



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 6 Deireadh Fómhair 2016

Thursday, 6 October 2016

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Charlie McConalogue: The Tánaiste will agree it is crucial that the public has confidence in the members of the Garda Síochána as they are the main protectors of the State. Proper policing is crucial to any democracy and to the safety of our communities. The majority of those in the force just want to do the job they took an oath to do, and many have lost their lives carrying out their duties.

Unfortunately, there has been a series of critical reports about management in the Garda in the recent past. While there has been a lot of spin about the way the force is being reformed, there is very little evidence of whether those reforms have made any difference. This reform seems to hit stumbling block after stumbling block. The Garda Representative Association and the Association of Garda Sergeants and Inspectors have threatened to withdraw their services for four days in November as they believe their pay has been far too low and their grievances have been left aside for far too long. That has caused demoralisation among gardaí.

To add to those woes, the recent reports of how whistleblowers were allegedly treated has created yet another potential scandal. The Tánaiste received information under the protection of disclosure legislation and has stated that she is taking it seriously. In the meantime, however, confidence in the Garda is being allowed to drift. There are allegations and counter-allegations. The Garda Commissioner has stated that she was neither privy to nor approved of any actions designed to target any garda who may have made a protected disclosure and that she would condemn any such actions. The Taoiseach told this House yesterday that a member of the Judiciary may be appointed to investigate the allegations. Today, however, Members read in newspapers that the gardaí who made the allegations may not take part in any investigation unless the Commissioner steps aside temporarily. It also has been reported that a senior garda will demand an inquiry into the dysfunctionality of the Garda Síochána because of perceived system and management failures. It is hard to see beyond the saying, "Something is rotten in the state of Denmark."

Does the Tánaiste understand the genuine concerns about the state of the Garda and the fact that they go far beyond the realm of political soundbites and headline-grabbing? Has the Tánaiste been informed by the two complainants that they will not take part in any inquiry into the allegations unless the Garda Commissioner steps aside, even temporarily? If this becomes a

demand, will it be considered? Finally, has the Tánaiste been informed about the request to inquire into Garda administration as a result of dysfunctionality and will she agree to this request?

The Tánaiste Frances Fitzgerald: It may be helpful if I attempt to put in context the events of recent days. I agree with what the Deputy said about the importance of the role of An Garda Síochána. Its members confront many challenges, as has been discussed in this House on many occasions, and it is extremely important that nothing undermines their ability to keep our communities safe. It is right to acknowledge some of the successes the Garda has had, which are evidenced by recent events and recent crime figures. The Garda has had successes in this regard and it is the first line between the public and criminal elements. However, for all of its strengths, I and my colleagues in the current Government and that which preceded it recognised that fundamental reforms were necessary. The Deputy outlined some of the challenges that exist. To put matters in context, some of the reforms that have taken place recently include an open and independent process for the selection of the new Garda Commissioner, strengthening the role of the Garda Síochána Ombudsman Commission, GSOC, an independent review mechanism and the extension of the Freedom of Information Act to An Garda Síochána. There have been various inquiries and a former President of the Circuit Court has been appointed to act as an independent oversight authority.

In addition, we also have the Protected Disclosure Act 2014. Much of the public comment this week has been based on the fact that two members of An Garda Síochána recently made disclosures. I received these last Monday. The House passed the Act in question and a fundamental protection under it is that I must protect the identity of those making disclosures. This has led to the position whereby various claims have been made publicly about what those disclosures contain and I simply cannot comment on their accuracy or otherwise. That is the reality; that is the law. While it limits what I can say in the House, I intend to follow scrupulously my legal obligations in this regard. It is vitally important that the claims people make in such disclosures are properly addressed. However, this must be done in a way that is fair, proper, just and within the rule of law. It would be a cruel irony if a system that was introduced to deal with wrongdoing were to lead us, in turn, to do wrong to people. Everyone is entitled to his or her good name unless it can be fairly and objectively shown that he or she has been involved in wrongdoing. That is why what is important is that a procedure be put in place in order that such claims can be properly assessed and that the people who are the subject of such claims will have a chance to respond to them. As the Deputy rightly stated, I have consulted the Attorney General as to how to best achieve this. There will be no delay. I have clear obligations under the Act if I am the recipient of a protected disclosure and there would be no delay in putting in place a process to achieve it.

An Leas-Cheann Comhairle: I thank the Tánaiste.

The Tánaiste: I do not believe that it is right for anyone to rush to judgment about these matters. It offends all the principles of fairness for conclusions to be drawn on the basis of claims against persons which have not been properly tested or where those who have had claims made against them have not had a chance to tell their side of the story.

Deputy Charlie McConalogue: I agree with the Tánaiste it is important that process is properly followed and persons are given the opportunity to account for themselves and to respond. However, it is important that we see action and that these matters are dealt with by the Tánaiste as promptly as possible. It would certainly seem to be the case that over the past number of years there has been a gradual and real erosion of the morale of gardaí and in confidence,

both within the force and among the public, and there seems to be a general dissatisfaction and disgruntlement in terms of how the force is being managed.

I asked the Tánaiste previously whether, as in the reports today, the two complainants who are making serious allegations have indeed informed her that they would not be willing to participate in an investigation if the Garda Commissioner remains in place. Is that the case? Have they informed the Tánaiste of that and, if so, what is her response?

I also asked the Tánaiste about further reports today that a senior officer in the Garda will seek an inquiry in relation to Garda management and administration. Has the Tánaiste been informed of that? Is she aware of that and, if so, what action has she taken?

An Leas-Cheann Comhairle: The Tánaiste has one minute, and I mean one minute.

The Tánaiste Frances Fitzgerald: I have seen the reports in the media about the points Deputy McConalogue has made but what I put on the record of the House are the facts that I have received. I received the protected disclosure notices on Monday. The Government has not yet made a decision in relation to the precise process we will follow. As I speak, it is being considered urgently. It will be done in a timely way. There has not been contact.

Deputy Mary Lou McDonald: An Garda Síochána is, once again, at the centre of more allegations of wrongdoing - let us acknowledge these are allegations - and there is undoubtedly a crisis of confidence again in a Garda Commissioner. In fact, it is almost like Groundhog Day.

Yesterday, the Taoiseach stated that the Tánaiste and Minister for Justice and Equality would appoint a judge to assess the protected disclosures she received relating to serious allegations of an orchestrated campaign to undermine and smear Garda whistleblowers. Is that still the case?

This morning, as has been said, it has been reported in several outlets that the two whistleblowers whose cases were first raised by the *Irish Examiner* will not co-operate with any inquiry whilst the Garda Commissioner remains in place. How, in the face of such a development, is the Tánaiste proposing to move this process forward? Will the Garda Commissioner stand aside? We all agree that these are very serious allegations and issues and that we need clarity.

This is merely part of a trend by some in An Garda Síochána who, it is alleged, have been given *carte blanche* by the Garda Commissioner, Ms Nóirín O'Sullivan, to hound and discredit whistleblowers. Let us remember this is all on the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald's watch because she is the Garda Commissioner's boss. Ms O'Sullivan reports to the Tánaiste. Has the Tánaiste spoken to the Garda Commissioner on these matters? Has the Tánaiste received a report from her?

Clearly, the Tánaiste has questions to answer in relation to these revelations as well. Does the Tánaiste have on her desk other complaints from Garda whistleblowers alleging harassment and intimidation? Yesterday, Deputy Clare Daly stated here in the Dáil that a Garda whistleblower wrote directly to the Tánaiste on four occasions outlining the treatment he was experiencing. Is that true and what did the Tánaiste do about it? Yesterday, the Taoiseach stated his absolute confidence in the Garda Commissioner. I ask the Tánaiste if she has absolute confidence in the Garda Commissioner because the whistleblowers clearly do not. Let me repeat the questions to which I want answers. When will the judge be appointed? Will the Commissioner stand aside? Does the Tánaiste have other whistleblower allegations on her desk? Does she have absolute confidence in the Garda Commissioner?

The Tánaiste: Deputy McDonald appears to think that the protections of the law with respect to the presumption of innocence and the requirement for due process can be applied selectively. If she decides that something is the case, we can dispense with the principle of justice and the laws of the land. I certainly will not do that as Minister for Justice and Equality. I ask the Deputy and other Members making similar calls to reflect on what their attitude would be were the Government to take the same approach to justice generally as that which they are advocating. Is an accusation now sufficient to secure a conviction? Is that what the Deputy is suggesting? I have to question Deputies who are putting information on the record of this House knowing full well that I am forbidden, by law, from responding in detail to what is being reported in the newspapers. There are very clear laws on protected disclosures. They are in place - everybody in this House was involved in passing the legislation - to protect both whistleblowers, in terms of their anonymity being preserved, and the persons against whom the allegations are being made. I cannot comment on the detail of the protected disclosures that have been made to me, but they are of the utmost seriousness.

As I indicated to the committee yesterday, I want to see the kind of cultural change that people have been saying - Deputy McConalogue referred to it earlier - is necessary within An Garda Síochána. I have initiated the biggest reforms in the history of An Garda Síochána by establishing the Policing Authority and expanding the powers of the Garda Síochána Ombudsman Commission, GSOC. I cannot comment on the details of the disclosures but they are of the utmost seriousness and should be treated accordingly. That is how I am treating them. I am the Minister charged with defending the principles of justice that are fundamental to our society and the Deputy should not ask me to set aside those principles in this or any other case. There is a clear procedure outlined as to how allegations - protected disclosures - should be dealt with.

On the Deputy's question regarding the Garda Commissioner, I want to be very clear about one thing, namely, that no findings of wrongdoing of any kind have been made against the Garda Commissioner. In those circumstances, I am of the view that she is entitled to our full confidence.

Deputy Mary Lou McDonald: The law is designed to do many things, including, as the Tánaiste outlined, protecting whistleblowers and others. What it is not designed to provide is a get-out clause for her not to answer perfectly reasonable and legal questions that have been put to her. I asked whether there are other allegations on her desk. A simple "Yes" or "No" will suffice. I asked her if it is true that a whistleblower wrote to her four times setting out their experiences and inquired as to what she did about it. None of that is precluded under the whistleblower legislation. I have put it to the Tánaiste - this is a matter that has been widely reported - that the two whistleblowers who made the latest series of allegations have stated clearly that they will not co-operate with any process unless the Commissioner stands aside. The Tánaiste has stated her confidence in the Commissioner but the whistleblowers clearly do not have any confidence in her. I ask the Tánaiste again how she proposes to move the process forward. When will the judge be appointed? Will the Commissioner stand aside? Has the Tánaiste entertained that idea? Crucially, what is on her desk? How did she respond to the individual who has written to her four times during her term as Minister for Justice and Equality?

The Tánaiste: Let me be very clear - no, I do not have any other protected disclosures. Clearly, a small number of protected disclosures have been made, both to GSOC and to myself, and these are in the public realm. Details relating to disclosures are published, for example, in the annual report of GSOC. Therefore, the relevant figures are publicly available. There is nothing that is there that-----

Deputy Mary Lou McDonald: On a point of order-----

An Leas-Cheann Comhairle: The Deputy should allow the Tánaiste to continue.

Deputy Mary Lou McDonald: On a point of order-----

An Leas-Cheann Comhairle: A point of order cannot be raised during Leaders' Questions.

Deputy Mary Lou McDonald: The Tánaiste will be aware-----

An Leas-Cheann Comhairle: A point of order cannot be raised. If the Deputy checks Standing Order 71, she will note that it is not possible to raise a point of order during Leaders' Questions.

Deputy Mary Lou McDonald: I just do not want the Tánaiste to inadvertently mislead the House. The Tánaiste will be aware that there was a report last Tuesday evening on "Prime Time" which said that-----

An Leas-Cheann Comhairle: I am sorry, Deputy McDonald.

Deputy Mary Lou McDonald: -----correspondence from a whistleblower landed on the Tánaiste's desk.

An Leas-Cheann Comhairle: The Deputy has explained her position.

Deputy Mary Lou McDonald: No, I have asked if the Tánaiste has-----

An Leas-Cheann Comhairle: The Tánaiste, without interruption.

Deputy Mary Lou McDonald: -----other correspondence in respect of it.

An Leas-Cheann Comhairle: The Tánaiste has 30 seconds left.

The Tánaiste (Deputy Frances Fitzgerald): I have said there are no other protected disclosures on my desk.

Deputy Clare Daly: That is not what the Minister was asked.

The Tánaiste: It was what I was asked. I am replying to the question. On the media reports, which the Deputy quoted, I am setting in place a procedure. I got these reports on Monday and I have to consider the legal options and the various pathways through which I can investigate this issue. That is precisely what I have done. It will be done in a very timely way and as soon as possible.

On the Deputy's question about correspondence from whistleblowers, I cannot discuss the details of individual contact with whistleblowers or correspondence that I received from them. Let me be absolutely clear, I am fully pursuing any such disclosures and following up any issues that are brought to my attention. I have followed up any issues that were brought to my attention. Why would I not follow them up? I want to see the highest standards in An Garda Síochána. I want to see the organisation dealing professionally and effectively with any whistleblower concerns brought to it. It is my goal and that of the Government to make sure the highest standards prevail. Why would I not be following them up? I have been following them up and pursuing them. There are very detailed, complex and serious investigations being undertaken with regard to the particular cases that have been raised with me.

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An Leas-Cheann Comhairle: The Tánaiste has exceeded her time. Deputy Wallace on behalf of Independents4Change has three minutes. Three minutes is three minutes.

Deputy Mick Wallace: I thank the Leas-Cheann Comhairle. To answer Deputy McDonald's question, these are the four letters-----

An Leas-Cheann Comhairle: Did Deputy Wallace say he will answer Deputy McDonald?

Deputy Mick Wallace: Sorry?

An Leas-Cheann Comhairle: Did the Deputy say he will answer Deputy McDonald?

Deputy Mick Wallace: Nicky Keogh wrote to the Minister four times and she replied once. When he told the Minister about the harassment and that he could not have been suffering without the Commissioner's knowledge, the Minister wrote back to him to say she was looking for an urgent report from the Garda Commissioner. That was May this year. The Minister says she follows things up quickly. May was a long time ago. For over two years Deputy Clare Daly and I have been telling the Minister about huge problems that are not being addressed. It is over two years. How in God's name can the Minister say she is dealing with these matters? She talks about a rush to judgment but it has been two years. She says the claim is not properly tested. The Minister has the transcript from the O'Higgins report hearing in her office. Is there not enough information in it? Was it not properly tested? What about the role the Commissioner played in trying to undermine the credibility of Maurice McCabe? Is there not enough in that for the Minister? She is talking about people disposing of the laws of the land. God bless us. How bad is it if any of what arrived on the Minister's desk last Monday is true? I am not easily shocked. I have spent my life living in the real world and I know how bad things can be out there. I have not seen the like of it. It is horrific and mind-numbing.

Deputy Clare Daly and I met the two senior gardaí who made the protected disclosures. We have not breached the protected disclosures. We sat down and listened to them face to face. I will not talk about it anymore.

The Minister is talking about another inquiry and another judge. The Tánaiste talks about the new broom she has brought in. Nothing has changed, Minister, nothing. We marked her cards for her on her legislation on the Garda Síochána Ombudsman Commission, GSOC, and the Policing Authority. We had Ms Justice Mary Ellen Ring and Josephine Feehily stressing the lack of authority they have in legislation to do their jobs properly.

The Garda is in turmoil. There is a split in it with two camps. The Garda Commissioner has promoted a ring around her. It is corrosive. She is doing so much damage to An Garda Síochána that there are many good gardaí shocked at how she is operating. The Tánaiste and Minister for Justice and Equality cannot leave her in position.

An Leas-Cheann Comhairle: The Deputy is over his time.

Deputy Mick Wallace: The idea there would be an investigation while she is in place is nuts.

The Tánaiste: The Deputy has made a number of comments. I will repeat what I said. I believe - the Deputy may not - that due process is important. I believe the law should be used carefully in these circumstances. I do not believe in making a decision before the evidence has been heard. What we have is a body of allegations which have been brought forward. I have

said to the House that I believe they are serious and ought to be investigated. I will ensure that happens and that there is follow-up, depending on the outcome and output from that investigation. Of course I will. That is my job and that is what I will do.

Quite a number of things have changed. For the first time we have independent oversight in the Policing Authority. The public, at public meetings, can see An Garda Síochána being accountable to the new Policing Authority, chaired by Josephine Feehily and a very competent and serious board totally committed to its task. That is different. That is a change. GSOC has been given new powers. I am perfectly prepared to meet both chairs to discuss if further changes are necessary to the legislation.

Deputy Wallace has made a number of points about investigations going on over a period of time. Yes, investigations do take time. There are procedures to be followed. On the disclosures made some time ago and what has been happening, without commenting in any way on the disclosures or who has made them, I can tell the House that I am extremely concerned about matters which have been raised about policing in Athlone. By the way, I wrote to Deputy Mick Wallace but have not received a reply.

I have sought and received a number of reports from the Garda authorities about this matter. These indicate that a series of investigations have taken place into the complex issues involved, including criminal investigations, disciplinary investigations and investigations by the Garda Síochána Ombudsman Commission. Not all of these are yet completed. I am monitoring the situation closely and expect further reports from An Garda Síochána about these matters. As I have already said, should the present investigations not succeed in fully addressing matters of public concern which have arisen, and I am referring to the investigations under way, not the more recent protected disclosures which only arrived on Monday and which I am currently considering, I will have no hesitation in establishing some other form of inquiry.

I will wait, however, for due process to take its place and continue. I will not act precipitously, either regarding that investigation or, indeed, the recent protected disclosures. I will follow the letter of the law. I will follow the legislation, passed in this House, where people have a right to confidentiality and due process. I would not be doing my job as Minister for Justice and Equality if I did not follow due process and the law laid down regarding protected disclosures, a law which we have all agreed should be followed. We are the first Government, as has been spoken about for many years, which has brought in a law to deal with the issue of protected disclosures.

Deputy Mick Wallace: It must not be working then. The Tánaiste spoke about returning letters. I wrote to her a year ago, giving her evidence about the massaging of crime figures in the same place.

Deputy Clare Daly: Why is the man on the promotion list?

Deputy Mick Wallace: Why is the fellow at No. 14 on the promotion list? Let the Minister tell me. Another guy was reported by the whistleblower down there and he got promotion. However, the people who stood by that man in that station did not get promotion. The Commissioner said in a statement yesterday that she wishes to reiterate that “any employees in An Garda Síochána who bring forward any concerns or issues they might have will be taken seriously and the matters examined.” My God, people cannot believe what this woman is saying. What she says in public and what she does privately are 100% different.

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The Minister could say she does not have enough evidence and wants due process. Was the O'Higgins report not enough for the Minister in the first place? Forgetting what was put on her desk last week, was that not enough for her? The dogs on the street can see that there was a deliberate effort on the part of the Commissioner to undermine the credibility of Maurice McCabe.

An Leas-Cheann Comhairle: I ask the Deputy to conclude.

Deputy Mick Wallace: How in God's name can the Minister leave her in position after that?

An Leas-Cheann Comhairle: I have to abide by the regulations.

Deputy Mick Wallace: As long as the Minister leaves the Commissioner in position, there will be allegations coming in against her. It will only get worse. The Minister would be better off making a decisive decision now.

Frances Fitzgerald: I did receive a letter from the Deputy, to which I replied. I have the letter here. In my response to the Deputy, I asked him to give me some important detail on protected disclosures, which I would need if I were to follow up the points he made. He did not respond to me.

Deputy Mick Wallace: I did not get it.

Frances Fitzgerald: It was sent to the Deputy here in Dáil Éireann.

(Interruptions).

Frances Fitzgerald: I did not get a reply from the Deputy with the information I asked the Deputy for. I will send my request to the Deputy again.

On the point the Deputy made about the classification of crime, it is clearly a concern. As I explained to the justice committee yesterday, I have been working. The CSO has been examining these issues. I met the CSO. I invited its representatives to meet me. It is an independent body. Two years ago the Garda Inspectorate brought out and commented on the Garda statistics. There is a process in place and there are improvements in the reports this year in regard to the crime figures and their accuracy, as the CSO has said. There is work to be done. Every international police force has an issue with crime reporting. There are concerns about it. The circumstances are improving and the CSO is overseeing it.

Deputy Catherine Murphy: Yesterday Simon Communities Ireland published a report showing that only 20% of the very limited supply of houses available in the rental market could be afforded by those on rent supplement. This cohort of people has absolutely no other way of securing a home given the huge housing waiting list. Therefore, the reality is that the housing and homelessness crisis is worsening. These families find themselves completely priced out of the market. So many families on low, middle and even good incomes are increasingly finding themselves priced out of the housing market. Based on what I am currently seeing, this is primarily in the rental sector.

According to the Locked Out of the Market survey conducted by Simon Communities Ireland, there were 518 houses available to rent across ten locations around Ireland, including Dublin, Cork and Limerick cities and commuter towns in their hinterlands. My area, in north

Kildare, was one of the areas included. Of the 518 houses, only eight were within the rent supplement scheme or housing assistance payment scheme limits. Many others were unsuitable for family accommodation. In essence, there are virtually no affordable properties available.

I am seeing heightened panic among those who are contacting my constituency office. In the past couple of weeks, I talked to a couple who are due a baby within weeks and learned they are frantic to get somewhere to live. They are living separately at present. Both are working and their joint income is reasonable. They and others are telling me that when they go to a viewing, they find themselves in a bidding war. One couple told me in recent weeks that when they left a property that was advertised for €1,300 per month, the bidding war brought the value up to €1,800 per month. That is the cause of the desperation. In another case, the landlord told a couple with one child, both working, that the rent was to be put up by €300 per month to €1,500 per month. They cannot afford it. It is not sustainable but they cannot do anything and cannot rock the boat. This is the kind of profile we are seeing.

We in the Social Democrats launched our alternative budget today and we focused heavily on initiatives designed to bring significant numbers of units back into use. There are 200,000 vacant properties in the country. Initiatives such as the vacant housing initiative that was announced need to be accelerated, and this is one of the proposals in our document. Will the Tánaiste examine it? The problem is accelerating. We need to examine where houses are available that can be brought into use, for example, by way of the fair deal scheme. Will the Tánaiste ensure a fresh look is taken at the short-term aspect of the problem, given that it is out of control?

The Tánaiste: I recognise, as does the Government, the seriousness of the housing situation, and that is why it is a priority and will be over the coming years. I recognise what the Deputy said about there being short-term and long-term issues, and that the short-term situation, particularly regarding renting in our urban centres, is at crisis point. This is why the programme the Minister, Deputy Simon Coveney, announced has short-term and long-term initiatives. The Deputy is familiar with the issues. The Minister has set a target of delivering 40,000 social housing units supported by an investment of €5.35 billion. There is an accelerated housing assistance payment, HAP, of €12,000 in 2016 and €15,000 in 2017 and various other developments such as the dedicated housing delivery office and housing procurement unit.

All these are intended to ensure the housing supply comes on stream as quickly as possible. We do not want people to continue to have to move into hotels. There is a very clear target that by mid-2017 people will not be in that circumstance and that hotels will be used as emergency accommodation only in the most limited circumstances. One of the keys to the Deputy's point is that rapid-build housing is essential and it needs to be delivered very quickly. The Deputy knows the targets that have been set for it. Everybody in the House recognises that it must be a priority area and funding must be, and is being, made available.

The Minister, Deputy Simon Coveney, is very clear on the short-term as well as the long-term needs and that every help must be given to the families the Deputy described who find themselves in this situation. There is a strong programme and I have been at meetings where leaders from local authorities are doing everything possible to ensure there is a fast-track approach to refurbishing any housing stock in their areas that is suitable for allocation and ensuring the turnaround is quicker than it has been. Everybody recognises that we cannot have properties boarded up that could provide homes for families. It is a priority for local authorities.

Deputy Catherine Murphy: There are points at which one can see something is coming to a crux. We are at such a point. While all the initiatives in the programme are welcome, many of them are medium term. The Tánaiste's constituency is next door to mine and they have the same profiles. She sees the same problems as I do. It has reached a new level. The Simon Communities survey demonstrated it in hard facts. There must be solutions that are accelerated now that can be delivered in months. There are houses available that people cannot use given that there is an impediment to using them if they might not qualify for the fair deal scheme. The Housing Agency is driving an initiative to bring vacant houses back into use. We are reaching the point at which we will not even be able to accommodate people in hotels. Will the Government consider pursuing short-term initiatives that can be realised within months?

