



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 13 Nollaig 2017

Wednesday, 13 December 2017

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Brian Ó Domhnaill that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the current status of the capital funding to advance the A5-N2 road project.

I have also received notice from Senator Kieran O'Donnell of the following matter:

The need for the Minister for Communications, Climate Action and Environment to outline the plans he has for a nationwide roll-out of a comprehensive fast charging point network for electric cars.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Health to address the shortage of speech therapists on the north side of Dublin city.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Business, Enterprise and Innovation to consider placing chefs and hotel managers on the critical skills employment permit list.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Rural and Community Development to ensure Sligo is designated as a centre of growth for the north west in the national planning framework.

I have also received notice from Senator Martin Conway of the following matter:

The need for the Minister for Health to outline his plans to reduce the number of patients on trolleys in the emergency department, University Hospital Limerick.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister of State at the Department of Education and Skills to implement a protocol to ensure students repeating their leaving certificate examinations have access to bus passes in the school transport system.

I have also received notice from Senator Rose Conway-Walsh of the following matter:

The need for the Minister for Health to discuss the ongoing capacity problems in the emergency department at University Hospital Mayo.

I have also received notice from Senator John O'Mahony of the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the allocation for road maintenance on national and regional roads in 2018.

I have also received notice from Senator Pádraig Mac Lochlainn of the following matter:

The need for the Minister for Rural and Community Development to provide urgent funding to facilitate the reconstruction and reopening of Swan Park, Buncrana, and Glen-evin Waterfall, Clonmany, County Donegal following recent flooding.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Brian Ó Domhnaill, Kieran O'Donnell, Aodján Ó Ríordáin and Maria Byrne and they will be taken now. I regret that I have had to rule out of order the matter submitted by Senator Pádraig Mac Lochlainn on the grounds that it is a repeat of a Commencement matter taken on 8 November. The other Senators may give notice on another day of the matters they wish to raise.

Commencement Matters

Road Projects

Senator Brian Ó Domhnaill: I am glad to raise the issue of the A5 road project, which is an extension of the N2 project linking Derry and Letterkenny with Dublin. It has been in the pipeline for well over a decade and I am raising it this morning because a Fine Gael Deputy for Donegal recently said the Government was steadfast in its commitment to the project, but omitted to say that when the Taoiseach, Deputy Varadkar, was Minister for Transport he reduced the capital funding allocation from €450 million to €50 million. I do not think that can be described as “steadfast commitment” to the project on the part of the Fine Gael Government. I am pleased that the current Minister, Deputy Ross, has made this project a priority but he is constrained by the decision taken by the Taoiseach when he was Minister. This project is vital to the north west region, particularly in light of Brexit and the constraints Brexit will bring to bear in Donegal. While we do not know the full implications of Brexit yet, it will certainly not be economically beneficial for the north-west region.

There is a tentative commitment to provide money and a huge amount in capital spend will

be required but it is absolutely essential to the entire north-west region. I do not know if there is any scope to seek additional moneys from the European Union as a result of Ireland standing firm with Europe in recent negotiations. One might argue that the European Union was using Dublin to get at Britain, to some extent. Irrespective of that, there is a case to be made at European level, in the context of the peace process and concerns over Brexit, for additional moneys to be ring-fenced for capital infrastructure investment in Border regions, particularly in Donegal and particularly for this project.

I travelled from Donegal last night, a dark dreary night, and the north part of the road, which is a stretch of some 42 miles, is dangerous and difficult to travel along. There is a need to provide the A5 project and I hope moneys can be found to meet the capital requirements of the project.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I acknowledge the fact that the Senator has been an advocate for this project for a long time. His voice is welcome and keeps us to our commitment to the A5, which remains steadfast. It is even more important in light of the implications of Brexit. We are not yet fully familiar with them but any uncertainty will cause unease in the Senator's native Donegal and the north west. We hope to alleviate it.

The commitment of the Government to this project has not been reduced in any way. A Fresh Start, the Stormont House agreement and implementation plan which was concluded in November 2015, committed the Government to providing funding of £75 million for the A5 road upgrade to ensure the first phase of the project, from Newbuildings to north of Strabane, could commence as soon as the necessary planning issues were resolved by the Northern Ireland authorities. Under the agreement it was envisaged that construction of phase 1 of the A5 would start in 2017, with a view to completion in 2019. In keeping with this timeline, Government funding was to be provided in three tranches of £25 million in 2017, 2018 and 2019, respectively. However, the planning process in the North relating to the revised A5 scheme took longer than anticipated. The Northern Department for Infrastructure only announced the decision to proceed with the scheme in late November. It also indicated that the project would be ready to start in 2018.

