue does not arise for parents applying to those schools. From my experience, there are Catholic denominational schools, many of them in the poorer parts of our cities which are great at being inclusive with up to 30 different nationalities and a wide variety of faiths. However, the problem is where the demand exceeds the number of places. The current situation allows for a school’s admissions policy to give priority to children of the denomination of the school who live outside the catchment area ahead of local children of other denominations or none. This is where the baptism of convenience issue arises.

Catchment does not automatically mean the local parish. In the case of a minority religion, it could, in some cases, cover several counties. It could also specify other like-minded churches. An example was given by the Minister of a Church of Ireland school which takes in Presbyterians and Methodists. This could also be specified within the admissions policy of the particular school. We want to make it absolutely clear that this Bill is carefully drafted to respect and protect the right of minority religions to protect the ethos of their schools. If section 7(3)(c) of the Equal Status Act were abolished, it would not protect the ethos of minority schools.

**Deputy Brendan Howlin:** It would kill them off.

**Deputy Jan O’Sullivan:** That is the issue we have identified if this section were simply abolished. Deputy Thomas Byrne said the Church of Ireland had contacted him on this. I spoke with representatives from the Church of Ireland today and assured them our intention is not to wipe out minority religious schools but to define their catchments in a much broader way than a local parish Catholic school. I know some Members feel this Bill does not go far enough and that others are satisfied with the status quo. However, I urge them to support the Bill, which is designed to bring fairer access for children to their local school and to develop on the progress that has already been made in regard to making Ireland a more inclusive place for children, irrespective of their background. Deputy Catherine Martin expressed very well the need to do that in the broader context of attitudes which are hardening in various parts of the world, including Ireland.

Children benefit from meeting and getting to know classmates from various backgrounds and religions. Diversity in our schools is an opportunity for our society, not something we should feel threatened by. For that reason, it is very disappointing that the Government is deciding to kick this down the road for 12 months. This is not new politics; it is a “do nothing”
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Dáil. We have seen other examples of issues being kicked down the road and not decided upon. I again urge the Government to re-think that timescale, particularly as the admissions Bill is to be brought forward early. We do not need this broader consultation because we can do that within the committee on Committee Stage. The Forum on Patronage and Pluralism has already engaged very widely on this issue under an independent chairman. I believe this is to put off something we need to do right now for the parents of children who are right now worried they will not be able to get their child into the local school.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I thank all Deputies for their contributions to an interesting debate on what is an important and complex issue. The basic aim of the Government is to use our economic success to create a fair and compassionate society and, ultimately, to make life a little easier for people. A key part of this is making it easier for parents and children to access more easily local schools which reflect their values and needs. Therefore, we are taking two major steps to deliver on this. First, as the Minister, Deputy Bruton, said, we are publishing and enacting a new admissions Bill which will reform the process of school admissions, including banning waiting lists and admission fees, and requiring more information and consultation for parents throughout the process. Second, we will increase the rate of delivering the new multidenominational and non-denominational schools to reach a total of 400 such schools by 2030. The Minister, Deputy Bruton, is currently developing a plan to deliver on this.

We also recognise we need to deal with the situation whereby some religious schools, when they are oversubscribed, admit children of their own religion from some distance away ahead of children of other religions or no religion who live close by. That is why we are supporting the principle of the Labour Party Bill. It is important, of course, to remember that only 20% of schools are oversubscribed and, therefore, the vast majority of schools are unaffected by this issue.

It is clear from the debate there is broad consensus that children should have access to their local schools and that this is particularly important at primary level. However, it is also clear from the discussion on this matter that the amendments proposed by the Labour Party involve significant legal, constitutional and operational issues. Given the complexity of the issues at play and the imperative of balancing all of the competing rights, this proposal needs to be thought through carefully to ensure the consequences of the measure are as intended and to avoid unintended consequences. Furthermore, a number of potentially significant legal and constitutional issues arise from consideration in regard to the proposed amendments. Therefore, there are a number of serious questions about the approach proposed in this Bill, in particular in regard to the issues of competing rights and unintended consequences that could have an adverse impact on the schools of minority denominations. The Bill must also take into account the potential impact on and distortion of school transport policy and provision. The issue of catchment areas for schools needs to be examined, with due respect to the importance of the established geographic boundaries and organisation, as well as taking into account the experience of other jurisdictions and the views of stakeholders.

In light of this, we believe the Bill should be delayed for 12 months. I disagree with Deputy Joan Burton, who said we were dilly-dallying, and with Deputy Jan O'Sullivan, who said we were kicking this down the road. We are delaying it for 12 months to allow time for scrutiny and consideration of the aforementioned matters by the new Joint Committee on Education and Skills, which I believe is a very reasonable approach. We will also consider the admissions Bill, which is due to be published shortly and which contains a series of measures on which there is
broad agreement and which can quickly improve the admissions process for parents and children across the country. That should proceed on a separate track and not be allowed to be held up by the very complex and difficult issues raised in this Bill.

To conclude, I thank the Labour Party for this proposal. After consideration by the Oireachtas committee, I believe we will be in a better position to bring forward amendments to the Equal Status Act that can capture the complex legal, constitutional and operational elements in this area.

Deputy Brendan Howlin: I thank all the Deputies who contributed. It was a very good debate on a very serious issue. I have listened with great care to all the views expressed and know many speakers have given a lot of thought to these issues because they have been around for a long time.