The Tánaiste: Certainly, I agree with the Deputy. For example, she mentioned housing becoming available in respect of the fair deal scheme. That is certainly an initiative that can be looked at by the Departments of Health and Housing, Planning, Community and Local Government. I take the Deputy's point that if there are other short-term measures which can be identified and which would make a difference to the current and emerging crisis, then as many actions as possible should be taken in the short term to deal with the rental crisis we are experiencing.

I must tell the Deputy, however, that I see people moving out of hotels, as I am sure she does. I have certainly seen people moving into housing and that is to be welcomed. There is a very clear target that, by the middle of next year, families will not be in that situation. The urgency is understood by the Government. It is understood by the Minister Deputy Coveney. As I said, the initiative he is taking is for the short as well as the medium and longer terms.

The Deputy may have other suggestions. She spoke about a particular one, and people are moving more quickly into nursing homes now. If that means there is a housing supply available or that those houses will be available to rent - obviously there will be many complex issues in terms of ownership, families and so on - the matter will be pursued by the Ministers for Health and Housing, Planning, Community and Local Government.

Sittings and Business of Dáil: Motion

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

(1) In relation to the sitting of the Dáil on Tuesday, 11th October 2016, the following arrangements shall apply:

(i) the Dáil shall sit later than 10 p.m. and the motion for the General Financial Resolution shall be moved not later than 12 midnight whereupon the Dáil shall adjourn forthwith;

(ii) the following arrangements shall apply in relation to the Budget Statements and the Financial Motions by the Minister for Finance:

(a) the opening statements of the Minister for Finance and the Minister for Public Expenditure and Reform shall not exceed 45 minutes in each case;

(b) the statements of the main spokespersons for Finance and Public Expenditure and Reform for Fianna Fáil, Sinn Féin, the Labour Party, AAA-PBP, Independents 4 Change, the Rural Independent Group, and the Social Democrats-Green Party

Group, who shall be called upon in that order, shall not exceed an aggregate of 60 minutes in each case, and such members may share their time;

(c) following the statements, the sitting shall be suspended for 30 minutes.

(2) In relation to the sittings of the Dáil on Wednesday and Thursday, 12th and 13th October 2016, the following arrangements shall apply in relation to the resumed debate on the General Financial Resolution:

(i) the speech of the Taoiseach and of the leaders of Fianna Fáil, Sinn Féin, the Labour Party, AAA-PBP, Independents 4 Change, the Rural Independent Group, and the Social Democrats-Green Party Group, or persons nominated in their stead, who shall be called upon in that order, shall not exceed 30 minutes in each case; and such members may share their time;

(ii) notwithstanding the previous Order of the Dáil, the sitting shall be suspended on the conclusion of the leaders' speeches until 5.30 p.m.;

(iii) the speech of each other Member called upon, who may share their time, shall not exceed 20 minutes in each case;

(iv) the debate, if not previously concluded, shall adjourn at 4 p.m. on Thursday.

(3) There shall be no block voting time on Thursday, 13th October 2016, and any votes claimed after the block voting time today shall be taken at the block voting time on Thursday, 20th October 2016.

(4) There shall be a PQ rota swap motion taken today without debate after Questions on Promised Legislation.

Question put and agreed to.

Questions on Promised Legislation

An Leas-Cheann Comhairle: Seven Deputies have indicated so far. I ask everyone to respect the fact that others will want to ask questions within the 15-minute slot. I am obliged to end this after 15 minutes.

Deputy John Brassil: I welcome the Minister for Communications, Climate Change and Environment, Deputy Naughten, as my question concerns the new guidelines on wind farm development that have been promised for a number of years. We are anxiously awaiting them. I am dealing with a situation in Kerry in which an entire community is facing the construction of ten turbines in excess of 65 m in height. The project was refused by Kerry County Council and recommended for refusal by the inspector of An Bord Pleanála but the board of An Bord Pleanála subsequently granted the development. The community is left with no other option but a judicial review which will cost in the region of €25,000 to €50,000. They are coming up with that and pursuing it because they believe their rights are being infringed greatly. I support them in that.

The Tánaiste: Under the new procedures I will ask the appropriate Minister, Deputy Naughten, to respond to the questions.

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Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): When I was on the Deputy's side of the House, I raised this question as well. I am as anxious as anybody else to have these new guidelines put in place as the current guidelines are not fit for purpose. Along with the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, my officials and I are actively engaged with this at the moment. There is a commitment in the programme for Government to present the new guidelines to the Government within six months, and we intend to do that. I hope we will have those finalised by next month.

Deputy Martin Kenny: On page 100 of the programme for Government, there is a commitment to extending Garda oversight and accountability. The task of sorting out the problems in the Garda will require much more than the Government's stated intention of supporting the independent Policing Authority and enhancing the role of the Garda Síochána Ombudsman Commission, GSOC. It is clear to me and many who have had dealings with the so-called cover-up squads in the Garda will know that only root and branch reform will suffice, including standing down the top brass and having a focused programme of changing the culture of bullying, malpractice and protectionism that is destroying everything.

Earlier this year, I raised issues in this House about Garda malpractice in Leitrim, and within a few weeks, I was visited by two senior gardaí - one an assistant commissioner - who told me they were determined to investigate everything fully.

An Leas-Cheann Comhairle: The Deputy should speak to promised legislation.

Deputy Martin Kenny: It is on promised legislation.

Deputy Regina Doherty: It is not.

Deputy Martin Kenny: I said at the beginning it relates to promised legislation.

An Leas-Cheann Comhairle: Which legislation?

Deputy Martin Kenny: It is the Government's commitment on page 100 of the programme for Government to extend Garda oversight and accountability.

The Tánaiste: That is not promised legislation.

Deputy Martin Kenny: The programme for Government is what the Government promises to do.

An Leas-Cheann Comhairle: I call the Tánaiste.

Deputy Martin Kenny: The issue I raise is very simple. I was promised that the Garda Commissioner would fully investigate these allegations but nothing has happened. There has been no investigation or contact with the people who raised these issues.

An Leas-Cheann Comhairle: The Deputy should respect that others would like an opportunity to ask questions.

Deputy Martin Kenny: With respect to the House, I just want a moment to finish this.

An Leas-Cheann Comhairle: You have posed your question.

Deputy Martin Kenny: The issues I have raised have been discredited and ridiculed by some gardaí and other people in the community.

An Leas-Cheann Comhairle: The Deputy should speak to promised legislation. He should resume his seat.

Deputy Martin Kenny: The people who brought up these issues have been-----

An Leas-Cheann Comhairle: You must have respect for other Members. I want to give everybody an opportunity. Resume your seat.

The Tánaiste: Page 100 of the programme for Government does not mention legislation but it refers to various other mechanisms that must be introduced. In terms of change, civilianisation and rostering, all of that is happening currently and there will be more, budget permitting, next year. With regard to legislation and accountability, I said I will consider the comments of Ms Justice Mary Ellen Ring on the strengthening of powers of GSOC and I will meet her shortly.

Deputy Danny Healy-Rae: With regard to the elements of the programme for Government dealing with the trolley crisis, why is the Government not providing funding for extra staff for the escalation ward in Tralee general hospital, or what is now known as University Hospital Kerry? The wards are there but we need staff to man them. The funding is not there. Why is the Minister not providing it?

Minister for Health (Deputy Simon Harris): Although it is not promised legislation, I will look into the specific issue raised by the Deputy. We have already seen an increase this year in staffing numbers in our health services in terms of both nursing and medical staff when compared with last year. We have also provided €40 million to deal with what the Deputy describes as the trolley crisis. Numbers on trolleys are still high but they are down approximately 5% on last year. Some of that €40 million in funding for the winter initiative will deal with the fact that we still have too many people on beds who need to be at home instead. That is why we are providing more home help as well.

Deputy Thomas Pringle: As the Tánaiste is probably aware, the Seanad voted yesterday on a motion to reject the Comprehensive Economic and Trade Agreement, CETA. The agreement is due for provisional ratification at the European Council meeting of 19 October. Will the Government provide for a debate in the Dáil in advance of that in order that we can advise the Government on its views on the provisional application proposal?

The Tánaiste: That will be discussed with the appropriate trade ministers this Friday in Bratislava. Clearly, Ireland will outline its position there. I will ask the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, to contact Deputy Pringle directly about the position of the Irish Government.

Deputy Thomas Pringle: We need a debate in the Dáil.

The Tánaiste: That is a matter for the Business Committee.

Deputy Tony McLoughlin: Will the Tánaiste provide an update on the progress of the bail Bill which is to be introduced by the Department of Justice and Equality. When can we expect this much anticipated Bill to come before the House for debate?

The Tánaiste: The bail Bill will be published this term.

Deputy Robert Troy: More than three years ago the previous Government discontinued the mobility allowance for people with a disability. It promised that within six months a new scheme would be introduced. When can the people who suffer from a disability and who have been awaiting the introduction of a new scheme for the past two and a half years expect it to be introduced? When will the Government finally honour the commitment to introduce a new scheme?

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

The Tánaiste: The heads of that Bill are expected before the end of the year, after which there will be the usual pre-legislative scrutiny.

Deputy Mick Barry: My questions relate to the housing (miscellaneous provisions) Bill and the landlord and tenant law reform Bill. In light of the report published yesterday by the Simon Community which showed that the rent cap increases introduced in July have had a very limited effect, will the aforementioned legislation include real rent controls, which will not just freeze rents but slash them? When will the legislation be brought before the House? Will the Government again bow to the landlord lobby, so strongly represented in Fine Gael, or will it introduce real rent control which is clearly needed by so many people, as shown in yesterday's report?

The Tánaiste: We expect that the housing (miscellaneous provisions) Bill will be published within three weeks. It is due very urgently. Work is still under way on the landlord and tenant law reform Bill.

Deputy Timmy Dooley: Serious commitments were made in the programme for Government about the protection of services in rural Ireland. The GP out-of-hours service is really important in assisting people who need GP services out of hours or at weekends. A huge burden is taken off accident and emergency units if such people are properly facilitated. However, there is a proposal in the mid-west, announced only yesterday, for a very serious curtailment of such services that will affect people in east and west Clare. In my view, the proposal is crazy and has the capacity to put a greater burden on an already over-extended accident and emergency service in Limerick. As the Tánaiste knows-----

An Leas-Cheann Comhairle: A question on promised legislation, please.

Deputy Timmy Dooley: There is a commitment there for it. As the Tánaiste knows, if people do not get to see a GP at the weekend and end up waiting until Monday, they find themselves on hospital trolleys for the early part of the week. There must be immediate intervention to ensure this proposal does not go ahead.

The Tánaiste: I will ask the Minister for Health to respond to that.

Deputy Simon Harris: I thank Deputy Dooley for bringing this matter to my attention. I will be visiting University Hospital Limerick tomorrow where I will ask to be briefed on the issue and I will revert to the Deputy at that stage. I agree with him on the importance of GPs and, as the Deputy knows, the Government is committed to entering into contract talks with GPs by the end of the year.

Deputy Bernard J. Durkan: The mortgages special court Bill or courts (mortgage arrears)

Bill is promised legislation and, in view of the ongoing pressure on many householders who are anticipating relief through this legislation, when is it likely to come before the House? Can we expect it to come before us in this Dáil session?

The Tánaiste: We are expecting that Bill in November.

Deputy Mary Lou McDonald: The Tánaiste had a lot to say earlier about the independence of the processes for senior Garda appointments. However, the evidence stacks up against her claims. In May the Tánaiste and Minister for Justice and Equality appointed four of the eight new assistant commissioners while in July she appointed ten chief superintendents and 18 superintendents. In fact, far from delivering an independent and trustworthy appointments process, she has frustrated it. In the context of the policing Act of 2015, I understand that a change to the regulations for appointments needs to be made and a commencement order is required. Until that happens, it is a joke, quite frankly, to talk about an independent appointments system. Can the Tánaiste tell us when the regulations will be amended and when the relevant sections of the legislation will be commenced?

The Tánaiste: Essential appointments were made earlier this year when the Policing Authority had just been established. In fact, that was the last group of appointments to be made under the old processes. The new regulations will be in place before the end of the year and the next group of appointments will be made by the Policing Authority, as was always the intention.

Deputy Eamon Scanlon: Last July, I warned the Minister of State, Deputy Halligan, who is not here at the moment, of the impending chaos in the school transport system throughout the country. Sadly, that has happened as a result of the deliberate cuts in concessional seats on schools buses. I welcome the Minister of State's decision to bring together an all-party committee to deal with some of the issues that have arisen during the year. I ask the Tánaiste to use her good office to ensure such issues are dealt with as soon as possible. I am aware of children who are entitled to tickets but have lost their seats on school buses and had their tickets given to concessional students because their parents were six days late making the €650 payments.

Minister for Education and Skills (Deputy Richard Bruton): The Department of Education and Skills provides school transport to approximately 120,000 students each year at a cost of approximately €175 million. Priority on all buses goes to designated eligible students. There has been no systematic effort to reduce the number of concessional places on buses. As the Deputy indicated, the Minister of State has initiated a review of this expensive scheme. It must be borne in mind that we cannot make rules for one individual locality. The scheme has to apply to every parish and school in a uniform and fair way. I know cases will be brought up that seem very difficult for individuals who are just caught, but the rules have to be applied universally. We acknowledge that there can be difficulties for parents. We are continuing to support large numbers of students through this fair scheme, in which we are investing a great deal of money.

Deputy Mary Butler: The roll-out of 24-7 cardiac cover at University Hospital Waterford was promised in the programme for Government, subject to a favourable independent review. As we all know, this review has taken place. The consultants in Waterford and the south-east have grave concerns in relation to the review. I call again on the Minister for Health to meet the consultants.

Deputy Simon Harris: The Deputy's request for a meeting is probably not quite a matter

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for the Order of Business. I have made my intentions very clear in relation to this matter. I have published in full Professor Niall Herity's report, which examined the need for a second catheterisation lab in University Hospital Waterford. Professor Herity, who is an external consultant working for the NHS and who specialises in this area, found that there is no need for such a lab. However, he noted a number of deficiencies that need to be addressed in the hospital and a number of investments that need to be made by this Government. As the Deputy knows, my intention is to move ahead with making those important investments and increasing the staff, the equipment and the opening hours of the existing catheterisation lab in Waterford. As I have said, we can look at and review the impact of those improvements on volumes next year. That remains my commitment. I hope to visit the hospital shortly. I am sure I will have an opportunity to talk to staff at that stage.

An Leas-Cheann Comhairle: That concludes questions on promised legislation, including some circumvented questions on promised legislation. If I am in the Chair the next time, Deputy Fitzmaurice will be at the top of my list.

Statement of Estimates for the Houses of the Oireachtas Commission: Motion

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1st January, 2017 and ending on 31st December, 2017, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003, as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006, section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009, section 2 of the Houses of the Oireachtas (Appointments to Certain Offices) Act 2015 and section 5 of the Houses of the Oireachtas Commission (Amendment) Act 2015, which was laid before both Houses of the Oireachtas on 5th October, 2016.

Question put and agreed to.

Proposal on Matrimonial Matters, Parental Responsibility and Child Abduction: Motion

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast),

a copy of which was laid before Dáil Éireann on 27th July, 2016.

Question put and agreed to

Appointment of Member of the Legal Services Regulatory Authority: Motion

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move:

That Dáil Éireann, noting that the Government agreed on 27th September, 2016, to propose, for the approval of Dáil Éireann, the appointment of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, and pursuant to section 9 of the Legal Services Regulation Act 2015, approves the appointment, with effect from the establishment day to be appointed by the Minister for Justice and Equality in accordance with section 7 of that Act, by the Government of Eileen Barrington SC to be a member of the Legal Services Regulatory Authority, six of whom shall hold office for a period not exceeding four years from the date of his or her appointment as the Government shall determine and five of whom shall hold office for a period of three years from the date of their appointment in accordance with section 10(2) of that Act.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

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

That, notwithstanding anything in the Order of the Dáil of 6th May, 2016, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Social Protection, shall be set down to Ministers in the following temporary sequence:

Minister for Health

Minister for Public Expenditure and Reform

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs

Minister for Foreign Affairs and Trade

whereupon the sequence established by the Order of 6th May, 2016, shall continue with Questions to the Minister for Agriculture, Food and the Marine.

Question put and agreed to.

1 o'clock

Criminal Justice (Aggravation by Prejudice) Bill 2016: Second Stage (Resumed) [Private Members]

An Leas-Cheann Comhairle: We will now deal with a postponed division relating to the Criminal Justice (Aggravation by Prejudice) Bill 2016 taken on Tuesday, 4 October 2016. On

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the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 95; Staon, 0; Níl, 36.</i>		
<i>Tá</i>	<i>Staon</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>		<i>Barry, Mick.</i>
<i>Bailey, Maria.</i>		<i>Boyd Barrett, Richard.</i>
<i>Barrett, Seán.</i>		<i>Brady, John.</i>
<i>Brassil, John.</i>		<i>Broughan, Thomas P.</i>
<i>Breathnach, Declan.</i>		<i>Buckley, Pat.</i>
<i>Brophy, Colm.</i>		<i>Collins, Joan.</i>
<i>Browne, James.</i>		<i>Collins, Michael.</i>
<i>Bruton, Richard.</i>		<i>Connolly, Catherine.</i>
<i>Burke, Peter.</i>		<i>Coppinger, Ruth.</i>
<i>Burton, Joan.</i>		<i>Crowe, Seán.</i>
<i>Butler, Mary.</i>		<i>Cullinane, David.</i>
<i>Byrne, Catherine.</i>		<i>Daly, Clare.</i>
<i>Byrne, Thomas.</i>		<i>Doherty, Pearse.</i>
<i>Cahill, Jackie.</i>		<i>Ellis, Dessie.</i>
<i>Calleary, Dara.</i>		<i>Ferris, Martin.</i>
<i>Canney, Seán.</i>		<i>Funchion, Kathleen.</i>
<i>Cannon, Ciarán.</i>		<i>Healy-Rae, Danny.</i>
<i>Carey, Joe.</i>		<i>Healy, Seamus.</i>
<i>Casey, Pat.</i>		<i>Kenny, Gino.</i>
<i>Cassells, Shane.</i>		<i>Kenny, Martin.</i>
<i>Chambers, Jack.</i>		<i>McDonald, Mary Lou.</i>
<i>Chambers, Lisa.</i>		<i>Mitchell, Denise.</i>
<i>Corcoran Kennedy, Marcella.</i>		<i>Munster, Imelda.</i>
<i>Coveney, Simon.</i>		<i>Murphy, Catherine.</i>
<i>Cowen, Barry.</i>		<i>Murphy, Paul.</i>
<i>Creed, Michael.</i>		<i>Nolan, Carol.</i>
<i>Curran, John.</i>		<i>Ó Caoláin, Caoimhghín.</i>
<i>D’Arcy, Michael.</i>		<i>Ó Laoghaire, Donnchadh.</i>
<i>Daly, Jim.</i>		<i>O’Brien, Jonathan.</i>
<i>Deasy, John.</i>		<i>O’Reilly, Louise.</i>
<i>Deering, Pat.</i>		<i>Pringle, Thomas.</i>
<i>Doherty, Regina.</i>		<i>Quinlivan, Maurice.</i>
<i>Donohoe, Paschal.</i>		<i>Shortall, Róisín.</i>
<i>Dooley, Timmy.</i>		<i>Smith, Bríd.</i>
<i>Doyle, Andrew.</i>		<i>Stanley, Brian.</i>
<i>Durkan, Bernard J.</i>		<i>Wallace, Mick.</i>

<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Enda.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>MacSharry, Marc.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Martin, Micheál.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		

<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies James Browne and Dara Calleary; Níl, Deputies Pat Buckley and Denise Mitchell.

Question declared carried.

Explanations under Standing Order 138(2A) as received from Members

Deputy Ruth Coppinger, Deputy Mick Barry and Deputy Paul Murphy voted against the reading of the Criminal Justice (Aggravation by Prejudice) Bill 2016 for a second time with the following explanation: We believe legislation to provide for offences aggravated by prejudice is required as opposed to the approach taken by this Bill. The omission of explicit protection for members of the Travelling Community, people with religion and those impacted by gender based prejudice is also a factor in the vote against the Bill at this stage.

An Leas-Cheann Comhairle: I understand it is proposed to refer the Bill to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141. I call Deputy Fiona O'Loughlin to move the motion of referral.

Criminal Justice (Aggravation by Prejudice) Bill 2016 [Private Members]: Referral to Select Committee

Deputy Fiona O'Loughlin: I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141 of the Standing Orders relative to Public Business.

On behalf of Deputy Murphy O'Mahony and myself, I am happy to refer the Bill to the

select committee. I thank all those Members who supported the Bill.

Question put and agreed to.

Mental Health Services: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Mary Lou McDonald on Wednesday, 5 October 2016:

That Dáil Éireann:

notes that:

- 2016 marks the 10th anniversary of the publication of the Report of the Expert Group on Mental Health Policy entitled *A Vision for Change*, which laid out a pathway to progressive, modern and recovery-based mental health care in Ireland;
- despite plans for its complete implementation by 2016, much of the strategy is incomplete and many of its recommendations are still to be implemented;
- the crisis in our mental health service has been exacerbated by the failure to implement *A Vision for Change* in full;
- the current Programme for Government provides no significant detail on plans for the implementation of the reforms laid down in *A Vision for Change*; and
- there remains no state-wide 24/7 crisis intervention adult mental health service in this State, a major recommendation of *A Vision for Change*;

recognises that:

- without a 24/7 crisis intervention adult mental health service, the lives and health of people in mental health distress are being put at great risk;
- it is the responsibility of the State to ensure that those who need crisis mental health supports receive that support in a timely and efficient fashion in line with international best practice;
- 66 per cent of all people who are admitted to an Irish acute mental health unit are readmitted within 12 months and Ireland's 30 day readmission rate is double that of the United Kingdom; and
- the alarmingly high rate of readmissions for mental health difficulties is due to a lack of outpatient community intervention services which are accessible and flexible; and

resolves that the Government must:

- publish within three months, an implementation plan for a seven-day-a-week adult mental health service in every catchment area to be completed within 12 months;

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- open recruiting to employ a full complement of staff to provide a multidisciplinary team for these units which can also operate home visits seven-days-a-week;
- provide immediate funding for, and begin the establishment of, a crisis house in every catchment area as an alternative to in-patient care; and
- publish a detailed implementation plan for the full roll out of 24/7 multidisciplinary crisis intervention adult mental health services in every catchment area within 12 months.

Amendment No. 1:

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

“notes:

— in line with the Programme for a Partnership Government, the Government acknowledges that:

— 2016 marks the 10th anniversary of the publication of the Report of the Expert Group on Mental Health Policy entitled A Vision for Change, which laid out a pathway to progressive, modern and recovery-based mental health care in Ireland;

— the critical importance of prioritising mental health policy and service development;

— the need to increase the mental health budget annually during the lifetime of the Government, building on the substantial additional funding provided for mental health services between 2012 and 2016; and

— the need to further develop crisis and 24/7 responses, building on the investment to date in Acute Units and in supports at community level;

recognises that the Government is committed to:

— continuing to implement A Vision for Change, in a manner which recognises geographical accessibility, in the spirit of both the Programme for a Partnership Government and the Confidence and Supply Arrangement;

— increasing the mental health budget annually during the lifetime of the Government building on the substantial additional funding provided for mental health services between 2012 and 2016;

— completing an evidence-based expert review of the current status of implementation in Ireland and of international best practice in the area of mental health;

— establishing an oversight committee within three months, to oversee the development of a new policy for mental health based on the outcome of the expert review; and

— directing the Health Service Executive to develop a multi-annual approach to the development of mental health services.”