Financial provision for meeting the Government's commitment to the A5 project was made in the extra capital plan review funding and will be included in my Department's budget from 2019 to 2021, inclusive. Any commitment on funding for further phases of the A5 improvement scheme will be a matter for consideration at Government level. My Department's role at this point is to liaise with Northern Ireland officials on the implementation of the existing Government commitment as set out in A Fresh Start.

I hope that this answers the question about our commitment. The planning and implementation of the upgrade project is the responsibility of the Northern Ireland authorities. The current funding arrangements for the A5 are governed by the Stormont House Agreement, which reaffirmed the Government's commitment to provide funding of £50 million for the A5 project and committed an additional £25 million to ensure that the first phase of the project from Newbuildings to north of Strabane could commence.

As part of the capital plan review process, funding is now being provided in my Department's budget to meet the Government's commitment under A Fresh Start and my officials will be liaising with their Northern Ireland counterparts on project implementation arrangements.

An Cathaoirleach: That sounds positive.

Senator Brian Ó Domhnaill: It does. The Minister is committed to this project, and I thank him and his officials for their level of engagement with their counterparts in the North. This is a key project for the north west. The Minister will do his utmost to keep it on the agenda and secure the additional commitment, but I am unsure as to whether an opportunity for additional funding at European level could be explored down the road. I commend the Minister on his efforts and thank him for attending.

Deputy Shane Ross: It is not as easy as it sounds to raise European funds for projects of this sort, as we are close to our ceiling, but we will certainly keep this project in mind if European funds become available. I acknowledge the role that Senator Ó Domhnaill is playing in keeping the Government aware of this project and high on our agenda. He will not find us wanting.

Electric Vehicles

An Cathaoirleach: I welcome the Minister, Deputy Naughten.

Senator Kieran O'Donnell: I welcome the Minister to the House to discuss this matter, which is one that people are starting to raise. Constituents have been approaching me about it in the past month or two. I work on the basis of, if constituents approach me about an issue, then it is an issue that requires addressing. The Minister is committed to this matter. I understand that there are approximately 1,200 charge points North and South, with 300 in the former. Eighty-five of the 1,200 are fast-charging points, with 70 in the Republic and 15 in the North.

I am raising the matter of fast-charging points on foot of a situation about which a constituent approached me. He has an electric car and drives to Dublin frequently. A fully charged electric car will do somewhere between 180 km and 200 km. He has to stop at junction 14, which he says supplies a great 20-minute service.

Other people have approached me, including someone with a forecourt garage. That person applied to get a fast-charging point through the garage's supplier but, for some reason, the supplier was turned down.

While I welcome the low-emissions vehicle task force that the Minister has established, what are his plans to expedite the roll-out of fast-charging points the length and breadth of Ireland? There is no reason for one of them not to be in a village or town. It should not be the case that such points would only be deployed at specific locations. The 70 in the Republic and 15 in the North are too few. In the UK, the Automated and Electric Vehicles Bill 2017-19 has just been published. It will make it compulsory for charge points to be installed in all UK filling stations.

All of this shows how much the issue of electric cars has advanced. The Minister might explain his plans for expediting the roll-out of a comprehensive national network of fast-charging points for electric cars.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank the Senator for having his finger on the pulse. No more than his office, my constituency office is now receiving queries on electric vehicles, charging points and the

national network. This is a positive development. At long last, people are beginning to see the significant benefit of electric vehicles, EVs, particularly people with two cars and relatively short commutes. The average commute is less than 50 km per day. Undoubtedly, the bulk of commutes can be travelled via electric vehicles. Sadly, my part of the country still does not have the level of employment to ensure that people do not have to commute substantial distances, but the Government is determined through supporting regional and rural development to ensure that there are jobs in our regions in order that people do not have to commute to the cities.

I was interested in the Senator's point about the UK legislation.

Senator Kieran O'Donnell: The Minister is aware of it.

Deputy Denis Naughten: It will feed into a task force that has been established between the Department of Transport, Tourism and Sport and my Department, namely, the low-emissions vehicle task force, which I will discuss in a moment.