Some colleagues commented that the Labour Party’s Equal Status (Admissions to Schools) Bill is not radical enough. It is, in truth, a modest proposal. It is clear it is drafted within the constraints of the Constitution, to address the point made by both Ministers who spoke in the debate. It is designed to address one net issue, namely, to strike a balance between the right of a school to preserve its denominational ethos - it is clear not everybody in the House believes this is right but that is the constitutional position - and the right of a child to attend a State-funded school in his or her own area and, if that be the wish of that child’s parents, to avoid religious instruction being given to that child. I agree that is not an earth-shattering set of proposals but it is very important if it affects any one child. If a child in a community cannot get into a local school and children from more distant areas are leapfrogging that child simply because they are of the same religious denomination as the patron of the school that is next door, that is not right. While there are other issues, we can do something about this net issue within the constraints of the Constitution, and we can do it right now.

Our simple belief is that schools that are funded by the State must be prepared to accept pupils from other denominations and from none into their own school community. Many schools do that anyway, as a matter of course. Most Deputies agree it is positive for children to study and play with children from other religions and from other ethnic or national backgrounds. It is good for children and it is a fundamental building block of a better society. If we know anything from the divisions on our island and, elsewhere, when new migrant communities have come to other European countries, the segregation of communities on the basis of ethnicity, nationality or religion was calamitous in most cases. Too often we have seen that segregation result in alienation of people from each other and from society. A lack of social contact with people of different backgrounds is fundamentally bad for society. As Deputy Burton has set out, what was originally intended to be a mixed religious national school system in this country in the 19th century, which was a progressive view then, has been made into a segregated denominational system of education. That is the one we grew up in and it is still 96% denominational. The result has been little or no choice for most parents. Perhaps there was not an enormous clamour for choice in the 1930s, 1940s or 1950s, but that clamour is there now and we need to address it. We are not suggesting that the problem can be cured entirely by enacting this legislation. A solution will require a number of other matters including, as Deputy Burton has very clearly said, the continuation of the vast schools building programme that my colleague, Deputy Jan O’Sullivan, and before her Ruairí Quinn, set about. We have to build more schools and more schools of difference so that we provide choice and match the views of parents. Three quarters of parents want choices that are not available in the current system. The Bill addresses the issue of local children being effectively locked out of their local schools on
religious grounds even where there is a space for them. They are being leapfrogged by children coming from well outside their local area, simply because they are of a different faith. That cannot be right.

The issue of catchment, which several Deputies have talked about, is important. In our proposals, we seek to leave that to each school to determine, and I recognise the points made by Deputy Byrne in that regard. There are huge issues in my constituency of Wexford that need to be addressed by defining catchment, because certain schools are drawing pupils from all over the place and other schools are under-subscribed. We need to do something about that. Either we have a CAO system at local level, which was piloted in Limerick, or a defined catchment, but we need to get on with it. That is a separate issue.

The Government amendment seeks to stop the Bill from getting a second reading for a year, which there is no coherent or cogent reason for. Even if somebody said three months, one could make an argument for it, but delaying it for a year can only be interpreted as an attempt to stop the proposal from being enacted. Surely new politics is about allowing debate and allowing all the issues listed by the Government to be addressed by the committee. I have served on committees here for 30 years. There would be no difficulty with any of the points made by Deputy Byrne. The committees can have hearings, bring in deputations and ask for submissions. It may take many months, but the idea of voting down the principle of the Bill on Second Stage on Thursday is wrong. Let the principle be passed so that there is a grounding base document for people to address; otherwise, we are asking the committee to deal with the abstract. I ask that, in the spirit of new politics and with a genuine sense of engagement by all the people here, because there are many important ideas in this debate, we allow this Bill to pass Second Stage. I am very impressed-----

Deputy Thomas Byrne: If it passes Second Stage the ten-week provision comes into play, and that is too short.

Deputy Brendan Howlin: We can amend that. The committee could come back and say it wants more time. That is a technical issue. The ten-week period refers to consideration in committee. We can begin the process and deal with it, but the notion of killing it off for a year means it will not happen. I am impressed by the contribution tonight of the new Chairman of the Committee on Education and Skills, Deputy Fiona O’Loughlin. I take her at her word that this will be a priority issue, which is very encouraging for us. The last time I saw this amendment, which in technical terms is called a reasoned amendment, it was used by the then Minister for Justice when I introduced the first civil partnership Bill. The Government and the then Minister for Justice, who is now an illustrious Member of the other House, Senator Michael McDowell, voted to delay the enactment of the civil partnership Bill for six months, knowing there were not six months left in the life of that Dáil. It knocked the civil partnership Bill, which was the precursor of the marriage equality Bill, back another Dáil term. My experience of this-----

Deputy Thomas Byrne: It was passed.

Deputy Brendan Howlin: It was passed eventually. It was not passed in the next Dáil because that one was voted down by the Fianna Fáil-Green Party Government.

Deputy Thomas Byrne: Fianna Fáil brought it in.

Deputy Brendan Howlin: It was enacted on the third go.
We will oppose the Government amendment, and I ask the Government to think again because to knock it back for 12 months is too much. I ask Fianna Fáil, which is in a strong position to influence this, to ask the Government to relent on this point and accept the principle of the Bill. That is all Second Stage is - the acceptance of the principle of the Bill. I can guarantee that the Labour Party will engage with an open mind to find a solution that can be implemented for children who want to access their local schools. It will not work for September 2016 but if we work with vigour and do not allow the Government amendment to be carried we can have it implemented in time for children who want to get into a school in September 2017.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 30 June 2016.

The Dáil adjourned at 10 p.m. until 12 noon on Wednesday, 29 June 2016.