- (Minister of State at the Department of Health, Deputy Helen McEntee)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to a motion re mental health services. On Wednesday, 5 October 2016, on the question that the amendment to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 61; Staon, 36; Níl, 37.</i>		
<i>Tá</i>	<i>Stáon</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>	<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brophy, Colm.</i>	<i>Breathnach, Declan.</i>	<i>Brady, John.</i>
<i>Bruton, Richard.</i>	<i>Browne, James.</i>	<i>Broughan, Thomas P.</i>
<i>Burke, Peter.</i>	<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>
<i>Burton, Joan.</i>	<i>Byrne, Thomas.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Cahill, Jackie.</i>	<i>Connolly, Catherine.</i>
<i>Canney, Seán.</i>	<i>Calleary, Dara.</i>	<i>Coppinger, Ruth.</i>
<i>Cannon, Ciarán.</i>	<i>Casey, Pat.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Cassells, Shane.</i>	<i>Cullinane, David.</i>
<i>Collins, Michael.</i>	<i>Chambers, Jack.</i>	<i>Daly, Clare.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Chambers, Lisa.</i>	<i>Doherty, Pearse.</i>
<i>Coveney, Simon.</i>	<i>Cowen, Barry.</i>	<i>Ellis, Dessie.</i>
<i>Creed, Michael.</i>	<i>Curran, John.</i>	<i>Ferris, Martin.</i>
<i>D'Arcy, Michael.</i>	<i>Dooley, Timmy.</i>	<i>Fitzmaurice, Michael.</i>
<i>Daly, Jim.</i>	<i>Fleming, Sean.</i>	<i>Funchion, Kathleen.</i>
<i>Deasy, John.</i>	<i>Haughey, Seán.</i>	<i>Healy, Seamus.</i>
<i>Deering, Pat.</i>	<i>Kelleher, Billy.</i>	<i>Kenny, Gino.</i>
<i>Doherty, Regina.</i>	<i>Lahart, John.</i>	<i>Kenny, Martin.</i>
<i>Donohoe, Paschal.</i>	<i>MacSharry, Marc.</i>	<i>McDonald, Mary Lou.</i>
<i>Doyle, Andrew.</i>	<i>McConalogue, Charlie.</i>	<i>Martin, Catherine.</i>
<i>Durkan, Bernard J.</i>	<i>McGrath, Michael.</i>	<i>Mitchell, Denise.</i>
<i>English, Damien.</i>	<i>McGuinness, John.</i>	<i>Munster, Imelda.</i>
<i>Farrell, Alan.</i>	<i>Martin, Micheál.</i>	<i>Murphy, Catherine.</i>
<i>Fitzgerald, Frances.</i>	<i>Moynihan, Aindrias.</i>	<i>Murphy, Paul.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy O'Mahony, Margaret.</i>	<i>Nolan, Carol.</i>
<i>Flanagan, Charles.</i>	<i>Murphy, Eugene.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Griffin, Brendan.</i>	<i>O'Brien, Darragh.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Harris, Simon.</i>	<i>O'Callaghan, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>Harty, Michael.</i>	<i>O'Dea, Willie.</i>	<i>O'Reilly, Louise.</i>
<i>Healy-Rae, Danny.</i>	<i>O'Keeffe, Kevin.</i>	<i>Pringle, Thomas.</i>
<i>Heydon, Martin.</i>	<i>O'Loughlin, Fiona.</i>	<i>Quinlivan, Maurice.</i>
<i>Howlin, Brendan.</i>	<i>Rabbitte, Anne.</i>	<i>Shortall, Róisín.</i>

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<i>Humphreys, Heather.</i>	<i>Scanlon, Eamon.</i>	<i>Smith, Bríd.</i>
<i>Kehoe, Paul.</i>	<i>Smith, Brendan.</i>	<i>Stanley, Brian.</i>
<i>Kelly, Alan.</i>	<i>Troy, Robert.</i>	<i>Tóibín, Peadar.</i>
<i>Kenny, Enda.</i>		<i>Wallace, Mick.</i>
<i>Kyne, Seán.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Dara.</i>		
<i>Naughten, Denis.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Sherlock, Sean.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Jim Daly; Níl, Deputies Denise Mitchell and Pat Buckley.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 59; Staon, 36; Níl, 37.</i>		
<i>Tá</i>	<i>Staon</i>	<i>Níl</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>	<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>

Dáil Éireann

<i>Brophy, Colm.</i>	<i>Breathnach, Declan.</i>	<i>Brady, John.</i>
<i>Bruton, Richard.</i>	<i>Browne, James.</i>	<i>Broughan, Thomas P.</i>
<i>Burke, Peter.</i>	<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>
<i>Burton, Joan.</i>	<i>Byrne, Thomas.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Cahill, Jackie.</i>	<i>Connolly, Catherine.</i>
<i>Canney, Seán.</i>	<i>Calleary, Dara.</i>	<i>Coppinger, Ruth.</i>
<i>Cannon, Ciarán.</i>	<i>Casey, Pat.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Cassells, Shane.</i>	<i>Cullinane, David.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Chambers, Jack.</i>	<i>Daly, Clare.</i>
<i>Coveney, Simon.</i>	<i>Chambers, Lisa.</i>	<i>Doherty, Pearse.</i>
<i>Creed, Michael.</i>	<i>Cowen, Barry.</i>	<i>Ellis, Dessie.</i>
<i>D'Arcy, Michael.</i>	<i>Curran, John.</i>	<i>Ferris, Martin.</i>
<i>Daly, Jim.</i>	<i>Dooley, Timmy.</i>	<i>Fitzmaurice, Michael.</i>
<i>Deasy, John.</i>	<i>Fleming, Sean.</i>	<i>Funchion, Kathleen.</i>
<i>Deering, Pat.</i>	<i>Haughey, Seán.</i>	<i>Healy, Seamus.</i>
<i>Doherty, Regina.</i>	<i>Kelleher, Billy.</i>	<i>Kenny, Gino.</i>
<i>Donohoe, Paschal.</i>	<i>Lahart, John.</i>	<i>Kenny, Martin.</i>
<i>Doyle, Andrew.</i>	<i>MacSharry, Marc.</i>	<i>McDonald, Mary Lou.</i>
<i>Durkan, Bernard J.</i>	<i>McConalogue, Charlie.</i>	<i>Martin, Catherine.</i>
<i>English, Damien.</i>	<i>McGrath, Michael.</i>	<i>Mitchell, Denise.</i>
<i>Farrell, Alan.</i>	<i>McGuinness, John.</i>	<i>Munster, Imelda.</i>
<i>Fitzgerald, Frances.</i>	<i>Martin, Micheál.</i>	<i>Murphy, Catherine.</i>
<i>Fitzpatrick, Peter.</i>	<i>Moynihan, Aindrias.</i>	<i>Murphy, Paul.</i>
<i>Flanagan, Charles.</i>	<i>Murphy O'Mahony, Margaret.</i>	<i>Nolan, Carol.</i>
<i>Griffin, Brendan.</i>	<i>Murphy, Eugene.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Harris, Simon.</i>	<i>O'Brien, Darragh.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Harty, Michael.</i>	<i>O'Callaghan, Jim.</i>	<i>O'Brien, Jonathan.</i>
<i>Heydon, Martin.</i>	<i>O'Dea, Willie.</i>	<i>O'Reilly, Louise.</i>
<i>Howlin, Brendan.</i>	<i>O'Keeffe, Kevin.</i>	<i>Pringle, Thomas.</i>
<i>Humphreys, Heather.</i>	<i>O'Loughlin, Fiona.</i>	<i>Quinlivan, Maurice.</i>
<i>Kehoe, Paul.</i>	<i>Rabbitte, Anne.</i>	<i>Shortall, Róisín.</i>
<i>Kelly, Alan.</i>	<i>Scanlon, Eamon.</i>	<i>Smith, Bríd.</i>
<i>Kenny, Enda.</i>	<i>Smith, Brendan.</i>	<i>Stanley, Brian.</i>
<i>Kyne, Seán.</i>	<i>Troy, Robert.</i>	<i>Tóibín, Peadar.</i>
<i>McEntee, Helen.</i>		<i>Wallace, Mick.</i>
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		

<i>Murphy, Dara.</i>		
<i>Naughten, Denis.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Sherlock, Sean.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Jim Daly; Níl, Deputies Pat Buckley and Denise Mitchell.

Question declared carried.

Ceisteanna - Questions

Priority Questions

One-Parent Family Payment

1. **Deputy Willie O'Dea** asked the Minister for Social Protection his views on the assertion by an organisation (details supplied) that the main impacts of the reform of the one-parent family payment have been to reduce the income of lone parents in employment and to reduce the likelihood of lone parents who are not in employment, education or training take up work or education in the near future; and if he will make a statement on the matter. [29009/16]

Deputy Willie O'Dea: This question relates to the views given to the Oireachtas Committee on Social Protection by the Society of St. Vincent de Paul on the effect of the changes in relation to lone parents and I would like the Minister's observations.

Minister for Social Protection (Deputy Leo Varadkar): The aim of the reforms to the one-parent family payment is to better engage with lone parents to assist in the transition from welfare into employment. Research shows that being at work reduces the at-risk-of-poverty rate for lone parents by three quarters, highlighting that the best way to tackle poverty among

lone parents is to assist them into employment rather than through welfare.

Access to my Department's Intreo service is critical in achieving this outcome. Lone parents who move to jobseeker's transition or jobseeker's allowance have access to a case officer who assists them in producing a personal development plan. This tailored plan helps access appropriate education, training and employment support opportunities based on their individual circumstances and requirements.

I acknowledge that the reforms resulted in a reduction in the payments for some lone parents who were working while receiving benefits. However, the positive outcome of the reforms can be seen from the fact that 3,000 lone parents affected by the July 2015 reforms became new family income supplement, FIS, recipients last year. These lone parents have been lifted out of poverty due to a combination of earnings from work and FIS income support. FIS thresholds are such that it is not possible to be in receipt of FIS and in consistent poverty.

The latest Quarterly National Household Survey for quarter 2 of 2016 contains encouraging information in respect of employment rates by family composition. In the year commencing 1 July 2015, the number of lone parent families who were in employment increased significantly by 3.6 percentage points to 56.4% - a majority of lone parents are now working. This represents four times the increase of all adults with children in employment over the same period. Interestingly, lone parents whose youngest child is aged between six and 11 years experienced the single largest increase in employment. Over the year the percentage of these lone parents in employment increased by 7.5 percentage points to 57.2%.

These increases are based on all lone parents and reflect the increase in economic and employment growth generally. The magnitude of the increase for lone parents specifically, many of whom would have been affected by the changes of July 2015, is clearly significant and cannot be dismissed. It will take several years for the full impact of the reforms to be assessed. This is due to the fact that the various educational, training and other employment supports being taken up by lone parents on foot of the reforms will take time to complete.

Deputy Willie O'Dea: I thank the Minister for his reply. We are dealing with a cohort of people, 11% of whom are living in consistent poverty. The figure for the population as a whole is 8%. We are dealing, therefore, with a particularly poor section of the electorate. The Minister will be aware of the views of the Society of St. Vincent de Paul, to which I referred in the question. He will also be aware of the conclusions contained in the Millar report, which states that the changes that have been made have had unintended consequences, that their overall effect is to reduce family income and to discourage people from engaging in activation, whether it be by way of employment, education or training and that the new rules need revision. He will further be aware of the matrix published by Single Parents Acting for the Rights of Kids, SPARK, an organisation representing lone parents, which clearly shows the losses that working lone parents will incur when the back-to-work family dividend runs out. Is the Minister aware that some of the organisations that represent single parents are going to run a campaign to encourage people who are in receipt of the one-parent family payment or family income supplement, FIS, and who are also working to revert from FIS to the jobseeker's transition payment when the family income dividend runs out next year? The latter will put people who are at work back into welfare dependency.

Acting Chairman (Deputy Eugene Murphy): The Deputy will have an opportunity to come back in. I call the Minister.

Deputy Leo Varadkar: It is obviously open to people to apply for the jobseeker's transition payment or FIS and my view is they should apply for whichever of those two payments gives them the most at the end of the week. If people do that, then that is their choice. It should be borne in mind that some people who may be working and in receipt of FIS and who then return to education apply for the jobseeker's transition payment, which they are permitted to do.

I gave the Deputy the employment statistics and they tell a story. There has been a significant increase in the percentage of lone parents who are working, an increase much greater than among the general adult population. This shows that increasing numbers of lone parents are getting jobs and that is very encouraging.

In terms of the at-risk-of-poverty rates, I am sure the Deputy is aware that the percentage of lone parents living in consistent poverty was 50% in 2006 and that the figure for 2014 was 22.1%. My strong view is that we should not revisit what has been done but, rather, that we should introduce reforms that can assist more lone parents to get into education and into work. We will achieve that not through the provision of more welfare payments but rather by means of affordable child care and better supports to get into education.

Deputy Willie O'Dea: I appreciate what the Minister said. One makes a choice as to which system suits one better. However, if one makes the choice of jobseeker's transition payment as opposed to FIS, it means that one is going back from work into welfare dependency, which is the exact opposite of what the policy is supposed to be about.

The Minister is aware that single parents in receipt of rent supplement will not qualify for Student Universal Support Ireland, SUSI, grants and that - as a result of the changes introduced - single parents with children aged over 14 will only be entitled to the back-to-education allowance, whereas previously they were entitled to both the one-parent family allowance and the SUSI grant. These two issues have been identified as barriers to lone parents who want to return to the education system. Has the Minister any plans to deal with them?

Deputy Leo Varadkar: Obviously, the rules relating to eligibility for the SUSI grant are a matter for the Minister for Education and Skills and his Department. That Department, with our assistance, has commissioned research examining the barriers to education for lone parents. The matter is being considered in the context of next week's budget in terms of what we can do to assist lone parents. That will involve access to education and affordable child care, it will not involve going back to more welfare.

Acting Chairman (Deputy Eugene Murphy): I am going to be strict on time with all contributors on the basis that if we run over time on a question, we will push out another Member who has tabled a question.

Jobseeker's Allowance

2. **Deputy John Brady** asked the Minister for Social Protection the progress of the report into the impact of the reduced jobseeker's payment rates for jobseekers aged 18 to 25 years, as committed to in the Pathways to Work 2016-2020 strategy; and if he will make a statement on the matter. [29008/16]

Deputy John Brady: In a number of budgets from 2009 onwards, discriminatory cuts were

made to jobseeker's payments for those under 26 years of age by both Fine Gael and Fianna Fáil. Young people were one of the first groups to shoulder the burden in the early stages of the economic crisis and these cuts have left 18 to 24 years olds on €100 per week, 25 year olds on €144 per week and those aged 26 and upwards on €188 per week. A report, to which the Government had committed, to examine the impact these cuts have had has still not been published. Where is the report committed to in the Pathways to Work strategy? Will the Minister acknowledge that the cuts that were first introduced by Fianna Fáil and followed up by Fine Gael have been discriminatory to those under 26 years of age?

Deputy Leo Varadkar: The CSO's most recent monthly unemployment figures released this week show that youth unemployment had fallen to 15.9% in September. This is a significant decrease of five percentage points, from 20.9%, in the past 12 months. Therefore, in just the past year youth unemployment has fallen from over 20% to 15.9%. The overall unemployment rate fell by 1.2 percentage points in the same period, from 9.1% to 7.9%.

Reduced rates for younger jobseeker's allowance recipients were first introduced in 2009 under the Fianna Fáil-Green Party Government and were further extended to apply to jobseekers under 26 years of age by the Fine Gael-Labour Party Government in subsequent budgets. These measures were introduced as they were considered to prevent young people from entering welfare dependency by providing young jobseekers with a strong financial incentive to engage in education or training or to take up employment. Should a young jobseeker on a reduced jobseeker's allowance payment participate in an education or training programme, he or she will receive a higher weekly payment of €160.

The review of jobseeker's allowance rates for young persons under 26 years of age will examine the effectiveness of the reduced rates in encouraging young jobseekers to avail of education, training, employment programmes and opportunities. As part of a wider effort to encourage and promote research based on the Department's administrative data, researchers from the National University of Ireland Maynooth have been provided with data on all jobseeker's allowance claims since 2007 for persons aged under 28 years. They intend looking specifically at the impact of changes in rates on the duration of young people's claims and on their subsequent employment experience after exiting from unemployment. It is hoped that their analysis will have preliminary results before the end of the year.

The Department of Social Protection continues to identify effective measures to support young people in finding and securing sustainable jobs through engagement processes and by incentivising them to avail of educational and training opportunities, thereby enhancing their employment prospects.

Deputy John Brady: I am not talking about unemployment rate, I was referring to the rates for the unemployed. The Minister may have missed that point. The OECD report to which the Minister referred, which was released yesterday, showed that Ireland has the highest rate of young people receiving unemployment and disability benefits across all 35 member countries of the OECD. The rate in question relates to over one quarter of people aged between 16 to 29 years of age. The Minister will have to agree that this is a shocking statistic but I await his response to the question as to whether he believes the cuts implemented are discriminatory, which is certainly the case.

We are all very aware of the Minister's attitude towards young people. At a recent committee meeting he stated:

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... young people coming to Ireland get off the plane from Eastern Europe, from countries such as Poland, probably with neither good English nor good qualifications, and within a week or two they find a job ... we must ask why any young person in Ireland, particularly in this economy where jobs are not that hard to find, is in a situation

That is unacceptable. The cuts that have been made are discriminatory. There are no incentives for young people to get back to work. I put the question again to the Minister about those cuts being discriminatory.

Deputy Leo Varadkar: If the Deputy is going to quote me, he may wish to quote me in full. Our attitude is very different. The Deputy is interested in welfare rates for young people. I am interested in getting young people into work. Youth unemployment has fallen by 23% in the past year; it has decreased from over 20% to 15.9%, which means that youth unemployment is falling substantially faster than general unemployment. That must be happening for a reason. It is not necessarily because of the rates being lowered but is, rather, a reflection of our policies - as a suite of measures - being successful.

The OECD report is inaccurate. First, it refers to figures from 2014. This is not 2014; it is nearly the end of 2016. A lot has happened in the Irish economy in the past two years. It also uses data from the survey on income and living conditions, SILC, rather than from the actual unemployment data. If one looks at the unemployment data, youth unemployment in Ireland is now below the OECD average.

Acting Chairman (Deputy Eugene Murphy): The Deputy has one final minute.

Deputy John Brady: All we have are the figures in front of us. Some of the most recent figures released by Focus Ireland show the impact of cuts to the under-26s. I am interested in the rates because they are having a direct impact on youth homelessness. If one looks at the figures that have been published by Focus Ireland and other organisations they show that young people are more at risk of homelessness. That is a result of numerous measures including the cuts to jobseeker's payments. The Minister's Government sent back €30 million in European funding for a youth guarantee, which was a specific initiative to get young people back to work. I question the Minister's sincerity in trying to ensure that young people get back to work when the Government handed back €30 million of funds that could have been directly accessed to get these people back to work. Sinn Féin is committed to reversing some of these cuts, particularly the cuts to young people. We have committed to a €40 increase in jobseeker's payment for the under-26s in our budget submission.

Acting Chairman (Deputy Eugene Murphy): Thank you, Deputy.

Deputy John Brady: Will the Minister commit to reversing these discriminatory cuts, as Sinn Féin has, with €40 this year and €40 next year to bring it back up to the €188 that it was? Will the Minister commit to ending this discrimination against young people and restoring the cuts that have been introduced by Fianna Fáil and continued by the Minister's Government?

Acting Chairman (Deputy Eugene Murphy): Deputy, please. The Minister has a final minute.

Deputy Leo Varadkar: No, I will not commit to that. Even though the rates are lower, they are still much higher than in Northern Ireland where the Deputy's party has been in Government for a very long time. I will commit to continuing to bring down youth unemployment-----

Deputy John Brady: The Minister is not answering-----

Deputy Leo Varadkar: -----which is already down.

Deputy John Brady: He is hiding behind false facts.

Acting Chairman (Deputy Eugene Murphy): No interruptions, please. The Deputy went way over his time. Please do not interrupt the Minister. I have given the Deputy a lot of latitude.

Deputy John Brady: The Minister throws in this red herring time and time again.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy please allow the Minister to reply?

Deputy Leo Varadkar: I would-----

Deputy Willie O’Dea: It is true; it is less in Northern Ireland.

Acting Chairman (Deputy Eugene Murphy): Deputy Brady-----

Deputy John Brady: Fianna Fáil started these cuts. The Deputy should just sit there because Fianna Fáil started the cuts.

Deputy Willie O’Dea: When Sinn Féin has power it does nothing.

Acting Chairman (Deputy Eugene Murphy): Deputy O’Dea-----

Deputy John Brady: The Deputy is better off just sitting there-----

Deputy Willie O’Dea: It is easier to talk when-----

Deputy John Brady: The Deputy is better off just sitting there because Fianna Fáil is as guilty.

Acting Chairman (Deputy Eugene Murphy): The Deputies are eating into the time.

Deputy Willie O’Dea: It is easier to spend money when-----

Acting Chairman (Deputy Eugene Murphy): Deputy Brady and Deputy O’Dea should allow the Minister to reply.

Deputy Leo Varadkar: What I have said is that jobseeker’s rates for young people in Northern Ireland are much lower than they are in the Republic of Ireland. Deputy Brady has said that is untrue. I would welcome a fact check on that, perhaps on *thejournal.ie*. We will see how that comes out.

Deputy John Brady: I am saying the Minister should work with us to have one system across the State as opposed to Westminster dictating the rates. The Minister knows the facts.

Acting Chairman (Deputy Eugene Murphy): Can we move on to Question No. 3, please? The Deputy has had more than his time.

Deputy Leo Varadkar: I did not have a chance to give my answer because I was interrupted twice.

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Acting Chairman (Deputy Eugene Murphy): I will give the Minister an opportunity because he was interrupted.

Deputy John Brady: He was not providing an answer; he was giving red herrings.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy allow the Minister to speak? Nobody interrupted Deputy Brady.

Deputy Leo Varadkar: I will give an answer. May I be permitted to speak? This is still a democracy.

Acting Chairman (Deputy Eugene Murphy): Will Deputy Brady let the Minister reply without interruption?

Deputy Leo Varadkar: I will not make the commitment the Deputy seeks. What I will commit to is to continue to reduce youth unemployment which is down substantially this year. If there are any increases, they will be increases given to young people who take up education and training opportunities. I do not think somebody who is 18 or 19, many of whom are living at home with their parents, should get €188 a week. I do not think that is good for them.

Deputy John Brady: The only policy that is working is emigration.

Acting Chairman (Deputy Eugene Murphy): Deputy, please. We are moving on to Question No. 3. Deputy Willie O'Dea has 30 seconds to introduce the question.

Child Poverty

3. **Deputy Willie O'Dea** asked the Minister for Social Protection his plans to reduce child poverty; and if he will make a statement on the matter. [29010/16]

Deputy Willie O'Dea: I will not take 30 seconds. The question is self-explanatory.

Deputy Leo Varadkar: Tackling poverty continues to be a priority for Government. The updated national action plan for social inclusion identifies a wide range of targeted actions and interventions to achieve the overall objective of reducing poverty. The national social target is to reduce consistent poverty to 4% by 2016 and to 2% or less by 2020.

The CSO survey on income and living conditions, SILC, for 2014 shows that 11.2 % of children were in consistent poverty, a slight decrease on the 2013 rate of 11.7%. The full impact of the recovery is not yet reflected in these figures. Ireland has returned to strong economic and employment growth. The monthly unemployment rate in September 2016 announced by the CSO this week was 7.9%, down from a peak of 15% in 2012. As unemployment is strongly linked to poverty, we can expect further decreases in poverty as the figures for 2015 and 2016 become available.

Better Outcomes, Brighter Futures, the national policy framework for children and young people, published by the former Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, in 2014, includes a specific target to reduce child poverty by two thirds by 2020. Meeting this target means lifting 97,000 children out of poverty. Under this framework, the Department of Children and Youth Affairs in collaboration with my Department and other relevant Departments is taking a whole-of-Government approach to tackling child poverty.