In May, the Government approved the publication of the National Policy Framework on Alternative Fuels Infrastructure for Transport in Ireland 2017 to 2030. This framework sets an ambitious target that, by 2030, all new cars and vans sold in Ireland will have zero emissions or be zero-emission capable. In November, my colleague, the Minister for Transport, Tourism and Sport, Deputy Ross, and I furthered this ambition by pledging to work together to ensure that all passenger cars sold in Ireland from 2030 onwards would be zero-emission vehicles, full stop.

The national policy framework recognises the benefits that electric vehicles can provide in assisting Ireland to achieve energy efficiency, renewable energy and climate mitigation targets. One of the main commitments in the framework is to ensure that levels of access to refuelling or recharging infrastructure will not act as a barrier to the uptake of alternatively fuelled vehicles. By setting minimum levels of provision for refuelling infrastructure, the framework works to provide a supportive and enabling environment for suppliers and consumers.

The provision of electric vehicle infrastructure, particularly the availability of public charging points, is a key focus of the work of the low-emissions vehicle task force. The task force is co-chaired by the Department of Transport, Tourism and Sport and my Department and is examining options for infrastructure, regulation and pricing in order to devise a sustainable policy framework for effective and efficient electric vehicle recharging. Currently, there are almost 70 fast chargers in Ireland out of a total of around 900 chargers. I intend to increase that number significantly. In budget 2018, I secured a doubling of my Department's budget for electric vehicle supports from €5 million to €10 million. A key focus for this is on increased spending in the development of the charging network, with a particular emphasis on fast chargers.

The low emissions vehicle task force is working to develop the best method for supporting the roll-out of fast chargers. In this regard, a stakeholder workshop was held last month to explore issues related to the future requirements for electric vehicle charging infrastructure. This workshop included representatives of EV owners, the motor industry, local authorities and other key stakeholders. This is a complex area. It is important not just that we meet the current needs and demands, but that we future-proof this network. A simple initiative that has been taken within my own local authority, by Roscommon County Council, is painting the parking spots for electric charging points because of the number of people who have been parking in them and blocking those up has limited the substantial network that we have across this country.

For the size of our country, we have one of the most extensive networks of public electric charging points within the European Union. I accept that we need to look at the issue of fast chargers.

Early in the new year, I expect the low emissions vehicle task force to complete its work on fast chargers and recommend how best to support their roll-out. It is likely that state aid clearance will be required for any Exchequer support. As a result, I expect the roll-out of fast chargers to commence in the second half of 2018. In October of this year, the Commission for Regulation of Utilities published a decision that envisages the future operation of the charging infrastructure on a commercial basis and the sale of the infrastructure by ESB Networks in the long term. However, the continued ownership and operation of the charging network by the ESB for a transitional period of up to ten years is provided for. This will safeguard those who rely on public electric vehicle charging infrastructure and result in as little impact to the network as possible in the short to medium term.

It also enables the ESB to continue to provide electric vehicle charging across Ireland. In addition to the existing charging network and the initiatives led by my Department, large car manufacturers are also expected to become involved in the provision of high-powered infrastructure. A number of providers are likely to emerge onto the Irish market in the coming years. For example, Nissan already has a number of charge points available through its dealer network and Tesla has recently opened its first supercharger location in Ireland.

I thank Senator O'Donnell for raising this important issue. I reassure him that expansion of Ireland's fast charging network is a key priority for me. I also want to say - this is important - from 1 January 2018 a new grant scheme is being introduced through the Sustainable Energy Authority of Ireland, SEAI, for putting in domestic charging points. Up to now, for new vehicles that were purchased, the ESB provided that service for the public. From 1 January 2018, that grant scheme is now going to be available for new vehicle purchases but also the purchase of second-hand electric vehicles. This has been a reason quite a number of people have been looking for charging points. A number of representations Members will have received in their offices are from constituents who are buying second-hand vehicles and who require the public charging infrastructure to charge the vehicle at the moment. They will now, if they purchase the vehicle from 1 January, be eligible to have a charging point installed in their own home.

An Cathaoirleach: We are three minutes over time, so the Senator should be very brief.

Senator Kieran O'Donnell: I thank-----

An Cathaoirleach: We have eight minutes and used 11 and there are other matters backing up.

Senator Kieran O'Donnell: I thank the Minister for dealing with this issue. My reason for bringing it up today is that, while I welcome the home charger and the €5,000 grant, if the electric car is to be able to compete with petrol and diesel cars it must be able to drive whatever distance. I note that an electric car cannot drive from Limerick to Dublin. When in the new year does the Minister expect the low emissions task force report to be published? In terms of state aid rules, will the State get involved in ensuring that there is a proper network, how large will that be, how many power points will there be and how long before that network is place?

An Cathaoirleach: I do not think Senator O'Donnell knows how to be brief.

Deputy Denis Naughten: The State will be getting involved in it. We do require state aid

approval. I do not know how long that is going to take. It would be my intention to see some of these fast chargers installed before the end of 2018 and that ramped up in 2019. One final point is that it is not just about the financial supports and the charging infrastructure. It is also about exposing people to electric vehicle use. The SEAI, with the Department, is developing a three-year demonstrator programme. It will go around to Limerick, Roscommon, Galway and across the country with electric vehicles to get people to test drive them, try them out and encourage them to purchase EVs.

Speech and Language Therapy

An Cathaoirleach: I remind Members that they have four minutes. The Minister of State, Deputy Jim Daly, has been waiting impatiently to go into action. If I do not see the Minister of State before then, I wish him and his family a very happy and peaceful Christmas.

Senator Aodhán Ó Ríordáin: I welcome the Minister of State, Deputy Jim Daly, to the Chamber. I was shocked last week when a parent described how one of her children who has autism has not been in receipt of speech therapy since September. A principal in the locality told me that the reality on the ground is that unless a parent or a family is willing to set aside the time to scream and shout at the top of their lungs, they will not get the requisite attention from the education and health systems that their children deserve. She made the point that given that sometimes families can be collapsing trying to meet the needs of their children, to expect them to campaign as well for the assistance they so greatly need is completely unrealistic, unnecessary and unfair.

We seem to have a system held together with straw. We still have an issue with maternity leave not being covered. Speech therapy is a patchwork of a service in the area that I am most familiar with on the north side of Dublin. I can only imagine what it is like around the country. What words of comfort would the Minister of State, Deputy Jim Daly, have for the mother who spoke to me about her child, who has autism, and who has not been able to access speech therapy for her son since September?

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senator Ó Ríordáin for raising this important issue and highlighting it in the House. I assure him that the Government appreciates the difficulties these waiting times put on parents and the difficulties faced by those affected by the waiting times for children to access speech and language therapy. In recognising this, in last year's service plan, the HSE put €4 million aside and took on 83 full-time staff to address the front-line speech and language therapy waiting lists in the past year, focusing on children up to 18 years old. I am advised that nearly all of the posts have now been filled. Nationally, this investment has resulted in a reduction of nearly 10% in the overall waiting lists for those under 18 for the period from July 2016 to the end of October 2017.

With regard to the particular area raised by Senator Ó Ríordáin, I am advised by the HSE that, under the funding initiative, community health organisation, CHO, Dublin north city and county, Area 9, was allocated 13 additional posts, all of which have been filled. This gives a total of more than 71 whole-time equivalent speech and language therapy staff for children's services in the CHO area. I understand that there are currently only three vacancies. One is in the process of being filled and requests have been made to fill the other two which are maternity leave related. I am advised that the managers of the services endeavour to maintain service

provision where possible in the interim. I also understand that those waiting for a service can avail of drop-in advice clinics, while pre-assessment talks and additional group interventions have been offered during 2017.

Significant progress has been made to address waiting lists in CHO Area 9 in the past year. As a result children no longer wait over 24 months for an assessment and only six children have been waiting for more than 12 months for an assessment. Additionally, the overall waiting lists for under 18s in CHO Area 9 were reduced by nearly 18% for the period July 2016 to end October 2017 thus outperforming the national figure for the same period. That said, for any child to have to wait more than 12 months is unsatisfactory. Through the additional posts and other national initiatives, the Government hopes the number will continue to decrease.

One such initiative is the establishment of the HSE's speech and language therapy service review group. Its principal focus is to recommend an evidence-based national model for speech and language therapy provision in primary and social care that focuses on children aged up to 18 years. In addition, A Programme for a Partnership Government commits that a new speech and language service in schools will be established to support young children as part of a more integrated support system. The report of the HSE's review group will inform a new model being developed by a joint working group that is led by the Department of Education and Skills. Funding of €2 million was allocated under budget 2018 to develop and implement a pilot model.

It is evident that there has been and continues to be a clear commitment by the Government to enhance the provision of speech and language therapy services, particularly for children. Focused interventions, supported by dedicated funding for early intervention and prevention services, not only greatly benefits children they also go a long way to address the concerns of parents that their children receive timely and appropriate services.