Social transfers play a crucial role in alleviating poverty and inequality. In 2014, social transfers reduced the at-risk-of-poverty rate in Ireland from 37.2% to 15.6%, thereby lifting over a fifth of the population out of income poverty. Ireland is among the best performing EU member states in reducing poverty through social transfers. Continued economic recovery, together with Government action to sustain and develop the social welfare system, will support further reductions in poverty over the coming years. Reducing child poverty is not just about income supports and welfare. It is also about getting into work and reducing the cost of living for families, which includes child care, education and health.

Deputy Willie O’Dea: The Minister is right, the latest figures come from 2014 and show 11.2% of children in consistent poverty. The Minister says that things will have changed by now because we have not taken into account developments since 2014. What disturbs me somewhat is that the figure moved from 11.7% down to 11.2% over the period referred to during which there was substantial improvement in the economy. Can the Minister give us any indication when he will have updated figures on this so we can pursue these matters properly? It was the Government’s policy to take 70,000 children out of consistent poverty by 2020. The figure has been revised to 94,000. Could the Minister explain why? I presume it is because the poverty line has changed with increases in income. Is the Minister optimistic that he will achieve that target by 2020?

Deputy Leo Varadkar: The next set of figures will be released in the CSO survey on income and living conditions which is expected in November. We will have the 2015 figures next month. We have revised the figure up to 97,000 children. The Deputy is quite right that it is not because children have become poorer; it is because median incomes have gone up and therefore the poverty line has moved. It will be a very hard target to meet but I am determined to meet it through improvements in services like child care, education and health and getting more people with children into work and also through changes to welfare payments. There has been an enormous focus on what is in the budget for pensioners but I am determined that there will be something in it for people on welfare who have children. They are very often the children in poverty. That includes lone parents, carers and people on disability allowance and jobseeker’s payments.

Deputy Willie O’Dea: One of the systems the Government has announced a few times in this area is the new working family payment. It will be one of the tools the Government will use to combat child poverty. Can we expect that to be announced in the budget?

Deputy Leo Varadkar: It will not be announced in the budget. We are working on it for budget 2018. The plan is to develop it, publish what it will look like in quarter one or quarter two of next year and cost it. It will cost if it is to be done in such a way that there are no losers as opposed to winners and losers. I intend to consult with the committee and the other parties on what the working family payment will look like. Essentially, it will be designed to do two things - reduce child poverty and ensure no family is better off on welfare than in work.

Acting Chairman (Deputy Eugene Murphy): We can now say we now know one thing that will not be in the budget. Does the Minister have any more information for us?

Deputy John Brady: Fianna Fáil knows that already. It should not come as a surprise to it.

Deputy Willie O’Dea: Only some of them.

Deputy John Brady: Only some of them.

Community Employment Schemes Review

4. **Deputy Michael Collins** asked the Minister for Social Protection his views on the effectiveness of the re-entry provisions for the community employment schemes in rural areas and if he will consider implementing separate rural and urban work schemes; when the additional places in the rural social scheme promised in the programme for Government will be allocated; and if the future of the Tús schemes is secure. [29208/16]

Deputy Michael Collins: My questions are on work schemes and their effectiveness in rural communities which are areas where I see serious issues. Will the Minister comment on the effectiveness of the re-entry provisions for the community employment scheme in rural areas? Will he consider a rural and urban CE scheme?

2 o'clock

When will additional places in the rural social scheme, promised in the programme for Government, be introduced? Will the Minister clarify the future of the Tús scheme?

Deputy Leo Varadkar: Employment programmes form an important pillar in the strategy to assist long-term unemployed people return to the open labour market. This is achieved through the provision of opportunities within local communities to gain work experience while at the same time supporting the delivery of important services to communities. To be considered for re-entry to community employment, CE, once a person has exited, a period of 12 months needs to have elapsed and that person must be in receipt of a qualifying payment for that 12-month period. Lifetime participation on CE is capped at three years for those aged under 55 years and six years for those aged 55 years and over.

The Department is acutely aware of the differentiated impact of unemployment across local areas. The live register figures by office are closely monitored, along with work programmes in rural and urban areas to ensure maximum utilisation and value is gained from these programmes in all areas.

The rural social scheme, RSS, provides work opportunities for 2,600 farmers and fishermen who have an entitlement to specified social welfare payments. In addition, Tús currently has places for 8,000 participants.

The appropriate level of expenditure, the number of places and the criteria for participation on employment schemes, including CE, Tús and RSS, will be considered in the context of budget 2017 and subsequent budgets. In this context, the Government is conscious of the valuable contribution these schemes make through the provision of services to individuals and communities throughout Ireland.

Deputy Michael Collins: Community and voluntary organisations throughout the country, in particular in the Cork South-West constituency, value the work carried out by CE workers. In many cases, such as with meals on wheels and looking after local graveyards, they are doing work that used to be previously funded by Departments, whether through county councils or other agencies, but which has been affected by recruitment embargoes. These workers have now been asked to go home and have no gainful employment. It particularly affects those in rural communities where there are no great employment opportunities, bar seasonal employment during the summer.

Will the Minister comment on this? Can we work on a rural and an urban CE scheme? Places on the rural social scheme are limited to 2,600. There has been no increase over recent years. Farmers and fishermen are struggling greatly on low incomes. Workers on the Tús scheme want to continue working and do not want to go back on social welfare. Will the Minister also comment on that?

Deputy Leo Varadkar: Two weeks ago, I went to Caherlistrane, near Tuam, to see a rural social scheme in operation with the Minister of State, Deputy Seán Canney. I was very impressed by it. I compliment Deputy Éamon Ó Cuív on setting up the scheme when he was Minister. It is a useful scheme in areas on the western seaboard where there is not much opportunity for off-farm income. I hope we will be able to provide extra places for it next year. However, that is a budgetary matter currently under negotiation. The Deputy is correct that it is specifically mentioned in the programme for Government.

It is intended that the Tús scheme will continue. It is important to bear in mind there are many schemes in place such as CE2, JobBridge and Gateway. A number of scheme places were flexed up during the recession and are now beginning to fall off with the economy recovering. I acknowledge there are different parts of the country where employment is hard to find. We may need to consider a different set of rules for these areas, especially where they cannot fill places.

Deputy Michael Collins: I appreciate the Minister's reply and the fact he has seen the good works the rural social scheme and its workers have carried out down through the years. These are 2,600 diligent people who do not want to earn soft money at home. Instead, they want to work for what they earn. They have to be commended on the work. Visiting a community which has benefited from this gives the Minister a clear insight as to what has been carried out.

Will he look further into a rural and urban aspect to these schemes, particularly the CE scheme? I am inundated, as I presume are other Deputies, with requests from CE workers who want to continue working, earning very little but happy to do so. Unfortunately, they are being sent home, only to look out the window. It is not good for their physical or mental well-being. Whether it is a CE or a Tús scheme, a year-long scheme does not fit all situations. I would appreciate it if the Minister could examine it further.

Deputy Leo Varadkar: We are going to look at the rules and make them more suitable for current times. As unemployment goes down, many of these schemes become as much about social inclusion as they do about employment activation.

However, the Deputy should bear in mind that if people are allowed to stay longer in such schemes, say three or four years, it prevents others from getting on them. No matter how many schemes there are, the places are finite. He should also bear in mind that we want to avoid people ending up in a cycle of scheme training welfare. We do not want people to end up on schemes for too long. People can already be on schemes for up to six years in their lives, which is quite a long time.

Acting Chairman (Deputy Eugene Murphy): Deputy Eamon Ryan is not in the Chamber, so we will proceed to Question No. 6.

Question No. 5 replied to with Written Answers.

Other Questions

JobPath Implementation

6. **Deputy Joan Collins** asked the Minister for Social Protection if it is within the remit of the JobPath scheme to send persons forward for jobs that they are not legally qualified for, with the result that the JobPath participant will have to pay a substantial amount to gain the qualification and take up the job on offer. [28784/16]

18. **Deputy Joan Collins** asked the Minister for Social Protection the number of complaints received by the companies running JobPath and by his Department. [28782/16]

151. **Deputy Joan Collins** asked the Minister for Social Protection if he will ensure that those selected for JobPath are not denied other opportunities that may arise for them, in particular, opportunities arising from the social inclusion clauses in State projects, for example, the construction of the national children's hospital. [28785/16]

Deputy Joan Collins: Will the Minister give an overview of how JobPath operates?

(Deputy Leo Varadkar): I propose to take Questions Nos. 6, 18 and 151 together.

JobPath is a new approach to resourcing the delivery of employment services to people who are long-term unemployed. Two service providers, Turas Nua and Seetec, are contracted to work with people who are long-term unemployed. These contractors supplement the work of the Department's own case officers and the local employment services. JobPath does not replace or substitute for these services. It provides additional capacity to the Department in order that it can extend the case management approach of delivering employment services to people who are long-term unemployed.

Participants on JobPath are not required to fund unreasonable training expenses to compete for jobs for which they are not qualified. On the contrary, participants are provided with a range of training and development supports, including career advice, CV preparation and interview skills. On a case-by-case basis, the service providers also provide funding for items such as personal protective equipment, tools, work clothing and Private Security Authority licences. It may also arrange specific skills training if required by a jobseeker to apply for particular types of jobs. All of these supports are designed to help the jobseeker compete for and secure appropriate employment. If the Deputy has a specific case in mind where a jobseeker was required to incur unreasonable expense, I will arrange to have it investigated by the Department.

To date, 62,000 people have been referred to JobPath. Up to 119 complaints have been recorded, less than 0.2% of referrals. Some 76 complaints have been finalised and 43 are still being processed.

Participants on JobPath have access to the same range of job opportunities as all other jobseekers, including those arising from social clauses in State contracts. Some JobPath participants have already been put forward for jobs on the national children's hospital contract.

Deputy Joan Collins: I have had a few constituents giving me their experience on JobPath. One was working in a primary school, providing a breakfast club service. Due to cuts, she became unemployed. She was randomly chosen by the Department to go on the JobPath scheme

with Seetec. She ideally wanted to go back to working in a school environment but was barred from applying for a suitable CE scheme due to being on the JobPath scheme. She was offered opportunities for jobs but with a low number of guaranteed hours or no guaranteed hours. She was told she would have to go into training for dealing with care of the elderly, which would cost her €700.

Anecdotally, it seems Seetec puts many people forward for these types of job and the receiving company not only gets a worker on low wages with no full-time hours, but a kickback from the training company. The constituent in question felt she was effectively owned by Seetec and had to do what it said, even though she had interests in other areas for which it was not giving her any option.

Deputy Leo Varadkar: If the Deputy gives me details of that complaint, I will certainly have it investigated. I do not want to be speaking about an individual without knowing anything about his or her case. However, it is important to say that if one is in receipt of jobseeker's allowance, one is receiving a payment from the taxpayer. A condition of that payment is that one should seek and take up employment. The job may not and probably will not be a job forever or the job of one's choice but it is not the case that one can continue to draw a welfare payment at the expense of the rest of society until one finds the job of one's choice or the job one really wants. It is conditional. That is the basis of the payment. It is not that people are entitled to receive €180 or €200 per week until they find their perfect job.

Acting Chairman (Deputy Eugene Murphy): I apologise to Deputy Joan Collins. Since there are two questions in her name, she has extra time.

Deputy Joan Collins: The Minister's remark is terrible because people are not on jobseeker's payments because they want to be. People want to work and the girl in question wanted to do so. The only option she was given was a job for which she was told by the company at the interview she would have to be retrained at a cost of €700, and that this would have to come out of her own pocket.

This is not a question of people scamming the system. From the way the Minister put it, that is what he was trying to intimate. This issue is about people who want to get work. They want good work. The job in question had no guaranteed hours and the woman did not know whether she was going to get five hours, 20 hours or 15 hours with the company to which Seetec referred her.

I will certainly send the case, along with another two or three, to the Minister for him to investigate. Does he agree that the JobPath scheme is probably exploiting people? Will he investigate that? Why are these companies, Seetec and Turas Nua, dealing with the contracts when it should be the Department of Social Protection? Questions arise in this regard that we must ask and investigate.

Deputy Leo Varadkar: The reason they do so is because they provide additional capacity. We have a limited number of staff. They are all tied up in Intreo offices and with their current work. We needed more capacity and the experience of companies involved in recruitment and successfully placing people in jobs. That is what they are doing.

I will definitely look into the issue of training costs. What happened certainly sounds like it should not have happened.

To return to what I said earlier, there are many people who may wish to work in a school but, for some reason, cannot do so and must work somewhere else. There are many people working hard and paying taxes who do not necessarily have the job of their choice or dreams. They are the ones who pay for the welfare system. It is not the case that somebody can continue to draw down a welfare payment and refuse employment. That is not an opinion; it is actually the law.

Deputy Joan Collins: What is the process for randomly choosing people for JobPath after they have been unemployed for a year? Do the authorities just pick a number or push a button? Are names put forward? How much have the companies operating the scheme received overall? How much did they receive to place individuals in employment?

People are not averse to work. Before the crash, there were high employment rates. People were working away and getting paid. It is because of the crash that people lost their jobs. It is those people who are trying to find jobs now. They are willing to work but if they must pay for training or if they are not given a job with proper hours, it is not satisfactory. Does the Minister agree with that? Does he agree with people being moved from the dole to a job for which there is no guarantee of one's hours? One might not know whether one will get 20 or 15 hours or what one will earn at the end of the week.

Deputy Leo Varadkar: A number of questions were asked and I will have to respond to the more detailed ones by correspondence because I do not have the relevant information in front of me. People are selected for JobPath by the Department based on their being long-term unemployed, or unemployed for more than a year. Essentially, they are with JobPath for a year. They are often people who have been on community employment schemes but did not manage to find a job afterwards. Some people still do not find a job even after their having been in JobPath for a year. They could go back into other options at that point.

The Deputy is absolutely correct that unemployment soared because of the collapse in the economy. The rate is now way down. The live register figures were published today. For the first time since 2008, the number on the live register is below 300,000 and the unemployment rate is below 8%. We are now setting a more ambitious target, to bring the rate of unemployment down to between 5% and 6% by the end of 2020 and the rate of long-term unemployment down to 2.5%. However, that will involve much more one-to-one engagement with jobseekers to help them to get into the workplace.

Deputy Joan Collins: If one makes a complaint, one must do so through Seetec, a private company. If one is not happy, one must go to the Department of Social Protection. Why can the person not go directly to the Department in this regard?

Deputy Leo Varadkar: As part of any complaints procedure, the JobPath provider investigates and attempts to resolve the issue or complaint immediately in line with the customer complaints procedure. However, if that is not possible, it will record the details of the complaint and acknowledge it has received it. It will give the client a contact name and telephone number and, where it is at fault, apologise and correct the error as soon as possible, in addition to providing an explanation if for any reason the complaint cannot be resolved. If the client remains unsatisfied, he or she can request the Department to carry out a review. If he or she is not satisfied with the outcome of the Department's review, he or she can then refer the matter to the Ombudsman. That is the normal complaints procedure in most cases. One makes the complaint at the coalface first and if one is not happy, one can refer it to the next responsible body, which in this case is the Department, or, finally, to the Ombudsman.

National Internship Scheme Review

7. **Deputy Paul Murphy** asked the Minister for Social Protection if he will provide an update on the replacement of the JobBridge scheme; the safeguards to defend the rights of participants that are envisaged; and if he will make a statement on the matter. [28793/16]

Deputy Paul Murphy: Will the Minister provide an update on his plans for JobBridge 2.0, the replacement of the JobBridge scheme? In particular, will he take into account the findings of the internal audit of his Department, which were absolutely damning and paint a picture of a scheme characterised by exploitation and abuse in its very design. The system is described as being based on self-declaration by the companies. Will that be taken into account in the scheme the Minister is now cooking up?

Deputy Leo Varadkar: JobBridge was introduced in 2011 in response to the unprecedented collapse in the economy, particularly the sharp increase in unemployment. Since then, it has enabled over 19,000 employers, mainly small ones, to provide work experience and job opportunities to over 48,000 jobseekers. Independent research suggests it has helped about 30,000 of these jobseekers to secure paid employment.

Since JobBridge was introduced, labour market conditions have improved significantly, with unemployment down from over 15% to under 8% and the live register figure falling to below 300,000 for the first time since 2008. Given these improvements, I have already announced that I plan to discontinue the scheme with a view to replacing it with a new one better suited to the economy as it is now.

It is important that the design of any new scheme be informed by the best available evidence. That is why I intend to wait for the results of a second independent evaluation of JobBridge before finalising the design of any replacement scheme. The evaluation is being undertaken by Indecon International Economic Consultants in association with London Economics. It includes a detailed econometric counterfactual analysis, a cost-benefit evaluation and a large-scale survey of jobseeker and employer opinions. The results of this evaluation will provide insights that are more reliable than the anecdotal opinions or small-sample surveys that have informed much of the debate so far.

I have also asked the Labour Market Council for its views on how a new scheme should be designed. The Labour Market Council includes representatives from the Irish National Organisation of the Unemployed, the Irish Congress of Trade Unions and Ibec, together with some distinguished labour market economists. Indecon is currently finalising its report on JobBridge. The Labour Market Council has met Indecon on a number of occasions to review its work and will submit its own observations on the Indecon report. I expect to receive the final version of the report within the next two weeks and will publish it, together with the Labour Market Council observations and my own proposals, very shortly thereafter.

Deputy Paul Murphy: The Minister referred to a high level of criticism based on anecdote or very small-scale surveys by various interest groups. Leaked to RTE's "This Week" programme was an internal audit from the Minister's Department that is not based on small-scale surveys by various interest groups. It is an extensive audit and it paints a picture that blows a complete hole in all the spin of the Government and its predecessor on JobBridge. The most fundamental point is that "It is not possible to verify whether the internship is displacing a potential job vacancy". It refers to a nightmarish set of circumstances in which 15 schools have

no special needs assistant, SNA, posts allocated but have SNA interns. According to the report, “587 cases identified with graduate, intern or trainee in the title of the advertised position”, despite the fact that it was against the rules. Did the Minister have the report in his possession when, on 31 May, he told me JobBridge was a highly successful scheme? On 18 February, the Secretary General of his Department had a report which said it was anything but a successful scheme and that all the spin the Minister has been trotting out about JobBridge was untrue.

Deputy Leo Varadkar: I did not have it at that time. When the Deputy sees the Indecon report, he will see, if he is interested in the facts, that it has been a highly successful scheme, given that those who took part in it were much more likely to be in employment subsequently than a similar control group with the same sort of background and education who did not take part in it. I hope the Deputy will read the report with an open mind.

I am not sure if the Deputy knows how an audit cycle works or has ever been involved in doing one. In an internal audit, auditors go through a scheme or programme and raise questions. Then, the Department, corporation or NGO must respond to the questions raised. The auditors were satisfied with the responses they received to their questions. This is how an audit cycle works.

I am interested in asking the Deputy a question. It is interesting that he is already gearing up to oppose whatever scheme replaces JobBridge. He is already calling it “JobBridge 2.0”, which is the rhetoric he intends to use. Will the Deputy automatically oppose any new work experience scheme, or is there any work experience scheme he could possibly support?

Deputy Paul Murphy: Did the Minister read the responses with which they defended JobBridge? Schools that did not have SNAs advertised for SNAs. It is impossible that those people will be properly trained as SNAs in those schools. The response was:

JobBridge guidelines do not indicate that a like for like job to internship must exist within any given sector. In relation specifically to the education sector it is felt that an SNA intern will be working with a teacher.

It is a joke of a response. The report is damning. I have read all the responses. The last time there was an Indecon report, the then Minister, Deputy Joan Burton, dressed it up and spun it around and got a magical figure of 61% success. However, if one excludes those who got a job via a PRSI scheme, the success rate is 17.6%. It is less than the 29% of employers who said to the first Indecon report that if JobBridge did not exist, they would have been highly likely or fairly likely to employ somebody.

The reason I will oppose any scheme which is about people working for free is because I am against the exploitation of people and because I know it results in job displacement, as indicated in the internal audit, and acts as a downward pressure. Based on the Minister’s response to Deputy Collins earlier, I suspect he is in favour of those things.

Deputy Leo Varadkar: Since taking up this post, I have gone around the country and spoken to a lot to staff of my Department working in the Intreo centres with jobseekers. To my surprise, the vast majority of them, if not all of them, are enormous advocates of JobBridge and have asked me not to discontinue it.

Deputy Paul Murphy: The Minister should talk to people who have done JobBridge.

Deputy Leo Varadkar: Part of the Indecon report is a survey of people who have done it. While not everybody agrees, the vast majority of people had a favourable opinion on 18 of the 20 issues they were asked about in the survey. I know people who took part in JobBridge. We had some of them in the Department of Transport, Tourism and Sport, and they are all in good jobs now. They may not be the people who are attending the Deputy's meetings or rallies or joining his party. They have taken part in JobBridge and have done well. However, the economy is in a different place and we no longer need JobBridge. However, we should not throw the baby out with the bathwater and get rid of the opportunity for people to get work experience in the private sector with a real employer. There are not many opportunities to do so with the existing schemes.

Deputy Paul Murphy: This is not dealing with the reality of what is in the internal audit. The internal audit is damning. It shows the rules that existed were not even being applied, that there was no way of working out whether job displacement was taking place, that when more than 500 companies were advertising in a way that was against the rules, nobody did anything about it. The scheme was designed to be exploited by companies. In his opening response, the Minister said 19,000 employers got the opportunity to take people on. It is great for the employers who get free labour. From the evidence that is publicly available so far - let us see the second Indecon report - there is no indication that JobBridge enables people to get real jobs as opposed to exploiting them.

Deputy Leo Varadkar: There will always be a degree of displacement and dead weight in any employment activation scheme. The same applies to the community employment, CE, scheme. It is an employment activation scheme which I think the Deputy supports. I have never heard him calling for it to be shut down. It provides services such as meals on wheels and home helps. People on CE schemes do very good work which otherwise would probably have to be tendered for and paid for. Any scheme that gives people a degree of work experience will have a certain degree of displacement. Is the Deputy saying we should shut down all the schemes - Gateway, Tús and CE?

Deputy Paul Murphy: I am saying people should be paid for work.

One-Parent Family Payment

8. **Deputy Gino Kenny** asked the Minister for Social Protection if he is still of the view that the one-parent family payment was not cut by the previous Government; and if he will make a statement on the matter. [28732/16]

Deputy Gino Kenny: Does the Minister for Social Protection stand over his assertion that the one-parent family payment was not cut by the previous Government, and will he make a statement on the matter?

Deputy Leo Varadkar: The predecessors to the previous Government introduced two cuts to the weekly rate of the one-parent family payment in budgets 2010 and 2011. When the previous Government took office in March 2011, there was a commitment in the programme for Government to maintain core weekly social welfare rates. This commitment has been maintained as the rate of the one-parent family payment has been maintained at €188 a week throughout the course of the Government. However, the previous Government reduced the income disregards that recipients of the one-parent family payment can receive when they are working. This

resulted in a reduction in payments for some lone parents who were working while receiving benefits. The reforms also changed the conditionality around the one-parent family payment, including lowering the maximum age threshold for the youngest child to seven years of age.

The purpose of reducing the age thresholds of the one-parent family payment is for my Department to engage with lone parents with the aim of providing them with enhanced access to the wide range of education, training and employment supports that are available. Now that the economy is back on track, due to the policy decisions made in recent years, there will be no need for further cuts to welfare payments. Unemployment is down by almost half, incomes are rising again and the public finances are back in order, demonstrating that we followed the right course politically as a country.

The 2016 budget improved the means test and increased the earnings disregards for lone parents in receipt of the jobseeker's transitional payment. Other measures which benefited lone parents included the €5 increase in child benefit, an increase in fuel allowance of €2.50 per week - the fuel season began last week - and a 75% Christmas bonus. I am strongly of the view that welfare should be seen as a second chance or safety net. For this reason, any future reforms affecting lone parents will concentrate on making child care more affordable and work more attractive and reducing barriers to education rather than more welfare.

Deputy Gino Kenny: The plan is probably the most ill-thought-out and ill-funded policy of the past four or five years. There are more anomalies and holes in it than any other social welfare policy of the past five years. It has compounded poverty among lone parents. While the Minister is right that it has not touched the core value of the one-parent family payment, it has touched the income of a parent going out to work. Will the Minister comment on it? The income of a parent in receipt of the one-parent family payment has been dramatically cut. I will give the Minister the details after he has responded to me.

Deputy Leo Varadkar: I acknowledge that the disregards for some lone parents' payments have decreased. If the Deputy is referring to the "Morning Ireland" interview, I have no difficulty in accepting that what I said, while it was not untrue, was not the full facts.

Deputy John Brady: That is untrue in any man's terms.

Deputy Leo Varadkar: I had in mind a lone parent who was in receipt of the basic payment, not also working and receiving benefits. I will give the Deputy the figures, if he is interested. As a result of the changes made in 2015, 47% of lone parents, 12,000, experienced no change in their incomes; 12%, 3,000, saw an increase in their incomes; and 19%, approximately 4,900, suffered an income loss, as did 5,700 family income supplement, FIS, recipients. I hope the Deputy will acknowledge in his reply that some people's incomes increased. I am happy to acknowledge that, at least under those reforms, approximately 59% had no change or were better off and 41% lost income. The changes were not perfect, but those that we make in future in respect of lone parents will be to assist them with the cost of child care and helping them into education, not to make it easier to get more welfare, which is not the right way to go.

Deputy Joan Collins: The Government is taking money off them.

Deputy Gino Kenny: I will list the main points in terms of income. The qualifying age was cut to seven years and income disregard was cut from €147 to €90, which meant a loss of €28.80 per week for working parents. According to the most significant stat, if a lone parent worked 20 hours for the minimum wage in 2015 and got FIS, he or she would have been down

17% compared with what he or she would have been getting in 2011. If a lone parent worked 28 hours, he or she would have been down 14%. If a lone parent worked 35 hours, he or she would have been down 11%. This is discriminatory. This is what puts lone parents back in the poverty trap. The Government is discriminating against people who want to go out and work. This is a political attack on lone parents by Fianna Fáil, Fine Gael and the troika.

Acting Chairman (Deputy Eugene Murphy): The Deputy has gone over time.

Deputy Leo Varadkar: We can cite lots of statistics to each other. If the Deputy had been here for the-----

Deputy Gino Kenny: These are facts.

Acting Chairman (Deputy Eugene Murphy): Please, let the Minister continue.

Deputy Leo Varadkar: I will give the Deputy some other facts.

Deputy Gino Kenny: No, these are facts.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy please allow the Minister to continue?

Deputy Leo Varadkar: It is remarkable how the Deputies asking questions during Question Time have no interest in hearing the answers-----

Deputy Gino Kenny: I will listen.

Deputy Leo Varadkar: -----because they might have to tolerate a contrary-----

Deputy Gino Kenny: I am listening.

Deputy Leo Varadkar: -----opinion or hearing some other facts.

Deputy John Brady: Take off the rose-tinted glasses and look at the harsh reality.

Acting Chairman (Deputy Eugene Murphy): Please, allow the Minister to reply.

Deputy Leo Varadkar: These are the facts from the quarterly national household survey of the second quarter of 2016. In the year commencing 1 July 2015 to 30 June 2016, the number of lone parent families in employment increased significantly by 3.6% to 56.4%. For those whose youngest children were aged between six and 11 years, the percentage in employment increased by 7.5% to 57.2%. More lone parents are getting into the workplace. The best way out of poverty is by getting more people back to work. If we are going to make any change under my watch, it will be to assist more lone parents in returning to work, with child care costs and in breaking some of the barriers to education.

Deputy Gino Kenny: Where is the child care?

Deputy Leo Varadkar: What the Deputy seems to want to revert to is a system of more welfare. That is not right.

Deputy Gino Kenny: No. The Minister is an ideologue.

Acting Chairman (Deputy Eugene Murphy): We have had adequate time to deal with-----

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Deputy Leo Varadkar: And the Deputy is not? Has he no ideology at all?

Deputy Gino Kenny: I have an ideology. I have a great ideology.

Acting Chairman (Deputy Eugene Murphy): Thank you, Minister, Deputy.

Deputy Leo Varadkar: Should I take that as a compliment, then?

Pensions Reform

9. **Deputy Clare Daly** asked the Minister for Social Protection whether he is concerned, particularly with the quickening demise of occupational pension schemes, that inadequate governance can lead to employers unilaterally closing down pension schemes without consulting and negotiating with all those who are affected by these actions, not just trade unions but those who may appear not to be allowed have representation, namely, pensioners and deferred members; his plans for same; and if he will make a statement on the matter. [28777/16]

Acting Chairman (Deputy Eugene Murphy): I am sure that none of the Deputies would like to take up Deputy Clare Daly's time. She is entitled to it.

Deputy Clare Daly: I thank the Acting Chairman. This question relates to pensions governance, in particular the role of trustees, including corporate trustees. It concerns workers who make contributions in order to have decent retirement incomes but where decisions are made that affect their livelihoods in retirement and deplete their returns. These workers are basically disenfranchised from having any control over the trustees who, by virtue of their decisions, enrich themselves. What plans does the Minister have to improve pensions governance in this regard? I will cite an example after his reply.

Deputy Leo Varadkar: As the Deputy is aware, the decline of defined benefit pension schemes accelerated during the financial crisis to the extent that the whole pension sector was possibly at risk. In recent years, the Government has amended pension legislation to protect the pension sector and ensure fairer and more equitable outcomes for all members of schemes.

Neither the Minister for Social Protection nor the Pensions Authority has the power under legislation to intervene to freeze the winding up of a scheme or to compel the employer to make contributions to a scheme. Almost all Irish defined benefit schemes have a rule that allows the employer to cease contributions, usually after a notice period. There is no legislative obligation on the employer to make contributions and no further liability on the employer where contributions cease. Neither is there an obligation on the employer to give notice to members or to consult in advance of ceasing contributions. However, in the case where a restructuring of benefits is proposed, pensioners, deferred scheme members and unions must be kept informed by trustees. Furthermore, changes made in 2015 require trustees to notify groups representing the interests of pensioners and deferred scheme members in a scheme in such a situation.

The Department and the Pensions Authority are working on proposals for the reform and simplification of pensions, the purpose of which is to impose higher standards on all occupational schemes. Standards in respect of pension schemes will be further enhanced by the transposition of the new IORPS II directive within the next two years.

Deputy Clare Daly: I am not sure if the question was clear and I do not expect the Minister

to be on top of every example of a pension scheme, but I will put a scenario to him and he might advise on how it can be addressed.

The Aer Lingus supplementary pension scheme was attached to the defined benefit Irish Airlines Superannuation Scheme, IASS. The IASS closed and, as a result, the Aer Lingus scheme closed and was frozen. That was over two years ago. The fund contains more than €108 million and has approximately 2,500 members. The trustees have delayed the winding up of the scheme. As the Minister knows, a wind-up process can take up to a year. In that time, workers have retired. The individual amount assigned to each worker is approximately €45,000 and retiring members could have got an enhanced lump sum of €25,000. The trustees have deliberated and got stipends for themselves beyond the scheme's time. They have turned the money into cash, which means that the scheme is losing money, and they are getting professional advice paid for from the scheme - pensioners' money - on how to indemnify themselves. The pot is getting smaller and the workers are losing out, but there is no vehicle for them to have a say over what is being done with their money. Is there anything that we can do to deal with this issue? I do not expect the Minister to know about the situation, but this is true.

Deputy Leo Varadkar: I am not sure, to be honest. I am not familiar with that scheme. If the Deputy wants, I can set up something between her and my officials to tease the issue out and see if anything can be done.

The fundamental job of trustees is to look after the interests of the people who are the fund's beneficiaries. Generally, but not always, the trustees are selected from among those people. One would expect there to be representatives of the pensioners, deferred members and the employer among the trustees. Exactly why they are not looking after the interests of the people whom they are supposed to be looking after I cannot say, unfortunately.

Deputy Clare Daly: One would expect that. Some of them are retired members of trade unions who are earning pensions of approximately €100,000 per year. The workers have not had a say in reselecting them since the scheme was established. The wind-up is being delayed because the trustees are seeking an indemnification against being sued. They are getting professional advice from the likes of the fund's administrator, Mercer. They are getting stipends of up to €40,000 per year for each of the schemes in which they are involved. They only meet a couple of times per year. They are feeding off a fund that is being turned into cash while the members who contributed to it effectively have no recourse to address the trustees' lack of action in this situation despite the fact that the trustees publicly stated that they would wind up the scheme. It is like legitimised theft in some ways. Every delay is making these pensioners poorer.

Will the Minister's officials sit down with us? I do not know what clout they have, but surely someone can say that this is not on or make a legal challenge. What is happening is not right. There must be some way to deal with it.

Deputy Leo Varadkar: I do not want to comment on any individual scheme without knowing anything about it, but the members may have recourse, if not through the Pensions Authority, then through the courts. I will not pretend to be an expert in this area. It is a complicated one and I am only getting my head around the legislation, but I will ask one of my officials who understands this area well to make contact with the Deputy in order to determine whether something can be done to assist in this case.

Deputy Clare Daly: That would be fine.

Household Benefits Scheme

10. **Deputy Joan Collins** asked the Minister for Social Protection his plans to reinstate the monthly telephone allowance of €9.50; and his plans to increase the State pension by €25 over a full term of office or by €5 per year. [28786/16]

Deputy Joan Collins: I tabled this question because older people were particularly badly affected during the recession by the cuts to all parts of their income. They had to deal with the household charge, property tax and the universal social charge, which has now been eased to some degree. They experienced increased motor tax rates and driver licence fees. Medical card entitlements, home-care packages and the fuel allowance were reduced, while the telephone allowance was abolished. These changes were introduced during the recession and it is now time for a reversal. People were hit in their pockets and we should look at reversing all of the cuts to which I refer, starting with the restoration of the telephone allowance and the introduction of Fianna Fáil's €25 pension increase.

Deputy Leo Varadkar: The overall concern in recent years has been to protect the value of weekly social welfare rates. Expenditure on pensions, at approximately €7 billion, is the largest block of expenditure in my Department's Estimate for 2016, representing approximately 35% of overall expenditure. Due to demographic changes, my Department's spending on older people is increasing year on year. Maintaining the rate of the State pension and other payments is critical in protecting people from poverty.

The decision to discontinue the telephone allowance was estimated to provide annual savings of €48 million. These savings meant that my Department was able to retain the other valuable elements of the household benefits package such as the electricity and gas allowance and the television licence. Budget 2016 included the first increase in the weekly rates of payment since 2009. The increase in question led to the maximum personal rates of State pensions rising by €3 per week and, as a result of it, more than 676,500 pensioners and their dependants are benefiting this year.

Looking ahead, the appropriate level of the State pension is all about adequacy and affordability. I am confident that, given the right policies, our economy will continue to grow on a sustainable basis. The programme for Government commits to increasing the rate of the State pension above the rate of inflation. No commitment has been given about a telephone allowance. The appropriate level of social welfare supports will be considered by Government in a budgetary context in the coming days, with due regard to available resources.

Deputy Joan Collins: The Minister was correct when he spoke earlier. The right course is to cut the austerity for very vulnerable people, like lone parents and the elderly. In that time the wealthy got more wealthy and social welfare payments were attacked. Now they have been pared to the bone. People are demanding extra money in their pockets. The Minister argues that there is a recovery going on but people who are really hurt have yet to see it. The telephone allowance was very important for the elderly, particularly as during the recession so many of their children had to leave the country to work elsewhere. The Minister knows people need landlines in order to use Skype, etc., so the abolition of the telephone allowance made it very difficult for people to keep in contact with their children and grandchildren. This measure

should be looked at again so we can give something back to the elderly in this country in the next budget.

Deputy Leo Varadkar: I met groups that represent the elderly in the course of my work and I am sure the Deputy, as a politician, meets them in the course of hers. When I ask them what they would most like to see done for them in the budget, many bring up issues of services like home-care packages. When they talk about these kinds of more budgetary measures, we hear of three issues. They are the €5 increase in the pension, the restoration of the telephone allowance and reduction or elimination of prescription charges. I would love to achieve all those but that will not be possible in this budget. I hope we will be able to make a start on it in this budget and achieve the other measures in subsequent budgets but, obviously, we must balance the books.

Deputy Joan Collins: There seems to be certainty in terms of the fact that pensioners are going to get an increase. An increase of €5 per week has been mentioned. At the weekend, I read reports that this might be the case and I believe the Minister made a statement that it could be €4 or €3. After pensioners got a €3 per week increase last year, which they felt was derisory in light of the fact that they had to put up with all the austerity, will the Minister commit to a €5 increase?

Deputy Leo Varadkar: I have never given a figure and I cannot because it is not yet agreed. The budget will be announced next-----

Deputy Joan Collins: Deputy O'Dea has not agreed it yet.

Deputy John Brady: Deputy O'Dea has the budget in front of him.

Deputy Leo Varadkar: It will be announced next Tuesday by the Ministers for Finance and Public Expenditure and Reform, Deputies Donohoe and Noonan. Fine Gael committed to a €5 per week increase in the pension and, as part of our confidence and supply arrangement with Fianna Fáil, provision will be made for an increase in the pension. No decision has been made on the exact amount. What I have said today is significant as I mean it. We cannot have a position in the budget whereby pensioners get an increase in the weekly payment but the disabled, carers, the blind, widows under 66, lone parents and people on invalidity pension get nothing. Taking them as a group, they are worse off than pensioners. I am trying to square that circle and make sure there is something in it for those very vulnerable people.

Rent Supplement Scheme Administration

11. **Deputy Paul Murphy** asked the Minister for Social Protection in view of the record high level of rent in the private rented sector if his Department will increase the rent limits for rent supplement; and if he will make a statement on the matter. [28790/16]

Deputy Paul Murphy: Rents continue to rocket. Rent supplement levels have been increased - although not sufficiently because they have already been overtaken by rising rents. In view of the latter and the fact that people's inability to access properties within rent supplement limits is a driving factor in the rise in homelessness, does the Minister agree that those limits should be increased?

Deputy Leo Varadkar: Supports relating to housing are a key priority for this Government, as evidenced by the early implementation of our commitment to introduce increased rent lim-

its under the rent supplement and housing assistance payment, HAP, schemes. The increased limits were introduced from 1 July 2016. The rent supplement scheme assists 50,700 tenants at a cost of €267 million this year. The review process undertaken represented a realignment of the maximum rent limits with agreed rents, with rents generally benchmarked against the 35th percentile of those registered with the Residential Tenancies Board. The review's methodology is evidence-based and reflects the pressures on rental properties in each location. Rents were increased by a weighted average increase of approximately 30% in the Dublin area.

In recognition of the ongoing difficulties in the rental market, my Department continues to implement a targeted, flexible, case-by-case approach where rents may exceed the maximum limits. Approximately 10,000 people have been given rent supplement above the maximum limit. The protocol arrangement in place with Threshold continues to operate in the areas where supply issues are particularly bad, covering Dublin, Cork, Meath, Kildare, Wicklow and Galway city. The number of requests for increased rental payments for rent supplement customers has reduced dramatically following the introduction of the new limits in July. These measures along with the reforms to the private rental sector, notably that rent reviews can only take place if it has been two years or more since the previous review, will provide increased certainty and security for tenants and landlords. I am continuing to keep the matter of rent limits under close review.

Deputy Paul Murphy: The evidence is there and it is clear that the maximum rent limits do not enable people to rent homes. This comes to me mainly from people who are made homeless or threatened with homelessness for whatever reason in their current accommodation. When they are encouraged to seek other accommodation within the rent supplement limits or slightly above them so they can look for a variation, people invariably say they cannot find anywhere.

This morning I looked on a website for properties suitable for a couple in Dublin - not Fingal - with €900 as the maximum rent limit. There is nowhere appropriate. For a couple with one child the maximum limit is €1,250 per month and there are zero places available. For a couple with two children needing a two-bedroom place with €1,275 as the limit, there is one place available. For a couple with three children and a rent limit of €1,300, no places are available. As suitable properties are unavailable, does the Minister not see that the rent supplement limits must be increased?

Deputy Leo Varadkar: As has been the case for quite some time, if people cannot find a place, they may apply for a top-up to the rent supplement. Until July, when the rent supplement was increased, that was happening on an almost daily basis and 10,000 people were in receipt of top-ups. The number requesting top-ups has since fallen dramatically, indicating that the real problem is a lack of supply. That is the underlying problem, so continuing to increase the rent supplement will drive up rents even further. What actually needs to be dealt with is the issue of supply. For seven years no social housing was built in this country because the Government was broke and the private sector did not build any houses either because the banks and construction industry were broke. We now have a plan being driven by the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, to turn that around, to build lots of social housing and to get the private sector building again. That is where the solution lies.

Deputy Paul Murphy: The fundamental solution is to increase the supply. There is no question about that. However, I do not think the Government has a solution in terms of supply. The previous Government built less social housing than any Government in the history of the State and this Government is committed to a market-led solution. What we need is massive

public building of social housing using the resources of NAMA and so on.

While we wait for these houses to come on stream, and it is questionable whether they ever will, we have a crisis right now because of the incredible price of rent. While the fact that people can access a top-up is an improvement on the previous situation, it is not ideal that people must make a case for themselves to an official, who then decides yes or no. People should have a right to rent supplement or whatever is needed in order that they can have access to a home.

Statistics were released recently which showed that in Dublin 24, for example, if a person on the minimum wage were to spend 30% of his or her income on rent, which is the recommended percentage, he or she would have to work 84 hours per week. The prices are completely out of control and people simply cannot access housing. Increasing the rent supplement limits now would make a real difference to people.

Deputy Leo Varadkar: Actually, I am not sure that it would. I was quite sceptical as to whether increasing the rent supplement limits would make a difference. However, we said that if we were going to do it, we would do it properly and that is why the increases were so big. They averaged 15% but were 30% in some places and even more than that for some categories of family. In many cases, the limits are at or even above what they were the last time that rents peaked. I am not sure that just putting them up again would work because it will not make one additional house or apartment available. It will just change the dynamic among the people who are competing to get the one house or apartment that is available. That is why the solution has to be based on increasing supply and making better use of properties that are vacant or not used at all. In addition to that, we must move towards the housing assistance payment, HAP, scheme which allows for much higher payments than is the case with the rent supplement scheme. HAP starts in Dublin next year.

Fuel Poverty

12. **Deputy Willie O’Dea** asked the Minister for Social Protection the way in which he plans to address the issue of fuel poverty; and if he will make a statement on the matter. [28747/16]

Deputy Willie O’Dea: The Minister said earlier in response to Deputy Joan Collins that he had met a number of organisations representing the elderly in the run-up to the budget. They will no doubt have made him aware that fuel poverty has become a huge issue, particularly among the elderly. What plan does the Minister have for his Department to deal with this issue? I know that other Departments are involved but I am asking this question specifically from the point of view of income because income is a fundamental determinant.

Deputy Leo Varadkar: The risk of fuel poverty is influenced by a combination of fuel prices, weather, income and the heat efficiency of housing. My Department will continue to ensure those on low incomes and those who are more vulnerable to energy poverty are supported through the fuel allowance and the household benefits package. The fuel allowance is a payment of €22.50 per week for 26 weeks from October to April to more than 380,000 low-income households at an estimated cost of €224 million in 2016. This payment assists these households with the higher energy costs that arise in that period. It is a contribution towards the energy costs of a household and is not intended to meet those costs in full. Only one allowance is paid per household.

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My Department also pays an electricity or gas allowance as part of the household benefits package to more than 420,000 customers at an estimated cost of €228 million in 2016. Under the supplementary welfare allowance scheme, a special heating supplement may be paid to assist people in certain circumstances who have special heating needs due to ill health or infirmity. Exceptional needs payments may also be made to help meet an essential one-off cost which a person is unable to meet from his or her own resources.

The Government's affordable energy strategy indicated that the best measure to address energy poverty is to improve the thermal efficiency of homes. The better energy warmer homes scheme, administered by the Sustainable Energy Authority of Ireland, funds energy efficiency improvements in the homes of the elderly and vulnerable, making their homes more comfortable, healthier and more cost-effective to heat.

Deputy Willie O'Dea: We have all had representations from organisations representing the elderly. They have conducted surveys and have come across people who do not light a fire until the afternoon and who go to bed early in the winter to save fuel. Other people resort to taking public transport or taking shelter in public libraries and other public buildings because they simply cannot afford to heat their homes properly for a sufficient period of time to enable them to live comfortably in their homes.

Growing older increasingly seems to mean growing colder. The Minister mentioned that there are other Departments involved in addressing this issue and I recognise that and while I acknowledge that energy efficiency is important, ESRI research into fuel poverty, conducted in 2015, found that the problem of fuel poverty is primarily one of inadequate resources rather than being mainly a housing issue. The Minister has indicated that his Department will deal with this through the fuel allowance and the household benefits package, both of which have been cut although, admittedly, there was a partial restoration of the fuel allowance, which I welcome. Can we look forward to improvements in those areas in the immediate future, for example, next week?

Deputy Leo Varadkar: Unfortunately, the budget is not agreed yet so I cannot tell the Deputy whether there will be something in it on the fuel allowance. It is worth pointing out that, in the budget for this year, the fuel allowance was increased from €20 to €22.50 per week, an increase of more than 10%. Exceptional needs payments can be paid in special circumstances. It is also worth pointing out that fuel costs are falling at a significant rate. According to the CSO's latest figures, the cost of electricity has gone down by 6.1% in the last 12 months, gas by 2.4% and home heating oil by 13.5%. The cost of fuel is going down this year and the fuel allowance has gone up. Obviously, one would hope that we will continue in the same direction next year, but I cannot guarantee that at this stage.

Deputy Willie O'Dea: While I welcome last year's increase in the fuel allowance, it was only a partial reversal of a previous cut. I recognise that fuel prices are dropping, but research published recently in the *Journal of Environmental Health* relating to the island of Ireland, that is, the Thirty-two Counties, concluded that Ireland has the highest rate of excess winter mortality in Europe, with an estimated 2,800 excess deaths each winter. Fuel poverty is a crucial factor in this phenomenon. I am referring to that research to reinforce the point that there is a real problem here. Financial assistance to those who cannot afford the cost of fuel is a key factor in combating fuel poverty, and I want to impress that point on the Minister.

Deputy Leo Varadkar: The Deputy's point is well made. Even aside from the fact that

the fuel allowance can help ease fuel poverty, it is a very good payment in the sense that it is means-tested and very targeted. I am not sure, however, that I will be able to match all of Deputy O'Dea's expectations in this particular budget, but if he keeps me here for long enough, we will get there.

Social Welfare Benefits Eligibility

13. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection if he will consider ensuring those on carer's allowance are afforded the full benefits of a PRSI stamp in order that in the event of the person they care for no longer needing care, they would be eligible for jobseeker's benefit and the other benefits afforded to those working full-time who lose their jobs; and if he will make a statement on the matter. [28753/16]

Deputy Richard Boyd Barrett: This is a straightforward, fair and reasonable request that carers, who do an enormous service to this State by caring for the disabled, sick, old and infirm, would be acknowledged and afforded the full benefit of a PRSI contribution. This would mean that when they finish caring, they would be entitled to non-means-tested benefits, which would be fair and would acknowledge the hugely important work they do for the State, work for which the State would have to pay a hell of a lot if carers did not do it.

3 o'clock

Deputy Leo Varadkar: The social insurance system recognises the contribution of the recipients of carer's allowance through the system of credited contributions and also through the homemaker's scheme.

Credited contributions or credits are awarded to recipients of carer's allowance who have an underlying entitlement to credits. Recipients of this payment qualify for credits if they have had at least one paid contribution in the previous two years or have had credited contributions in that period. Credits are also awarded to workers who take unpaid carer's leave from work.

Credits protect social insurance entitlements by bridging gaps in employees' social insurance records when they are not in a position to pay PRSI, for example, during periods spent caring. In combination with paid PRSI contributions, credits can help employees to qualify for short-term schemes such as jobseeker's benefit and enhance the level of benefit for long-term schemes. Carers who cease caring can apply for jobseeker's benefit, but to qualify they need to satisfy the contribution and other conditions for that scheme.

Former carers can also access means-tested payments such as jobseeker's allowance, subject to satisfying qualifying criteria.