An Cathaoirleach: I thank the Minister of State. I ask Senator Ó Ríordáin to be brief.

Senator Aodhán Ó Ríordáin: I thank the Minister of State for his reply. I appreciate the detailed nature of his reply and his acceptance that it is not good enough that six children have waited for more than 12 months for an assessment. Does he concede, notwithstanding the investment that is clearly being made, that there is still a level of desperation being felt on the ground? Does he concede that there is not the connectivity between his words and the reality experienced by school principals, teachers and parents in certain parts of this city? Parents need to be in their homes to help their children through their formative years, which can be a difficult period so the last thing parents need to be are campaigners. Can he assure us that any parent whose child is in need of speech therapy will not have to wait for months for therapy to be resumed? Does he accept that a situation where maternity leave breaks that service is unacceptable?

An Cathaoirleach: I ask the Minister of State to be brief.

Deputy Jim Daly: I assure the Cathaoirleach that I will be brief. Yes, I can assure parents. Parenting is very difficult and we, as parents and practising politicians, understand the stresses and strains involved. I am very confident that the review group is making significant progress in this area. There is a keen focus on the area at HSE management level. The solution includes funding and the organisation of structures within the existing services. I cannot give the Senator a cast-iron assurance that parents will not have to wait months for the services. I am hopeful

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and confident that numbers will continue to decrease and that we will see more positive news on this area in the future.

Again, I thank the Senator for raising the matter and welcome the opportunity to focus on the matter.

An Cathaoirleach: I thank the Minister of State and Senator Ó Ríordáin. In the event that the Minister of State will not be in the House again before Christmas I wish him and his family a very peaceful and election-free Christmas and new year.

Deputy Jim Daly: Many happy returns.

Work Permit Applications

An Cathaoirleach: Tá fáilte romhat, a Aire. I welcome the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, to the House.

I call Senator Maria Byrne. Many of her colleagues could follow her example because she is usually time efficient and to the point.

Senator Maria Byrne: I thank the Cathaoirleach. I welcome the Minister to the House this morning. I wish to congratulate her publicly on her new role in which I know she will excel. Given that Limerick has the fastest growing economy outside of Dublin, I look forward to welcoming her to Limerick and the region in the future.

I wish to raise the issue of the critical skills employment permit. On the one hand, as education spokesperson I know people go to college and upskill. On the other hand, employers say there is a shortage of people for certain skills. I give the two examples of chefs and hotel managers. Some people who have a small business approached me and told me that they got no response to an advertisement that they placed in *The Irish Times* and displayed in one of their windows seeking a chef. The shortage of chefs has been acknowledged across the board and the Restaurant Association of Ireland always mention the shortage. There was a man here from Nepal who came to Ireland as a student. As he was a student here he was entitled to work 20 hours per week so he started working in the restaurant as a trainee chef. The restaurant then paid for him to go to college and now wants to employ him as their chef because he has all of the skills.

On the other side of the coin, people who own a hotel came to me about a similar matter. They have a man who is well qualified as he has a degree in hotel management and business studies and other qualifications. He has been in Ireland on a stamp 2 form since 2003. His permit kept being renewed and he was able to work so many hours a week. As he is very qualified and gets on very well with the hotel's customers they want to make him a full-time employee. Unfortunately, hotel management does not form part of the critical skills list and he does not qualify for an employment permit. The scheme was established when there was a shortage in certain areas but it is time the list was expanded. We should consider the areas that are experiencing shortages, particularly areas where employers cannot find people to take up jobs. I look forward to hearing the Minister's response.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I am pleased to be in the Seanad today. This is my first time in the new Seanad Chamber and I

compliment the Cathaoirleach on the wonderful work that has been done to adapt the ceramics room to suit the needs of the Seanad. The room looks lovely and I wish Senators well in their sojourn here in this temporary accommodation. I was involved in the works in my previous role as Minister for Culture, Heritage and the Gaeltacht. I am delighted to see everyone here in this wonderful building.

I am pleased to be here in my new role as Minister for Business, Enterprise and Innovation and thank everyone for their good wishes. I thank Senator Byrne for raising this important issue. Ireland's overarching labour market policy is to promote the sourcing of skills and labour needs from within the workforce of Ireland and the European Economic Area. The employment permit system is ordered by the use of lists that determine those occupations which are highly demanded and in short supply in Ireland. Also, those which are ineligible for consideration for employment permits as the domestic and European Economic Area, EEA, labour markets are should be able to meet demands.