All carers, including those who do not qualify for a payment or for credits, may qualify for the homemaker's scheme, which is designed to help homemakers and carers qualify for the State contributory pension.

My priority is to make progress on the commitment in the programme for Government regarding the level of support for carers, subject to the resources available.

Deputy Richard Boyd Barrett: Although I am not doing so, it would be very reasonable to ask for carers to be paid the minimum wage, at least, for what they do, or alternatively to be

paid an amount equivalent to how much it would cost the State to provide home care packages if carers were not doing this full-time caring job. The State is getting this service from carers for €204 a week, or approximately €5 an hour. Rather than asking for carers to be paid the minimum wage, we are calling for all carers to be afforded the full PRSI credit so that they can avail of benefits like jobseeker's benefit or the contributory pension. This is the least we should do for them in light of the very cheap service they perform for the State. Can the Minister respond to that reasonable proposal?

Deputy Leo Varadkar: I think the Deputy is asking whether it is possible for someone who has been a carer to receive a non-means-tested benefit for a period after he or she finishes caring, as if he or she had been paying PRSI.

Deputy Richard Boyd Barrett: That is exactly it.

Deputy Leo Varadkar: He is referring to jobseeker's benefit or a similar benefit.

Deputy Richard Boyd Barrett: Yes.

Deputy Leo Varadkar: At present, when the person for whom a carer has been caring dies, the carer continues to receive carer's allowance for 12 weeks. It is a different way of doing the same thing. This does not happen if the person for whom the carer is caring goes into long-term care, however. In such circumstances, the allowance is stopped and the carer does not get the allowance for three months while he or she reorganises his or her affairs. Family Carers Ireland has made a strong case to me that the 12-week arrangements should apply when the person being cared for goes into long-term care. It is something I am considering in the context of the budget.

Acting Chairman (Deputy Bernard J. Durkan): We will move on to the next question.

Deputy Richard Boyd Barrett: On the wider-----

Acting Chairman (Deputy Bernard J. Durkan): Does the Deputy want to ask a further question?

Deputy Richard Boyd Barrett: Yes. I take the Minister's point. I am glad to hear he is looking at the issue.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has another question coming up.

Deputy Richard Boyd Barrett: I know. Is the Minister saying he is considering giving carers a full entitlement to the credits that would allow them to get non-means-tested payments when they cease caring? Is he going to move towards that?

Deputy Leo Varadkar: I would like to explain a couple of aspects of this matter. When cash contributions come in through the PRSI system, the social insurance fund pays for non-means-tested benefits like the contributory pension and jobseeker's benefit. In order to have a benefit at one end, one has to be paying in at the other end. The only fair and just way to do what the Deputy is suggesting, while ensuring it is acceptable from an actuarial point of view, would be to require carers to pay PRSI contributions. I am not sure that is the right way to do it. In my mind, the right way to do it would be to allow people to continue to draw down carer's allowance for a number of months after they have stopped caring. That is a much simpler way

of doing the same thing.

Deputy Richard Boyd Barrett: The State could pay the contributions for them in acknowledgement of their service.

Deputy Leo Varadkar: Yes, but if that were done-----

Acting Chairman (Deputy Bernard J. Durkan): We are running out of time.

Deputy Leo Varadkar: -----they would be the only workers who are not paying PRSI while their employers pay PRSI for them.

Deputy Richard Boyd Barrett: They are the only workers on €5 an hour.

Deputy Leo Varadkar: Of course, the State is not the employer of carers. It would be a very expensive and complicated way of doing something that can be done much more simply by allowing people to continue to get carer's allowance for a few months after they finish caring.

Labour Activation Measures

14. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection his views on the findings of the Michelle Millar report; and if he will make a statement on the matter. [28754/16]

Acting Chairman (Deputy Bernard J. Durkan): I ask Deputy Boyd Barrett to be quick. I will give him 15 seconds.

Deputy Richard Boyd Barrett: The Chair is very amusing.

Acting Chairman (Deputy Bernard J. Durkan): It is not meant to be amusing. I am bringing it to the Deputy's attention that time is almost up.

Deputy Richard Boyd Barrett: The Michelle Millar report is a damning indictment of the cuts that were imposed on lone parents in the name of so-called labour activation. It clearly indicts the cuts imposed by Deputy Burton as having increased deprivation levels by reducing the incomes of lone parents who go out to work. Will the Minister act on the Millar report, which was commissioned by his Department?

Deputy Leo Varadkar: I acknowledge the time and effort spent by Dr. Millar and her team in completing this study. My Department values the contribution social policy research makes in assisting the Department by informing policy across its broad remit.

The report does not purport to be an analysis of the lone parent reforms. Based on the study's terms of reference, my Department expected that it would provide detail on the design of specific education, training and employment programmes that work for lone parents, including evidence of outcomes. That is why the report is called Lone Parents and Activation, What Works and Why. It is disappointing, therefore, that it does not supply the additional new detailed material that is required to inform the future design of these activation interventions for lone parents. The report does contain useful and worthwhile information based on national and international experiences that will be considered by my Department.

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The overall direction remains the activation of lone parents. I believe the report supports that principle too. Data shows that being at work reduces consistent poverty among lone parent families. Those at work have consistent poverty rates of 9.6%, compared to 35.5% for those not at work. Therefore, the key to ensuring lone parents are lifted out of poverty is to aim to support them into employment.

The report highlights the critical nature of the case officer role in my Department and the importance of a package of supports in areas like pre-employment, employment, finance and child care.

While the qualitative interviews in the report will add to our knowledge, the sample size is small and the period of implementation of the reforms is short. There have already been adjustments since they were introduced. It is too soon to draw definitive conclusions about the outcome of these reforms.

As I said at the start of Question Time, initial indicative data from the quarterly national household survey show that there was a significant increase in the percentage of lone parents in employment in the year to the end of June 2016. This increase relates to all lone parents in the State and reflects the increase in economic and employment growth generally. The magnitude of the increase in lone parents in employment, many of whom would have been affected by these reforms in July 2015, is clearly significant and cannot be dismissed. I refer to the fact that the percentage of people in work has increased at a faster rate among lone parents than it has among the general population.

Acting Chairman (Deputy Bernard J. Durkan): We are out of time.

Deputy Richard Boyd Barrett: Do I get to respond?

Acting Chairman (Deputy Bernard J. Durkan): No. We squeezed in the final question. We have gone over time. I allowed the Deputy in for a final question. I was trying to encourage him to be brief earlier because I could see where we were heading. I am sorry about that, but we cannot go on all day.

Written Answers are published on the Oireachtas website.

Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Brendan Griffin - the continuing humanitarian situation in Aleppo; (2) Deputy Michael D'Arcy - the funding model of Aiséirí's Aislinn treatment centre; (3) Deputy Pearse Doherty - an gá atá ann don Aire Ealaíon, Oidhreacht agus Gaeltachta freastal ar riachtanais na n-eagraíochtaí a reáchtálann scéim na gcúntoirí teanga thar ceann na Roinne i bhfianaise na gciorraithe atá déanta le dornán beag blianta anuas; (4) Deputy Shane Cassells - the changes in accident and emergency services related to the appointment of a general manager at Our Lady's Hospital in Navan; (5) Deputy John Brassil - the need to protect the two titles of physiotherapist and physical therapist in one register; (6) Deputy Robert Troy - the establishment of an emergency task force to address job losses at Cameron Willis in Longford; (7) Deputy Maureen O'Sullivan - the issues affecting some recipients of the HPV

vaccine in light of a recent report from Uppsala Monitoring Centre; (8) Deputy Lisa Chambers - the report on the well-being of members of the Permanent Defence Force; (9) Deputy Maurice Quinlivan - the ongoing crisis in the accident and emergency department at Limerick University Hospital in Dooradoyle and the delay in opening the new accident and emergency unit there; (10) Deputies Mick Barry and Donnchadh Ó Laoghaire - the continued detention of an Irish national in the Philippines; (11) Deputy Martin Ferris - the concerns in the tillage sector; (12) Deputy Barry Cowen - the reduction in ambulance services in Edenderry and their relocation to Tullamore; (13) Deputy Brendan Smith - the need for funding for necessary upgrading works at a school in County Monaghan; (14) Deputy Clare Daly - the implications of the decision to appoint the Irish Aviation Authority as the competent authority on airport noise at Dublin Airport; (15) Deputy John Curran - the need for primary care centres in Clondalkin and Lucan; (16) Deputy Timmy Dooley - the possible changes to the Shannondoc out-of-hours GP service; (17) Deputy John Brady - the development of a coastguard station in Greystones, County Wicklow; (18) Deputy Eugene Murphy - the need for a safety review of the N5 route, in particular from Tarmonbarry to Ballaghaderreen; and (19) Deputy Mick Wallace - the lack of progress with the refugee resettlement programme in Ireland.

The matters raised by Deputies Brendan Griffin, Mick Barry and Donnchadh Ó Laoghaire, Brendan Smith and Robert Troy have been selected for discussion.

Topical Issue Debate

Humanitarian Aid Provision

Deputy Brendan Griffin: I thank the Ceann Comhairle's office for allowing this Topical Issue to be put on the agenda. I thank the Minister, Deputy Charles Flanagan, for being here to deal with it. As he knows, the civil war in Syria has been raging for five years. Hundreds of thousands of people have been killed and millions of people have been displaced. As usual in war, the weakest and most vulnerable people pay the heaviest price. In particular, children have paid a heavy toll. The vast numbers of children who have been killed and maimed in Syria are truly shocking. This conflict probably rivals anything in the history of human conflict in its viciousness and the extraordinary losses incurred by civilian populations.

As the Minister is aware, Aleppo has become probably the most tragic of all flashpoints in the Syrian civil war. Absolute horror is unfolding at present. Approximately 250,000 people are trapped in Aleppo. The world cannot simply ignore the plight of these people.

The intervention of Russia over a year ago has worsened the situation rather than improved it. I believe Russia has a role to play in helping to improve the situation. Unfortunately, however, it seems that in recent weeks Russia has contributed to some horrific instances and possible war crimes instead. No matter how limited our clout on the international scene, we cannot, as a country, simply stand by and do nothing. I welcome the efforts of the Minister to call in the Russian ambassador to discuss the situation. We need to take a zero-tolerance approach in future to countries that carry out such atrocities, no matter where they are. I was in contact with the Minister in 2014 when Gaza was being bombarded by Israel. In future we need to consider the possible expulsion of diplomats from countries involved in such atrocities to send a signal to the world of our protestations. Our power to change things may be limited but we need to do

what we can. No matter who the perpetrators are, we need to adopt a zero-tolerance approach in future.

There is a practical side to the humanitarian situation at present. What are we doing with regard to aid to people in and around Syria to try to alleviate the shocking situation? Of course, there are always demands but is there scope for us to do more on this front? Perhaps this is something the Minister can address. Obviously, the root cause is what needs to be addressed above all else. We could be here for a long time talking about the root cause and going back over the events of the past decade and before. In any event, with regard to the immediate situation, can we do more when it comes to aid?

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank Deputy Griffin for raising this issue. As I have outlined in previous public statements, and as the Taoiseach stated in the House on Tuesday, as a nation we have been shocked and outraged at the appalling scenes of suffering from Aleppo that we have seen daily on our television screens and read in our newspapers. I thank the Deputy for giving me an opportunity to set out in greater detail the position and actions of the Government in response to the horrifying situation in Aleppo and across Syria.

The conflict in Syria began over popular unrest caused by the corruption, violence and lawlessness of the Assad regime. At its core, the conflict remains centred on this one question: can the Syrian people be free to choose their leaders or will the regime's persistent campaign of mass murder, torture and sexual violence subjugate millions of Syrians into accepting his continued reign of terror? From the outset, Ireland has been clear that we believe this is a crisis of political legitimacy and that only a political solution will be viable and sustainable. We are clear that this must be Syrian-owned and Syrian-led. We have also been consistent in condemning the pattern of systematic violence against civilians as part of which hundreds of thousands have been killed and millions more wounded or forced to flee violence and terrorism. We have called for the protection of all civilians from military force and terrorism and for the unimpeded provision of humanitarian assistance to populations in need as well as full accountability on behalf of the victims of crimes under international law.

It is clear from a wide range of reports that the Assad regime has been overwhelmingly responsible for the deaths of Syrians since the beginning of the uprising in March 2011. The commission of inquiry established by the United Nations Human Rights Council has reported findings of evidence that the Assad regime may have committed war crimes and crimes against humanity. The excessive, disproportionate and indiscriminate use of military force against the besieged population of Aleppo is a clear violation of international law. Ireland's concerns have been directly conveyed in the clearest terms to the Russian authorities at my direction.

On behalf of the Irish people, I urge Russia to use all its influence in Syria to end these inhumane actions against a defenceless civilian population. Ireland has repeatedly called for the situation in Syria to be referred to the International Criminal Court. The suffering of the besieged population in Aleppo underlines the urgency and importance of ensuring accountability for those responsible for these unacceptable actions. The attacks have rightly appalled people in Ireland and across the globe. I acknowledge the important moral stand taken by Irish people in supporting NGOs working to assist the Syrian people as well as those taking a stance for peace, such as those who attended at the GPO last weekend.

Having set out my political approach as Minister for Foreign Affairs and Trade, I will now

outline the position on aid. Members will be aware that the Government has placed considerable emphasis on doing what we can to alleviate the suffering of the Syrian people through provision of humanitarian aid. Earlier today I announced my approval of €1.5 million for the work of the International Committee of the Red Cross inside Syria and €1 million to the United Nations Relief and Works Agency for Palestine Refugees in the Near East for Palestinian refugees affected by the Syria crisis. These actions, combined with our recent disbursement of €5 million to the Turkey refugee facility, bring our total contribution to the Syrian crisis to €62 million since 2012. By the end of this year, we will have provided €67 million for the relief of the Syrian people. I will be discussing the situation in Syria with my EU colleagues at the next EU Foreign Affairs Council in Luxembourg later this month. We will focus in particular on how to support the European Union humanitarian initiative on Aleppo.

Deputy Brendan Griffin: I thank the Minister for his reply. I acknowledge the efforts made to provide relief and I welcome the increases in the recent allocations of funding. I imagine the Minister is already doing so, but I call on him to try to do whatever he can to optimise the amount he can make available given the seriousness of the situation. Unfortunately, throughout the world other similar cases are unfolding, but probably nothing is as horrific as what is happening in Syria.

I call on the Minister to try to keep this on the agenda of his colleagues in the European Union as much as he can. As a neutral country, Ireland should make our diplomats and our best people available for efforts to try to resolve the crisis. It seems that the military situation that has unfolded over the past five and a half years will not end soon. So many parties are involved and it is not straightforward or a black-and-white matter. Irish citizens want to know that we are doing our best no matter how limited our interventions can be. They want to know that we are doing what we can. Again, I thank the Minister for his efforts to date. I hope this can be kept high on the agenda.

The Dáil should take the opportunity to hold a broader discussion on the Syrian issue at the earliest possible date. All parties could contribute to a full debate over a longer period. Unfortunately, in the seven or eight minutes available, it is difficult to get into any detail or discuss the matter and the various complexities. In any event, I think it would be helpful to have a full Dáil debate.

Deputy Charles Flanagan: I agree and I wish to assure the House, as the Taoiseach did on Tuesday in my presence, that I would be happy to facilitate Members. That is an issue for the Business Committee but I would be happy to comply and co-operate, as is always my priority.

I share the absolute revulsion and horror that so many Irish citizens have expressed at the events in Aleppo. Reports of families sleeping together so that they can survive or die together in a bombing are indeed beyond imagining. Those who perpetrate such crimes against defenceless civilians must face justice.

This morning I had a lengthy discussion with Commissioner Stylianides about the EU's extensive provision of humanitarian relief for the Syrian people. The Commissioner has shown great leadership and the scale of the EU aid is enormous and is critically required. We also discussed the importance of addressing the root causes of migration, a topic I addressed in some detail in my recent address to the United Nations General Assembly. I echo the views of UN Secretary General, Ban Ki-moon, that acts of violence on humanitarian convoys constitute war crimes. I support a credible, thorough and independent investigation to ensure that those ac-

countable for these heinous acts will be held accountable.

The Syrian people who have recently settled in my town, Portlaoise, have recounted to me their terrible experiences in Syria, their fears for their families, friends, neighbours and for the country. I am heartened by the warm welcome they have received in my constituency so far from their beloved homeland.

I understand the deep frustrations which can motivate calls for dramatic action of the type Deputy Griffin has called for. There are many states around the world in respect of which Ireland has had serious concerns and disagreements. Our foreign policy has always been based above all on the resolution of conflict by dialogue. In diplomatic language expelling an ambassador or calling for his removal means that we are no longer interested at least for the moment in dialogue. Ambassadors exist to allow clear communication between governments and are more necessary in bad times than in good. The corollary would be to see the expulsion of our ambassador from Russia, which would diminish our presence in that vast country. Our embassies, as well as communicating our views to foreign governments give regular reports to me and my Government colleagues on international developments and offer protection and assistance to Irish citizens in need which occurs from time to time.

Consular Services Provision

Deputy Mick Barry: Eanna Ó Cochláin is a 55 year old Corkman. He is a nurse and is married to a Filipino woman and was arrested at an airport in the Philippines in 2013. It was claimed that the reason for his arrest was the discovery of a small quantity of marijuana in a packet of cigarettes, which he credibly claims was planted on him. He was imprisoned and asked for money to prevent him from being sentenced. On the advice of the Irish consul, I understand he refused to pay. He was sentenced to 12 years in a Filipino prison. That is under appeal. He is on bail but his passport has been confiscated and he cannot leave the country. His life is in danger and he is in hiding.

That is understandable because more than 3,500 alleged drug dealers and addicts have been killed in the Philippines since 1 July by police operations and by ardent vigilante militias. The authoritarian populist president, Rodrigo Duterte, elected on 1 July, has stood over this campaign. Last week he said, “Hitler massacred three million Jews ... there’s three million drug addicts. There are. I’d be happy to slaughter them.” Mr. Ó Cochláin’s life is in real danger and his family feels there has not been enough done by the Irish State and the Department of Foreign Affairs and Trade to save and protect him. What steps are planned and will be taken?

Deputy Donnchadh Ó Laoghaire: Tá an Teachta Barry tar éis a mhíniú roinnt de na sonraí faoin cheist seo. Is ceist tromchúiseach é a bhaineann le saoránach Éireannach atá i mbaol. The details of what Mr. Ó Cochláin faces have been outlined. It is an extremely grave situation and would certainly have already been a grave situation at the turn of the year because of the condition of Filipino prisons and concerns about due process there. It has become, however, far more serious since the election of President Duterte, who has sanctioned and stood over a campaign of extrajudicial murder of people involved in the drug trade or people alleged to be involved in it, such as Mr. Ó Cochláin, and the President’s political opponents. His family and he are very concerned. He is in hiding, his passport confiscated. What support is being given to Mr. Ó Cochláin and his family by the consular service? I understand he is to meet the Singapore consul next week. The family has told me it is not satisfied with the service it has received.

Has the Government's policy and attitude in this case, and to any Irish citizens facing such charges in that part of the world, changed due to the attitude of the current Government? Will the Minister outline whether the Government has succeeded in obtaining a meeting with the Government of the Philippines? I understand there has been a meeting with the ambassador in Dublin. Has there been a meeting in the Philippines or in Singapore with representatives of the Government rather than the ambassador?

Deputy Charles Flanagan: I am very much aware of this difficult consular case in the Philippines and I and Department officials have been giving the matter priority attention for some time. The case, which has been ongoing since 2013, involves an Irish citizen, currently on bail, who is appealing against his conviction and 12-year prison sentence for possession of drugs. The individual concerned has consistently maintained his innocence in the matter. There is no doubt that the case has been further complicated by the domestic environment in the Philippines since July and the severe counter-drugs actions being pursued by President Duterte. The Irish Government, at political and official levels, regularly raises this case with senior representatives of the Government of the Philippines.

Department officials at headquarters in Dublin, at our embassy in Singapore, which is accredited to the Philippines, and our honorary consul in Manila have been engaged in this case for some time and have provided consular assistance to the citizen and his family. The case has also been raised formally with the ambassador of the Philippines to Ireland. I have personally raised my concerns about this case with senior Filipino Government contacts, most recently in New York in September. In that meeting last month with the Secretary of Foreign Affairs of the Government of the Philippines, I took the opportunity to emphasise my specific concerns about the case, including about the health and welfare of this Irish citizen.

For any Irish citizen subject to criminal proceedings abroad, Department officials will offer non-judgmental advice and any appropriate practical help that they can, irrespective of the alleged offence, and regardless of whether the individual is ultimately deemed to be innocent or guilty, is on remand or has already been sentenced by a court of law.

The Department's priorities in cases of arrest or detention focus on ensuring that the Irish citizen involved is not discriminated against in any way on account of his nationality, and has access to appropriate legal representation and that the authorities in the country where he is detained fulfil their obligations in ensuring the citizen's health and well-being. In this case, an initial priority was to seek to ensure that the individual had access to legal representation. To this end, he was provided with a list of local English-speaking lawyers. The Department also assisted the citizen by providing details of relevant medical care professionals at his request. It is the policy of my Department to raise promptly with the relevant local authorities concerns that detained Irish citizens may raise about their safety or treatment, including health concerns. In this case, Department officials made representations to the prison service and the foreign ministry in the Philippines regarding the treatment of the individual during his period of detention in 2013. Thereafter, our embassy in Singapore and our honorary consulate in Manila assisted with the bail order and conditions following the five-day period of detention. The Government, through our embassy in Singapore, raised with the authorities in Manila the concerns of the individual regarding the matter of the court case. I and the Department officials pressed the Filipino authorities to expedite the appeals process in this case on humanitarian grounds. I can assure the Deputies that the Filipino authorities are fully aware that I and the Department are following this case closely and that we are concerned about the individual's health and well-being. Department officials in Manila and Singapore will continue to maintain contact with this

citizen and his family and will provide whatever further appropriate consular assistance they can in the circumstances.

Deputy Mick Barry: On the Duterte regime, in another statement this President made recently he encouraged civilians to kill addicts, and he has said he will not prosecute police for extrajudicial executions. Eanna is on bail and in hiding. He is in the most horrible position imaginable. I believe his passport, which is the Minister's property, is missing. Have we demanded the return of the passport? What did the Secretary of Foreign Affairs say when we raised the points with him in September, and what are the plans to go higher up the chain in terms of the Filipino authorities?

Deputy Donnchadh Ó Laoghaire: The Minister stated that this case has been raised at numerous levels, but what has been the response from representatives of the Philippines Government? Also, the Minister made a number of references to the consular support. I understand Mr. Ó Cochláin's wife, Jho, is currently running out of money to support him. Has the embassy done anything to support him in terms of his maintenance, payment for court appearances and so on?

It has been well articulated by Deputy Barry and myself that there has been a change in circumstances in the Philippines with regard to its attitude towards drugs offences. Is the Minister confident that it is possible for Mr. Ó Cochláin to get a fair trial on a charge such as this one?

Deputy Charles Flanagan: I assure the Deputies and the House that the Government remains most concerned about the well-being and health of this Irish citizen. We have made our concerns perfectly clear to senior Filipino officials on a number of occasions at face-to-face meetings, and we will continue to do so. The Deputies will appreciate that because of the separation of powers, the Philippines Government cannot interfere in ongoing judicial proceedings, nor can I interfere in the criminal justice system in any other country. However, I acknowledge this is a most difficult time for this individual and his family. I assure the Deputies that my officials and I will continue to treat this matter as a priority.

I want to deal with the passport issue mentioned. Both Deputies stated that the passport has been confiscated. I confirm that the passport is being held as one of the conditions of Mr. Ó Cochláin's bail. Obviously, the effect of that is that he is unable to return to Ireland. Following the release of the individual on bail, the embassy in Singapore issued him with a letter confirming his Irish citizenship as a form of identity. There is no doubt that the case has been further complicated, as the Deputies stated, by severe counter-drugs actions being pursued by the new government in the Philippines. I have relayed my concern and the concern of my Government to the Filipino authorities and I will continue to do so at every opportunity.

I want to make it clear to the House that my Department enjoys a very high reputation in terms of the exceptional levels of consular care we provide to Irish citizens abroad. My officials are known to go above and beyond what is considered the usual practice for a country in terms of consular care. They deal in a dedicated and sensitive way with a huge volume of consular cases, often in very challenging circumstances. Already this year we have dealt with over 1,500 cases.

In general, it is the Department's policy not to comment in detail publicly on individual consular cases. I ask the Deputies and Members of this House to respect that position and come to me directly if there are concerns about a particular Irish citizen.

Dáil Éireann
School Funding

Deputy Brendan Smith: I appreciate the Office of the Ceann Comhairle giving me the opportunity to raise this subject. It concerns the urgent need for the Minister for Education and Skills to approve funding of €50,000 towards the replacement of windows in Bunscoil Lughaidh Naofa, Cloughvalley Upper, Carrickmacross, County Monaghan. This is an issue I have pursued with the Minister, Deputy Bruton, through written representations and also through parliamentary questions.

The school was built in 1985. The windows were installed at that time. They have not been replaced in the meantime and they are of very poor quality. They are aluminium single glazed windows, which are totally unsuitable and need to be replaced urgently. There is an urgent need to provide this funding as these windows must be replaced before winter, if at all possible. The poor condition of the windows causes serious problems in terms of the school trying to provide adequate heating for all the rooms. There are additional attendant costs also because of the poor quality of the windows. The school has also been subjected to vandalism, which also causes a heavy burden on the school.

I want to emphasise that, over the years, through the school's own fundraising efforts, necessary improvement works have been carried out to the school without any assistance from the Department. If one were to go back through the files of this school in the Department, one would recognise immediately that it has not been a burden on the Department with regard to drawing down funding for improvement works.

In the past six years alone, tarmacadam was laid in the playground at a cost of €22,000, the car park was extended twice, the walls of the school were insulated, the GP room was upgraded, white boards were provided in each classroom, the front doors were repaired and the fencing of the school grounds alone cost €56,000. Roof slates had to be replaced and windows replaced due to vandalism. Basic improvement works such as repainting was also carried out in the classrooms. All of those works were undertaken through the school's own fundraising efforts. Apart from those specific projects, there was ongoing maintenance work as well. On a number of occasions the school applied for the summer works scheme grant. Unfortunately, it was not successful.

I visited the school and met with the principal, Maeve Callan, and her staff. There is a great sense of community in the school. I am glad the Minister is present in the Chamber, having been a former school principal. Immediately on visiting the school, one was aware of the great community, atmosphere and huge interest of the principal and all her staff, both teaching and support staff, in the pupils attending the school. It has had an excellent board of management over the years, and successive parents' associations have been very beneficial also in terms of the ongoing work of the school. Numerous parents have contacted me in support of the request of the board of management to have this funding approved at the earliest possible date.

When I visited the school, along with one of the members of the parents' association, Rory McEvoy, whose children attend the school, the interest of the parents and indeed the wider school community was obvious to me in terms of trying to have these necessary improvement works undertaken. They would not be seeking funding from the Department were it not for the fact that they have raised so much funding over the years through their own efforts. Those efforts resulted in accommodation being upgraded and essential ongoing maintenance work being carried out. They believe, and I fully support their belief, it is time for the Department to

approve this funding to allow those urgent repair works to be undertaken.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): I am taking this debate on behalf of the Minister for Education and Skills, Deputy Richard Bruton, who is unavailable. I thank Deputy Brendan Smith for raising the matter, as it provides me with the opportunity to outline the current position relating to the application made by Bunscoil Lughaidh Naofa, Carrickmacross, for funding under the summer works scheme 2016-2017. I understand the Minister, Deputy Bruton, previously clarified the position relating to this application to the Deputy through written correspondence in June and August, and more recently in the House yesterday, 5 October, through Parliamentary Question No. 123. However, I will restate the position for the purpose of the debate.

As the Deputy will be aware, a total of €80 million was allocated for the summer works scheme announced last November. The scheme will apply on a multi-annual basis in 2016 and 2017 and will be funded from the Department's multi-annual capital budget. This funding package is part of the Government's continued commitment to fund improvement and upgrading works in existing school buildings throughout the country. The scheme is designed to address necessary and immediate works and the onus is on school authorities to identify the most urgently required works to be funded from the summer works scheme.

Bunscoil Lughaidh Naofa applied for window replacement under the summer works scheme 2016-2017. Window replacement is classified as a category 7 project under the scheme. On 28 April 2016, the Department announced a €30 million investment for more than 197 primary and post-primary schools under the first round of the multi-annual summer works scheme 2016-2017 to undertake vital gas works and electrical upgrades. These works are classified as category 1 and category 2 projects, respectively, under the summer works scheme. Valid summer works applications from schools in respect of categories 3 to 10 that were not reached under round one approvals announced last April will, subject to the overall availability of funding, qualify to be assessed under future rounds of the scheme. The application made by Bunscoil Lughaidh Naofa is available to be considered in this context. If this arises, the terms and conditions of the scheme, as outlined in Circular 55/2015, which may be accessed on the Department's website, will continue to apply when allocating funding to such projects.

In the meantime, the school may use its minor works grant, which all primary schools received last November, to carry out remedial works in full or on a phased basis as that grant permits if the school considers them to be a priority.

Deputy Brendan Smith: I thank the Minister for her reply. I ask her to pass on to her colleague in government, the Minister, Deputy Bruton, my repeated request that should capital funding become available within his Department between now and the end of the year, this is a project in respect of which any funding provided would be put to good use. As the Minister is aware, there can be delays in some capital projects at the end of a year and these provide the opportunity for a reallocation of funding to more minor works. In those instances, the money can be drawn down quickly and spent before the end of the year.

Bunscoil Lughaidh Naofa has a current enrolment of 282 pupils and has grown considerably since it opened 31 years ago in 1985. I again emphasise that apart from minor works grants, which by their nature entail small amounts of funding, no capital funding has been spent on the school during that time. The school has spent its own money. It has fund-raised and put the money to good use. The school has the full support of its board of management and successive

parents' associations but now has reached a point where it is not in a position to fund-raise any more to carry out this necessary work. I emphasise that the principal, Ms Maeve Callan, her staff, the board of management and the parents' association are fearful of the heating costs that will arise for the school in the event of a severe winter. The capitation grant is lower than all Members would wish and there are pressures on schools but a severe winter would cause severe financial hardship for that school. I appeal to the Minister to pass on to the Minister, Deputy Bruton, the request I again make, namely, to have funding allocated before the end of this year to enable those much-needed improvement works to be undertaken at the earliest possible date. I assure the Minister that the school community in question will ensure that any State funding allocated to it will be put to good use.

Deputy Mary Mitchell O'Connor: I thank the Deputy for putting the case so forcefully and repeatedly. I thank him for giving me the opportunity to outline the current position regarding the application for the window replacement. The approval of further categories of summer works applications will be considered in the context of the Department's 2017 capital Estimates.

Job Losses

Deputy Robert Troy: I thank the Ceann Comhairle's office for selecting this matter. It is with great sadness and regret that I must raise this issue on the floor of the Dáil, as the devastating news was confirmed yesterday for the workers and their families that significant job losses will be incurred in Longford. These are good, high-quality jobs. Cameron Willis established its Longford base in 1978 and from that time onwards, the relationship has been mutually beneficial. The company has benefitted from a loyal, committed and dedicated workforce which at its peak was responsible for a turnover of €150 million per annum. At its lowest point, turnover fell to €100 million with margins of 33%. It was a highly profitable company that did very well and needless to say, County Longford benefitted immensely from having a company of that magnitude located in Longford town.

The manner in which this was handled leaves much to be desired. Rumours were circulating for a number of weeks, which left staff members extremely anxious and concerned with regard to their future. I make the point that now that the news of 170 potential job losses has been confirmed, this is not simply a statistic. These are real families for whom there are real consequences leading up to Christmas. While 170 jobs may seem like a small number in the general scheme of things, it certainly is not small for a small county such as Longford. One should not think merely of the 170 jobs but also of the indirect employment consequences to which this will give rise.

Were the Minister or her officials made aware of this decision? If so, when were they made aware of it? Has the Minister sought a meeting with the relevant personnel from Cameron Willis? I note that in its press releases, the company refers to potential job losses. Has Enterprise Ireland met the senior management to ascertain whether State supports could be made available to try to reduce the number of job losses on the table? This is not a decision that can be blamed on the Government; it is a commercial decision I believe to be based on the cost of labour. I am of the view that the company is seeking to move to a cheaper economy. However, one must consider Ireland's own base. In terms of competitiveness, Ireland has dropped from being the ninth best country in which to do business in 2010 to the 17th best in 2016. Government is responsible for the lack of priority that has been given to promote regional development. I refer,

in particular, to the previous Administration in this regard. Between 2011 and 2015, only two IDA Ireland site visits were made to Longford. The investment in the necessary infrastructure has been absolutely slashed and these job losses serve as a reminder that only three months ago, 87 jobs were lost in the region in Mullingar. At a local level, the chairman of Longford County Council has called together the corporate policy group, the relevant stakeholders, Government bodies and Oireachtas Members and I invite the Minister, if she cannot come to the meeting at 1 o'clock on Monday next, to send a senior official from the Department to see what can be done.

At a broader level, we need to ascertain whether these jobs are gone. Is "potential" merely a sugar-coated word that the company is using in its press releases? If they are gone, how can we access the globalisation adjustment fund?

I ask the Minister to give serious consideration to the establishment of a special task force of persons with relevant experience, captains of industry with a clear implementation plan and a timeline, something similar to what was established in Limerick in 2009 when Dell looked to relocate from Limerick to Poland. That is now necessary, not only for Longford but for the midland region that has been left behind over the past number of years.

Deputy Mary Mitchell O'Connor: I thank Deputy Troy for raising this issue. It has also been raised with me by Deputy Peter Burke and Senator Gabrielle McFadden.

I was very sorry to hear about the decision announced yesterday by Cameron Industries. These employees in Cameron Willis have played a key role in the company's success over recent years and it is distressing for them now to be losing their jobs. My thoughts are with the workers and their families at this difficult time.

Unfortunately global circumstances in the oil business have meant that orders for the products manufactured in the Longford factory have fallen dramatically. Therefore, it is solely global commercial pressures that have led to this decision. The company is shedding a significant number of jobs worldwide and it has significant excess capacity.

While manufacturing is expected to cease, it is heartening that 50 high-quality jobs will remain at the plant, on research and development projects and other specialist production functions. IDA Ireland, the enterprise agency working with Cameron Willis, will continue to work with the company. I have asked that the other relevant State bodies will work to ensure that the workers concerned will be assisted regarding entitlements and retraining opportunities.

The Deputy has raised the issue of possibly setting up a task force to deal with these redundancies. I do not favour such a course. The staff of the various development agencies will continue to pursue job creation projects as part of their daily work. It has been our experience in the past that when task forces were established in multiple locations following closures, this diluted the effectiveness of the various State bodies and meant they were diverted from their core day-to-day work. Having a multiplicity of new structures is not an effective or efficient mechanism. Experience has shown us that this is definitely the case.

The Government will strive to ensure that new investment and job creation projects will be pursued for Longford. This week's confirmation of the new Center Parcs holiday project in Ballymahon, County Longford, is a great boost for the county.

In the wider context, as a Government, we have put in place strategies for job creation that are starting to bear fruit. Unemployment has now come down to 8% nationally and while the

rate in the midlands is slightly higher at 10.7%, that is a terrific improvement on the rate in that region of 19.6% in 2011.

The Government will continue to deliver on its commitments in the new regional action plans for jobs, which are a truly innovative mechanism to deliver job growth. The core objective of the plan is to support the creation of an extra 14,000 jobs across the region through the delivery of 119 collaborative actions focusing on increasing the number of entrepreneur start-ups, developing the capacity of existing enterprises, with further actions targeted at sectors of potential competitive advantage such as manufacturing, tourism, food and energy. I look forward to that process delivering for us and especially in bringing benefits to Longford.

Deputy Robert Troy: I asked when was the Minister made aware of this. What level of engagement has she or her officials had with the company to ascertain whether or not these jobs are gone? They state “potential” job losses. It is in no one’s interest that they camouflage the true reality of what is going on here. The minimum the staff deserve is openness and honesty from this company that they have worked so loyally for over the years.

Will the Minister make an application to the globalisation adjustment fund?

The Minister referred in her reply to a decrease in unemployment. That is to be welcomed, but my region’s unemployment rate is still almost three percentage points higher than the national average. In fact, in the first quarter of 2016 we saw an increase in unemployment in this region and since then we have had two announcements of significant job losses of which I am aware: 87 job losses in Mullingar and this one of 170 job losses in Longford. This region has been left behind over the past number of years and the figures confirm this. The Government and its predecessor have focused on the greater Dublin area from which 51% of GDP comes.

Longford and the midlands is a fantastic place to look at relocating business, given its proximity to Dublin and the amenities there. One need not queue up overnight to gain access to schools and there is affordable housing in the area.

The Minister might look at two businesses. Abbott Diagnostics, located in Longford, is looking to expand because it is one of the most efficient diagnostic plants worldwide. The Minister referred to Center Parcs in her reply. When Mr. Martin Dalby was in Ballymahon this week, he was amazed at the efficiency with which the Longford local authority dealt with the company’s planning application, the turnaround time and its pro-business attitude to that application.

We need a special task force for this area. We need to prioritise this area. I want to have published a plan with an implementation timeline setting out what this Government will do to bring about replacement jobs for this area.

Finally, can the Minister answer the question? Will she or her representative be present at the meeting in Longford County Council at 1 o’clock on Monday?

Deputy Mary Mitchell O’Connor: I will certainly see if somebody can go to Longford. We are announcing jobs in Limerick early that morning and I will see if I can get someone to go to that meeting.

Deputy Troy asked me when I heard. Actually, I got a voicemail from him. That was the first indication that I had of trouble in this company.

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The Deputy mentioned Abbott Diagnostics and Center Parcs. I have had Center Parcs representatives in my office to ensure that we can hurry up this project and to remove any barriers, and a number of them were mentioned on Monday last in Longford and I will be working on that. I answered the task force question.

Deputy Troy also asked are these jobs gone. I believe they are. The falling price of oil on the global market has had an impact and Longford employees are victims of that. My understanding is they have cut significant numbers in Leeds and in other companies around the world that they own because they have overcapacity.

Deputy Robert Troy: Unfortunately, they are investing in an eastern European plant.

Deputy Mary Mitchell O'Connor: Anyway, that is the case and that decision has been made.

4 o'clock

I received a letter from Mr. Quigley, the regional officer of the Unite union, today to which I have replied. We will work hard together. It is unfair for the Deputy to say we are not doing anything. We have started the implementation of the regional action plans for jobs and they are working. The number unemployed is decreasing but I accept we cannot be complacent. There is a good deal of work still to be done. We are working with industry in the region, with the local authorities, the local enterprise offices, Enterprise Ireland and the IDA and we will continue to do that. I have met the Deputy at many of the functions held in counties Longford and Westmeath and I assure him that my focus is to deliver jobs in rural and regional Ireland.

Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014: Second Stage [Private Members]

Deputy Pearse Doherty: I move: "That the Bill be now read a Second Time."

Caithfidh mé a rá go bhfuil áthas orm a bheith ag cur an Bhille seo chun tosaigh, Bille atá scríofa agam ó bhí 2014 ann. Ba mhaith mo bhuíochas a ghabháil le Free Legal Advice Centres, FLAC, go háirithe Paul Joyce a bhí ag obair liom ar an mBille seo agus a rinne tuairisc in 2014 ar son FLAC dar dteideal Redressing the Imbalance. Léiríonn an tuairisc sin go soiléir na míbhuntáistí atá ann ó thaobh na rialacha nuair a bhíonn gnáthdhaoine ag déileáil le hinstitiúidí móra airgeadais.

I am very glad to move Second Stage of this Bill. It has been drafted since 2014 and deals with an issue I have raised with the Government on numerous occasions, that of the need to change certain sections of the Ombudsman Act which would allow with respect to products that were mis-sold to customers more than six years ago for redress to be able to be sought outside that timeframe. It is unfortunate we have not had redress of that issue up to now with the bringing forward of this Bill, although I acknowledge the Government issued a press release drawing attention to the heads of a Bill that would bring this provision into being whenever that Bill would be passed by both Houses of the Oireachtas.

I commend the work of the Free Legal Advice Centres, FLAC, and in particular Paul Joyce, in working on the 2014 FLAC report, Redressing the Imbalance. It is an excellent piece of work that shines a light on just how imbalanced and unfair many of the rules are and how much

they are tilted in favour of the banks and financial institutions over the customers. That report made many recommendations. Some of them would need to be addressed at European level and others are matters of policy or regulation, whether it be for the Ombudsman or other institutions. The report also pointed out many actions we as Members of the Oireachtas could and should take to help level the playing field. In that spirit I was happy originally to publish this legislation in 2014 and to bring it to Second Stage today. I signalled from the start my willingness to engage with all parties and with the Government to make sure as many of that report's recommendations as possible are made part of the law of the land.

I thank the Financial Services Ombudsman for his and his office's engagement with me on this Bill. He has given of his time, and he allowed his deputy to make his time available to me, and he also attended the briefing session we had yesterday. I also acknowledge that the Financial Services Ombudsman has in recent years started to live up to the potential of the office, which is now a valuable element of the consumer protection armoury of this State. I could probably not have said that a few years ago because the full potential of that office was not being reached. There has been a marked shift in recent times. It is right for people like me who have criticised that organisation in the past to acknowledge the improvements we are seeing.

To say the relationship between the Irish people and their banks during recent years has been fraught would be an understatement of massive proportions. We all know that the banks have cost the Irish people billions of euro and that they are still not playing the role in the economy they should be playing. That is largely a debate for another day but the fact remains, and is worth stating, that the banks' behaviour caused an unprecedented crash exposing the weak foundations on which this economy was built. If we think back to that behaviour which came to the fore in 2008 and 2009, behaviour that is still being investigated by arms of this State today and rightly so, and applied the same rules that apply for individuals seeking redress for a breach of their rights from the same institutions, then under the current rules there would be no investigation. The doors would be shut because it happened more than six years ago.

That issue goes to the core aim of this measure. This Bill, if passed, would remove the blanket ban on a consumer seeking redress for a breach of his or her rights by a financial institution if that breach occurred more than six years ago. Instead the law would be changed so a consumer would have full access to the Financial Services Ombudsman and legal routes if he or she seeks redress within two years of becoming aware of the breach. This is not an academic argument but one of real concern. We all know of cases of people being sold endowment mortgages only to find out many years later that what they were promised never materialised. Losses of €30,000, €40,000 and up to €100,000 have been reported in the media in the past. We all know about the scandal associated with payment protection insurance. We also all know about individuals being moved from tracker rate mortgages onto variable rate mortgages against the terms and conditions of their original mortgages. If those products were sold more than six years ago, customers have no avenue to seek redress with respect to the mis-sold product from the financial institution.

As we speak, the Central Bank is supervising the main banks as they go through their records to see how many families and individuals were moved off tracker mortgages over the last number of years. Unless we bring in this change, many of those families could be left legally stranded - in the right but with no redress available to them because the product was sold to them more than six years ago. I hope all sides of this House can unite behind this issue and get it sorted once and for all. I acknowledge that the Minister in the Government's press release yesterday drew attention to the heads of a Bill, a section of which would deal with that area, and

that is to be welcomed. It is appropriate to acknowledge that. The irony of it is that next week's lottery has selected a Bill drafted by Deputy Michael McGrath, which also seeks to achieve the same purposes. I believe this is an issue on which we are united. It is pity it has taken a number of years to progress this Bill and that it is more likely it will be enacted in 2017 as opposed to 2014, when it was originally drafted.

I wish briefly to go through a number of other changes. Section 2 seeks a redefinition of "consumer" so that it is in line with the consumer protection code and the Consumer Credit Act. As it currently stands, it has been argued that by defining a consumer as including a company with a turnover of less than €3 million, the possibility exists that the role of the Financial Services Ombudsman in standing up for the small individual might be diluted by larger groups using up many of the limited resources of the office. For example, the 2014 FLAC report advises of cases where the Commercial Court would have offered the more natural environment but the definition of consumer currently applying allowed a process such as in the Lyons case where businesses with loans of millions of euro were availing of the Financial Services Ombudsman process. That is not what that Financial Services Ombudsman is there for. I cite the example of a credit union that was given previously, which was perhaps given dodgy legal or financial advice, and which could apply to the Financial Services Ombudsman for redress. It is not supposed to be like that; rather it is supposed to be there for individual consumers. There may be a case, and this should be dealt with in greater detail on Committee Stage, for taking a longer-term view of whether a two-tiered approach for individuals and businesses may be envisaged.

Section 3 removes the words "in an informal manner" and "without regard to technicality and legal form". I have engaged with the Financial Services Ombudsman about this on numerous occasions. I am aware that this section may be sharpened up on Committee Stage to achieve the desired aim of allowing the Financial Services Ombudsman to be open to all, on one hand, and to stand up to scrutiny in a formal legal setting, on the other. This deletion should not be interpreted as forcing the ombudsman to act in a more formal manner. We all know that the fact the ombudsman's office can act in an informal manner is one of its attractions. I encourage people to submit letters in their own words to the Financial Services Ombudsman. They do not have to be overly formal. It needs to be kept that way. Given the decisions that are being made, there has to be due regard to the legal form and technicality.

Section 4 is the meat and veg of this Bill. It is an amendment to the statute of limitations in these matters so that there will no longer be a blanket ban on complaints after six years have elapsed.

Section 5 seeks to make mediation the norm in disputes. Specifically, it tries to compel financial institutions to enter into mediation. It requests that where a financial institution refuses to enter into mediation it has to submit a valid or justifiable reason for not doing so to the Financial Services Ombudsman. It is appropriate to recognise the good work of the Financial Services Ombudsman's office. It is welcome that mediation has now become far more the norm and financial institutions have been persuaded more and more to engage in it. There is no guarantee it will continue to be the norm. For those who still do not engage in that form of mediation, we are saying that they need to give a reason why they have decided not to do so. It should be enshrined as the best way of solving disputes. The amendment would place pressure on banks and financial institutions to engage in mediation. I welcome that this is happening more often but current form is no guarantee of future behaviour.

Section 6 appears to be a technical section but is quite important. By allowing the Financial

Services Ombudsman more scope to better report on his findings, we can give a more accurate picture. Currently the Financial Services Ombudsman must report cases as upheld, partly upheld and not upheld. There are three categories. Such a limited range of options can give misleading statistics. In many cases “partly upheld” was from a consumer’s point of view a largely irrelevant finding that did not reflect how they felt. It was as if one was right on a technicality but wrong in the substance of one’s complaint or appeal. If it was deemed partially upheld, it seemed as if it was a positive for the consumer when, in reality, it was largely negative. The solution for a better and more accurate understanding of how the results of the process are really panning out is to allow a wider range of reported findings. The finding of “substantially upheld” or “substantially rejected” should be added instead of the sometimes misleading finding of “partly upheld”. This would have to be followed through on the amendment in 2013 that provided for the “name and shame” power the ombudsman now has.