Changes to these lists are made on the basis of research undertaken by the National Skills Council, in tandem with a public consultation process, as part of a package of measures to meet skills needs. Chefs are currently on the ineligible list for employment permits, with the exception of executive chefs, head chefs, sous chefs and specialist chefs who specialise in non-EEA cuisine.

In 2015, the expert group on future skills needs, EGFSN, study of the future skills needs of the hospitality sector indicated a rising skills demand in line with the economic recovery. The EGFSN made a series of recommendations to avoid skills shortfalls as the sector grows. A hospitality skills oversight group, comprising representatives from public and private stakeholders, drives and co-ordinates actions to address the long-term needs of the sector. Work is under way to increase the supply of chefs through training initiatives such as the development of culinary apprenticeships. In parallel, my Department is actively engaged with stakeholders in the hospitality sector to develop a solution to enable the removal of chefs from the ineligible list. I expect the matter will be resolved shortly as part of the current occupation skills review and I have asked my officials to expedite completion of the report.

Hotel managers are also on the ineligible list for employment permits. The National Skills Council has not identified a skill shortage with this occupation. It does acknowledge that employers are experiencing difficulties in retaining such staff. While the emphasis is on developing skills in the Irish labour market, the role migration can play is being kept under review. As the economy improves it is critical that our economic migration employment permit system can continue to respond to emerging needs. In this regard, I have asked my officials to review the policies underpinning the current employment permit regime to ensure it is fully supportive of Ireland's emerging labour market needs.

Senator Maria Byrne: I thank the Minister for her response and welcome the review. The two employers I referred to subsidised trainees going to college and worked with them. They have invested money in them. The hotel manager is multilingual and with the number of tourists coming to the country, it is wonderful he has so many languages. He is really qualified for the position. Should I encourage the two employers to make a submission to the Department stating where they see the shortfalls? Would that be acceptable to the Minister? It is welcome that there is a review and that this issue will be resolved. I am glad that she has acknowledged there are differences.

Deputy Heather Humphreys: I take on board the points raised by the Senator and would be happy to receive a submission from her. Employment permit policy is part of the response to addressing skills deficits but it is not intended in the longer term to act as a substitute for meeting the challenge of upskilling our resident workforce. The work of the hospitality skills oversight group in driving practical actions and collaboration to address the skills needs of the hospitality sector is to be welcomed. It is my priority to ensure the Irish labour market is positively affected by the movement of skills into the country to ensure that labour shortages in key sectors do not stall economic growth. That is very important. For example, in recent years meat deboners and heavy goods vehicle, HGV, drivers have been removed from the ineligible occupation list in response to the labour needs of those sectors. I know from discussions with the Irish Road Haulage Association, IRHA, that there were issues regarding the shortage of skilled HGV drivers. I know the position remains challenging but I am delighted that in my own county of Monaghan, we were able to initiate a HGV driver apprenticeship programme, which is being rolled out in conjunction with Cavan-Monaghan Education and Training Board. That is a very welcome development and it will help to equip people with the necessary skills for HGV driving. I want to see more of this because our priority, first and foremost, should be to ensure that Irish workers have the necessary skills to take on these sorts of jobs. In the short term, that might not always prove possible and in that regard the role migration can play in addressing the skills shortages is being reviewed by my Department to ensure it is fully supportive of Ireland's emerging labour market needs, be they skills or labour shortages in areas such as the hospitality sector, as the Senator has highlighted.

An Cathaoirleach: I add my congratulations to the Minister on her new role and elevation, I should think. I wish her and her family a very peaceful and happy Christmas.

Deputy Heather Humphreys: Thank you.

An Cathaoirleach: The Minister has always been pleasant. I remember her navigating the Heritage Bill very deftly through this House. She did well.

Sitting suspended at 11.15 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion re orders of reference of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, to be taken without debate at the conclusion of the Order of Business; No. 2, Social Welfare Bill 2017 - Committee Stage, to be taken at 12.45 p.m. and adjourned not later than 5 p.m., if not previously concluded; No. 53, Private Members' business, non-Government motion No. 15 re special needs assistants, to be taken at the conclusion of No. 2 or 5 p.m., whichever is the earlier, with the time allocated for the debate not to exceed two hours; and No. 3, statements on Permanent Structured Cooperation, PESCO, to be taken at the conclusion of No. 53, non-Government motion No. 15, and conclude within one hour and 15 minutes, with the time allocated to all Senators not to exceed five minutes each and the Minister to be given five minutes in which to reply to the debate.