Sections 7 and 8 are among the most important in the Bill. While I fully respect the autonomy and role of the Financial Services Ombudsman, the option for a citizen to access the courts must also be fully respected. In an ideal world, the Financial Services Ombudsman process would end in each case with satisfied parties accepting the decision. We do not live in an ideal world. We will never have that perfect situation and so we must always protect the right of all to access the courts system in a way that is affordable. That means allowing a right of appeal to the Circuit Court. Currently, the right of appeal is to the High Court and this has two effects. The first is that the costs are significantly higher than they would be in the Circuit Court, which means it is outside the reach of many consumers. Second, the appeal to the High Court can only be made on a matter of law as opposed to there being a full rehearing. Taken together, these two facts mean an appeal to the High Court is not a realistic option for many. Therefore, it closes the avenues of justice for many consumers. There are arguments as to why the current process protects the consumer but, as I have argued in other debates about the right to access the courts, the overriding principle must be that the consumer can, if he or she chooses, have his or her day in court. It should not be lost in the wider debate that the other element of this section is to extend the time a consumer or financial institution has to appeal to 60 days instead of the current 21. This is an important amendment which, like the other sections of the Bill, will empower the consumer and was one of the overarching goals of FLAC’s 2014 report, to redress the imbalance and level the playing field for the small person. If one thinks about it, a person makes his or her complaint to the ombudsman in an informal manner. The ombudsman rules against him or her to the effect that he or she does not have a valid complaint but the person feels that it is valid. He or she must now to appeal to the High Court. We would like it changed to the Circuit Court. The person is given 21 days and in that time, he or she will have to decide if he or she should go to the Circuit Court and weigh up the options. Costs could be awarded against him or her. He or she would have to get legal representation. He or she would have to brief his or her legal representatives, who must then file the appeal. There is simply not enough time in that tight window. We are of the view that 60 days would be more appropriate.

I hope all parties and Independents can support the Bill. I have indicated there are sections in the Bill that will benefit from a full and open debate and I look forward to hearing the view of colleagues and Ministers. I have already acknowledged that similar proposals have come from Deputy Michael McGrath and that he has penned legislation on the matter. The Minister, Deputy Noonan, and Minister of State, Deputy Eoghan Murphy, highlighted yesterday in a press release that they will deal with this issue. I am aware there is legislation regarding the eventual amalgamation of the Pensions Ombudsman and the Financial Services Ombudsman. There is no date yet for that Bill and I see no reason why consumers should have to wait until

then to have these issues dealt with. The whole purpose is to make sure that time cannot run out for many. It is crucial that we amend the statute of limitations. We have been out of synch with international norms for many years. It is three years since the Minister became aware of the mis-sold products issue. Hundreds and possibly thousands of people have been denied access to justice because of a very flawed piece of legislation a number of years ago. That can be redressed and hopefully it will be. This debate should act as an impetus for that.

Minister of State at the Department of the Taoiseach (Deputy Dara Murphy): I thank Deputy Pearse Doherty for his Private Members' Bill on the topic of the Financial Services Ombudsman. Unfortunately the Minister, Deputy Noonan, and the Minister of State, Deputy Eoghan Murphy, are unable to be here today so I am taking the debate on their behalf. They both understand the intention behind the Bill, which seeks to provide for the strengthening of the functions of the Financial Services Ombudsman, the consumer complaint procedure and related matters. While we support the intention behind the initiative overall, the provisions as set out do not necessarily achieve all of the aims. I will address the reasons for this in a moment.

As the Deputy has seen from the Government's legislative programme, we are progressing legislation to amalgamate the Financial Services Ombudsman and the Pensions Ombudsman and to consolidate and generally update the legislation. The Government decision to amalgamate both offices follows from the recommendation of the critical review under the public service reform plan. The Financial Services Ombudsman is a statutory officer who deals independently with unresolved complaints from consumers about their dealings with all regulated financial service providers. This role is to investigate complaints of financial loss due to maladministration and disputes of fact or law in occupational pension schemes, trust retirement annuity contracts and personal retirement savings accounts. The Pensions Ombudsman performs these functions independently and acts as an impartial adjudicator. The Pensions Ombudsman is funded by the Exchequer.

The detailed heads of a Bill relating to the amalgamation were recently submitted to the Committee on Finance, Public Expenditure and Reform, and Taoiseach by the Minister following a full analysis and consultations with relevant stakeholders. This is priority legislation for the Minister, Deputy Noonan. The most significant change in the draft heads of the Bill is the amendment of the time limit in which complaints can be made to the Ombudsman in respect of financial services. Providing the necessary protection to the consumer over the longer term is paramount but needs to be achieved within the law and be able to operate practically. The design of the appropriate mechanisms to achieve this is complex as it involves a range of considerations, including the interface with the Statute of Limitations, existing consumer protection laws, complaints mechanisms and availability of records.

After significant consideration and consultation with several stakeholders, the Minister for Finance proposes to extend the time limits for complaints about certain long-term financial services to the same time limit that applies to pension products, namely, six years from date of the conduct complained of or three years from the date the complainant knew, or ought to have known, about the conduct. This greatly improves access to the ombudsman for consumers of long-term products who may not become aware of an issue until well after the original six years has passed.

For short-term financial services, the time limit for complaints to the ombudsman is unchanged at six years from the date of the conduct complained of. This approach was taken as it was considered to be a balance between the concerns of the consumer representatives to

give consumers greater protection and those concerns of the industry about record-keeping and availability of documentation.

The draft Bill will provide that the power to appoint the ombudsman and deputy ombudsman for the financial services and pensions office will be the responsibility of the Government and the candidate should be appointed following a Public Appointments Service competition. The heads of the Bill will also provide for the addition of a deputy financial services and pensions ombudsman. The draft heads will harmonise the rules under which the financial services and pensions ombudsman can investigate a complaint and extends the strongest powers of the Financial Services Ombudsman and the Pensions Ombudsman to the new financial services and pensions ombudsman.

The heads of the Bill will require that the ombudsman implement measures to increase the understanding of complaints against financial and pension providers as well as the basis for decisions made by the ombudsman across pensions and financial services issues by issuing preliminary determinations, publishing anonymised determinations and case studies. The ombudsman will also be required to report in more detail information on all investigations, including those terminated and settled.

The heads of the Bill will remove the requirement for mediation in all investigations. The lack of engagement from institutions in the process can be a source of frustration for complainants. The draft legislation will strengthen the role of the ombudsman in promoting engagement in the mediation process and will continue to provide for mediation as a tool for the ombudsman in cases where he sees fit. Finally, the draft legislation will provide for carryover of and any necessary changes to the naming-and-shaming provisions for complaints against regulated financial services entities.

These measures have the potential to strengthen the functions of the Financial Services Ombudsman under the new body, the proposed financial services and pensions ombudsman, as well as improving the consumer complaints procedure and experience for consumers of both pensions and financial services.

I will now address each of the main sections proposed by Deputy Pearse Doherty in the Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014.

Section 2 proposes to bring the definition of “consumer” in line with the version used in both the consumer protection code and in the Consumer Credit Act. The Deputy’s intention is to bring the definition of “consumer” in line with versions used elsewhere, but I note that the proposed definition excludes unincorporated bodies. This may have the unintended consequences of narrowing the definition to exclude small businesses, sole traders, and bodies such as charities. The recast definition of “consumer” in the heads of the Bill prepared by the Minister for Finance, Deputy Noonan, will provide for the personal consumer and commercial consumer, as proposed by Deputy Pearse Doherty, and for unincorporated bodies, such as charities. This is the most appropriate definition to use.

Section 3 removes the requirement for the ombudsman to act in an informal manner and deletes the words “without regard to technicality and legal form”. These deletions are designed by Deputy Doherty to reflect the fact that many complaints involve the alleged breaches of statutory rules. The provisions outlining that the ombudsman need not have regard to technicality or legal form is considered by the ombudsman to be a valuable and fundamentally important pro-

vision upon which reliance can be placed, while the ombudsman nevertheless complies with the requirements of natural justice. Additionally, it is noted that the phrase in question has never prevented the ombudsman from technical or legal argument when the need arises. After extensive review, the Minister's own draft legislation makes minor changes to this provision with the addition of the term "undue" into the phrase "without regard to technicality and legal form". It is hoped this change will continue to allow for the informality, while also acknowledging that such formality is to be bounded by an appreciation for due process and fair procedures.

Section 4 provides for a two-year extension of time to make complaints to the Financial Services Ombudsman in respect of the conduct of regulated financial service providers. I have already mentioned comparable provisions in the Minister's draft legislation earlier. It is proposed in the Minister's heads of the Bill to expand the broader time limits currently applicable for complaints for pension products to long-term financial service. The rationale for this expansion is that, for those who have long-term financial services, they may not become aware of an event to be complained of until their service matures, such as with endowment mortgages, and should have some access to the Financial Services Ombudsman.

Section 5 seeks to put greater pressure on the financial service provider to engage in the mediation process. We agree the existing provisions for mediation can be improved. The Minister's heads of the Bill will provide for the proactive approach of the ombudsman to encourage participation. In addition to this, I note Deputy Pearse Doherty's Bill was published at a time when the use of mediation in the Financial Services Ombudsman was less than 1% of all cases. I am informed by the ombudsman that, following a significant strategic and organisational change programme with the specific objective of putting mediation at the centre of the its procedures, a minimum of 60% of cases will be resolved in the future by dispute resolution using mediation techniques.

Section 6 allows for a greater range of findings on completion of an investigation. Currently the possible findings are limited to substantiated, not substantiated and partially substantiated. The Bill allows for findings of upheld, substantially upheld, substantially rejected or rejected. Transparency and better reporting aims may be at the source of the amendment. We support the intention behind this provision. Any change to the determination categories would need to operate harmoniously with the name-and-shame provision to be effective in increasing transparency. As currently drafted, it could operate to limit the name-and-shame provisions. This proposal would benefit from further consideration by the Attorney General's office.

Other steps have been taken in the comprehensive set of heads drafted by the Minister for Finance, including the introduction of preliminary determinations, more detail and publication of all determinations for financial services complaints, as well as more transparent information in the annual report on all investigations, including those terminated and settled.

Sections 7 and 8 allow for an appeal of the determination to be taken to the Circuit Court rather than the High Court, with subsequent appeals to the High Court. This would be a full re-hearing of the complaint, and a period of 60 days should be allowed for this appeal to be lodged, as the Deputy said. The purpose of the ombudsman is to be a free alternative to the courts system for consumers. The intention behind section 7 may be to improve consumer protection by offering a *de novo* appeal in the Circuit Court to avoid the expense of the High Court, namely, the expense for consumers, but we have some concerns. A *de novo* appeal to the Circuit Court would involve the Ombudsman as a notice party only. This would mean that if the financial services provider appealed a decision that favoured the complainant, the complainant would have

to defend the appeal in the Circuit Court, with all of the consequent or attendant expense. The provider is in a considerably stronger position, in terms of finances and resources, both to go to the Circuit Court and to succeed owing to the lack of inquisitorial powers of the Circuit Court.

In the existing statutory appeal to the High Court, the complainant is shielded by the high threshold that is applied to the statutory appeal and by the fact that the Financial Services Ombudsman can be a party to the complaint and thus take the role of defending its own decision. Neither of these factors operates in a Circuit Court *de novo* appeal so the real effect is not only that the provider is in a stronger position on a case-by-case basis but also that the existence of the threat of an appeal by the provider operates as a deterrent to consumers generally. In addition, in a High Court appeal, the ombudsman can defend his decision as a party to the statutory appeal. This has the effect of protecting the consumer from the costs or threat of costs of a High Court appeal made by the provider. Furthermore a re-hearing could allow for a situation where people use the ombudsman as the first step in litigation before inevitably going before the courts and taking their case again to the courts if unsuccessful. This could result in a flood-gate scenario for the office, which would have implications for staffing and the effectiveness of the office to process and determine complaints. Time limits for appeals should be within such limits as the relevant court determines. This issue seems to be one that could be teased out in much more detail on Committee Stage.

We do not oppose this Bill because we recognise the need to extend the time limits and make other improvements to the existing legislation. We look forward to debating these issues and any differences that may arise at pre-legislative scrutiny stage or during the passage of the legislation through the Oireachtas. I therefore commend this decision to the House.

Deputy Michael McGrath: On behalf of Fianna Fáil, I very much welcome the opportunity to speak on this Private Members' Bill. Fianna Fáil will be supporting its passage on Second Stage. It is a little like the buses in that one must wait a long time for one, only to have three come pretty much at the same time. We have the heads of the Government Bill, Deputy Pearse Doherty's Bill and, as he has indicated, the Fianna Fáil Bill. The latter, which focuses on the six-year rule, has been selected in the lottery to be taken in two weeks' time. Our Bill is narrower in scope than Deputy Pearse Doherty's because it predates the FLAC report, which was issued in 2014. Our Bill was published in 2013. Therefore, the scope of Deputy Pearse Doherty's Bill is wider and it deals with a number of amendments suggested as part of the FLAC report.

Along with Deputy Pearse Doherty, I commend FLAC on the work it has done, not just in this area but also in so many others. The report it has published has provided the template for badly needed reforms. While a number of other important elements have been identified in the Sinn Féin Bill, the key issue is the time limit within which complaints can be made. The current position is indefensible and many consumers of financial products are being denied justice and access to a proper complaints mechanism. That has been highlighted in so many different examples. The Central Bank's investigation into payment protection insurance policies reveals that €67 million was paid out by way of refunds and compensation to 77,000 customers. However, it could go back only so far - to 2007, I believe - because of the six-year rule. It begs the question as to how many tens of thousands of other customers who may have been mis-sold payment protection policies, whole-of-life insurance policies and endowment mortgages do not have recourse to the ombudsman. It is a source of regret that this issue was not dealt with before now. We will have to take a mature decision collectively on how to make progress on the issue legislatively. There is no point in having three Bills before the Oireachtas finance committee.

That decision can be made in due course but the most important point is that the matter needs to be dealt with.

There are so many examples in respect of which it is alleged that there was serious and systematic mis-selling of products. An example is in the area of life loans, which matter I raised previously. Last year, a constituent came to me and highlighted his own quite remarkable story. He was enticed by a bank to release €68,000 of equity in his home in 2002, with a fixed rate of interest of 6.77% for a 15-year period. The amount he owed climbed rapidly. After five years, the liability was €95,000, having started out at €68,000. After ten years, it was €133,000, and after 15 years the initial loan of €68,000 had risen to €186,000. After a prolonged battle during which the bank said early repayment of the loan would involve financial penalties, it eventually agreed to start accepting repayments from the customer, who was so concerned about how the value of the loan was increasing. That customer was adamant that the escalation in the amount owed was not properly explained at all when the product was sold by the bank. This is but one example among many involving people who have not had the opportunity until now of taking a case to the Financial Services Ombudsman.

Another example concerns whole-of-life insurance policies. My colleague, Senator Ned O'Sullivan, has raised this in the Seanad on a number of occasions. Many complaints on whole-of-life insurance policies have been taken to the ombudsman. For example, there were 104 complaints in 2013, of which the ombudsman upheld 31 in full or in part. Many more cases simply never made it that far because of the deterrent of the six-year rule.

Let me give an indication of the number of cases that could have been dealt with. Approximately 1,000 complaints per year, or 12% of the annual number received by the ombudsman, fall outside the six-year period. These are the cases in which the consumer actually brings the complaint, despite not being within the six-year period. Of course, many multiples of this number do not take the issue that far because there simply is no recourse. Other examples include the various equity release products that were all the rage during the so-called Celtic tiger years.

Mis-selling is particularly difficult to prove. I refer to proving the level of engagement between the financial services provider and the consumer. The ombudsman is equipped to make these calls, carry out the investigations and arrive at a conclusion in respect of each case.

I welcome a number of the other measures in the Sinn Féin Bill, including on the definition of "consumer", the reference to the informal manner and the ombudsman acting without regard to technicality or legal form. The mediation process needs to be reformed. The range of potential findings that are open to the ombudsman must be expanded and there are changes proposed to the appeals process. It is clear from the Minister of State's reply that the Government has considered all the issues in detail in respect of the heads of the Bill. They will be the subject of considerable discussion, debate and amendment on Committee Stage. The various parties must make a decision as to what is the most expeditious way of dealing with this issue. There is no point in clogging up the finance committee with three Bills that are essentially around the same purpose. That is for another day.

We welcome Sinn Féin's legislation and will support it. Hopefully it will not go to a vote. We welcome the Government's publication of the heads of the Bill to amalgamate the Financial Services Ombudsman and the Pensions Ombudsman and to deal with some of the issues set out in the FLAC report. Fianna Fáil is committed to doing whatever we can to ensure these changes are enacted as quickly as possible in whatever form it is done. We are open-minded

on the issue.

An Leas-Cheann Comhairle: A member of the Government or Minister of State may speak twice and is entitled to make a contribution not exceeding five minutes. If there are no other contributors, I call on the Minister of State, who has five minutes, followed by Deputy Pearse Doherty, who has ten minutes.

Minister of State at the Department of the Taoiseach(Deputy Dara Murphy): I concur with both speakers and add my thanks to FLAC and the ombudsmen for the work they do. All of us have significant engagement with them and they do great work on the ground. The Government fully supports the intention behind the Bill. The Minister for Finance strongly supports the intention, and his legislation to consolidate and update the role of the ombudsman is a priority on the Government's legislative programme. There has been an extensive consultation process which has included a regulatory impact analysis, a public consultation, meetings with consumer and industry representatives and engagement with key stakeholders. Consideration has been given to a very broad range of issues.

Many of the issues covered by Deputy Pearse Doherty's Private Members' Bill being discussed today are provided for in some fashion in the draft heads of the Bill which have been published. The heads of the Bill are, perhaps, more comprehensive in some ways. They cover many more issues related to the Financial Services Ombudsman and the Pensions Ombudsman under one unitary structure to be known as the financial services and pensions ombudsman. Some proposals may go further than those suggested by Deputy Pearse Doherty, for example, the question as to whether the change to time limits for complaints will be retrospective. The draft heads do not provide for any commencement date of the legislation as of yet. The appropriate commencement date for particular provisions, such as the extension of a time limit for complaints to the ombudsman, is a matter that must be considered very carefully and fully during the legislative process, especially during the pre-legislative scrutiny. The appropriate commencement date must be carefully considered during the course of the drafting of the Bill in very close consultation with the Office of the Parliamentary Counsel and the Office of the Attorney General.

The definition of "consumer" as set out in the Minister's draft heads of Bill includes a person or group of persons, that is, a natural person, sole trader, club or charity and incorporated bodies with a turnover of €3 million or less. It seems this definition is broader than the definition in the Private Members' Bill, which is limited to natural persons and incorporated bodies. The date of knowledge test proposed does not provide for the possibility of commencement or the limitation period from the date the consumer ought to have become aware of the conduct complained of. The Bill refers to becoming aware of the consequences of the conduct. This would be a further departure from the limitation period as currently formulated for complaints to the Pensions Ombudsman, which refers to the knowledge of the act as opposed to the consequences.

The recent changes to the Pensions Act has enabled the appointment of the Financial Services Ombudsman, Ger Deering, as Pensions Ombudsman following the retirement of Paul Kenny. The appointment was made pending the passing of legislation by the Minister for Finance to merge the two offices. We are happy to consider further proposals during the legislative process when a more comprehensive set of heads of the Bill should be debated. We are not opposing the Private Members' Bill. As Deputy Michael McGrath said, three Bills have come together and the Minister suggests the issues should be debated further during the passage of the Minister's

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detailed and comprehensive heads of Bill, including any pre-legislative scrutiny. It is a matter for discussion and it is welcome that there is a shared ambition as to where we wish to end up. I thank Deputy Pearse Doherty and apologise for my congested delivery. Winter is coming.

Deputy Pearse Doherty: Ba mhaith liom mo bhuíochas a chur in iúl don Aire Stáit, Teachta Dara Murphy. Is é sin b'fhéidir an chéad uair a dúirt mé na focail sin. Cuirim mo bhuíochas in iúl dó agus don Teachta Micheál McGrath as ucht tacaíochta a thabhairt don Bhille seo. Tá a fhios agam go bhfuil an tAire Stáit, Teachta Murphy, ag déanamh ionadaíochta ar son an Aire, Teachta Noonan. Ba mhaith liom feasta mo bhuíochas a chuir in iúl don Aire, Teachta Noonan, agus don Aire Stáit, Teachta Eoghan Murphy.

The Minister, Deputy Michael Noonan, and the Minister of State, Deputy Eoghan Murphy, in preparation of the heads of their Bill, have very much considered the legislation I drafted in 2014. When I went through the sections, I flagged some of the areas that would need further scrutiny. We were aware that charities and sole traders would need to be encompassed in the legislation. The spirit of it was to have the issue on commercial and ordinary people separate and it has been achieved in terms of what the heads of the Bill suggest. We will examine it more closely.

In all the sections suggested here, while there may be some minor differences from what the Government proposes, probably the area which is most contentious is in relation to the High Court and the Circuit Court. We have been dealing with the Financial Ombudsman about this and I signalled that it would need a proper and thorough debate. I am familiar with the fact that under the previous Government there has been a trend to move from the Circuit Court to the High Court. We have seen it in other matters, such as the fact that the Revenue Commissioners' appeal is to the High Court rather than the Circuit Court. It is a trend.

The Minister makes valid points, and I have heard them from the ombudsman regarding the difficulty if financial institutions try to frustrate the process by appealing, or threatening to appeal, to the High Court and having the costs awarded against the consumer. The intention is that the Financial Services Ombudsman would be represented there. However, the Minister did not talk about what happens if a consumer has to take the Financial Services Ombudsman to court. This is where there is a difference in how we would sort it out. It has happened, and consumers have won. It is not a case that it is some type of scenario that may not be envisaged or that is so far out there that it is unlikely to happen. We are all human. We all make mistakes despite our best efforts. Someone would need to be willing to risk going to the High Court, have the financial means to do so and be well up on his or her own case, given the limited window of 21 days. We need further discussion on how to protect the consumer. The Minister of State referred to a common purpose in trying to strengthen consumer protection, but there is quite a bit of difference.

This legislation was drafted in 2014. We have drafted an amended Bill but, before we could add it, the version before the House was selected in the lottery. We were going to bring a number of amendments to Committee Stage in the new legislation, which is sitting on my desk, to deal with charities, corporate bodies, the nuanced position regarding the undue regard to formal and legal technicalities, and the "name and shame" provision, which I had signalled. It is broadly accepted that we need a wider, truer classification concerning how cases are dealt with or not.

The Financial Services Ombudsman's office reports that one of the most frustrating types of

complaint it receives comes from people who have been locked out of the process. The figure in this regard is approximately 1,000 per year. Far more affected people are out there, but they have Googled the process and know that they cannot do anything after six years. This Bill opens the doors of justice to the thousands of consumers who allege that they have been badly served by financial institutions. There is no doubt that a proportion of them, and quite possibly a large proportion, have been fleeced.

We all agree that we need to get rid of this provision, and it is a pity that this did not happen a couple of years ago. It should have, but that is in the past and we are moving into 2017. Hopefully, this will be sorted by then. We must figure out what to do with the people who were sold the products in question previously. We mentioned endowment mortgages, a considerable number of which were sold in one period. Consider someone who was sold an endowment mortgage in 1989 or 1990 and a next-door neighbour who was sold one in the same year, possibly even on the same day. The first person realises in March of next year that he or she has been hard done by, meaning that he or she can access the Financial Services Ombudsman, but is it the case that the neighbour, who realised four years ago, cannot access the Financial Services Ombudsman?

There are issues that we must address. This will take a great deal of time, we will need the Attorney General's advice and we will need to work in an open and frank way. We must ensure that we support as many individuals as possible. We all know about some of the recklessness that occurred in financial institutions. I am not referring to just the banks in this regard because we also saw such behaviour in the insurance industry. Ireland was referred to as "the wild west" but that phrase was coined about insurance, not banking.

I welcome the fact that the Government is not opposing the Bill and I also welcome Deputy Michael McGrath's support for it. I acknowledge that his Bill deals specifically with the six-year rule, but ours goes much further. A number of aspects need to be considered and accepted. In fairness, the Government has done that, which is welcome, and I am glad to have the opportunity to do so eventually. It is crucial that we progress.

This is my Bill and it will move to Committee Stage. However, the heads of other legislation were published yesterday. I am glad that my Bill has acted as a prompt to that. I will do whatever I can in the finance committee to ensure that pre-legislative scrutiny takes place as quickly as possible because the legislation in question is wider in scope than mine, although it also deals with the issue that is at the core of this Bill, namely, consumer protection. That provision needs to become Irish law sooner rather than later.

Question put and agreed to.

Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014 [Private Members]: Referral to Select Committee

An Leas-Cheann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A(3)(a) and 141, be referred to a select or special committee. The relevant committee for this Bill is the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Deputy Pearse Doherty: I move:

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That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

The Dáil adjourned at 4.55 p.m. until 1 p.m. on Tuesday, 11 October 2016.