Senator Catherine Ardagh: With the Christmas season approaching, we usually see an

increased demand on the health service and health system. To date, we have not seen any clear strategy imparted by the Government communications unit for how the Department of Health will combat this issue. Genuine and life-threatening challenges will face the health system. According to the figures of the Irish Nurses and Midwives Organisation, today there were 479 patients on trolleys. It is mid-week and the number is exorbitantly high. Patients on trolleys in the south of the country comprise 37% of this number. There seems to be a consistently high number of patients on trolleys in the south of the country, with no clear pathway provided by the Government to address it. I, therefore, call on the Minister for Health to attend the House in the new year to discuss trolley figures.

The second item I wish to address is also related to the festive season. I call on people to be vigilant as there has been an increase in petty crime throughout the city and country. Anecdotally, we hear that many elderly people are targeted by thieves. This instils horror in us all and is not something we like to see. I, therefore, ask people to be vigilant and ask the Garda to keep a presence to ensure people will feel safe when walking the streets.

Senator Victor Boyhan: I will raise two issues, the first of which relates to the District Court. I am conscious and mindful of the separation of powers, but I do not know if many of my colleagues saw the “RTÉ Investigates” programme on Monday night, in which we heard about a litany of issues, specifically in the District Court, the element about which I want to talk. I want to make it clear before I say anything further, as I have always made it my business as a public representative to visit the District Court in various locations, I am not directing my concerns at any specific District Court. I was in three the week before last and on each occasion I witnessed judges being downright rude in conducting cases. Last week I visited another District Court in which I witnessed rudeness, aggression and a negative attitude being taken, with no opportunity being given to the litigants, counsel or solicitors to make representations. People were put down and not listened to. What I heard on Monday night on the “RTÉ Investigates” programme all resonated with me. What was rehearsed was exactly what I had seen for years. I took the time yesterday to contact a number of solicitors. I rang them from my office and they all said the description on the programme matched their experiences in some courts. It is a difficult issue to manage, but it is not right that health service staff, probation officers, social workers, solicitors, counsel, litigants and people before the courts are put down and subject to an abusive attitude and downright rudeness. The time has come to intervene because the people in question cannot complain or, feel that if they do, it will affect the outcome of their cases. Will the Minister for Justice and Equality have a root and branch examination of the District Courts to find out to whom these judges are accountable? Nobody should treat people in a disrespectful, aggressive or rude manner and attempt to undermine them, be they legal professionals or litigants. This is my personal experience and it is a matter which needs to be dealt with.

Since the day I came into the Seanad, I have raised the issue of services at the National Rehabilitation Hospital, based in Dún Laoghaire, time and again. On 1 January 2017, 12 beds were shut at the hospital. We were promised in various statements in the House, as well as through questions and correspondence, that they would be reopened by mid-June. However, nothing has happened. After much pressure, two were reopened. The Taoiseach and the Minister for Health, Deputy Simon Harris, met me at the hospital when they were turning the sod for a new development phase which has started there. They assured me then that it would receive the utmost attention.

Today, eight beds remain closed at the National Rehabilitation Hospital. It is nothing short of a disgrace. Those eight patients affected are not sitting in their homes. Instead, they are sit-

ting in acute essential hospital beds waiting for treatment at the National Rehabilitation Hospital. Will the Leader raise the matter again on my behalf? I will certainly write to the Minister. I would like a debate early in the new year on national rehabilitation services.

Senator Kevin Humphreys: I want to raise the issue of affordable housing. In March, the Minister of State at the Department of Housing, Planning and Local Government, Deputy Damien English, promised there would be a scheme for affordable housing and affordable rental units. We are still waiting for it. In September, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, made a similar commitment in an article in *The Irish Times* and that we would shortly see an affordable rental scheme. We still have not seen that scheme.

I am raising the issue today because there is a danger that, in the new year, several developments will be delayed going to procurement because there is no clear understanding of what affordable housing should be. Will the Minister attend the House to explain the Government's plans for affordable housing and affordable rental schemes? This year I have raised this each month in the House but I still have not received a satisfactory answer. Research has identified there is a real problem for young couples acquiring affordable housing. If they want to plan their lives and see where they are going, we need legislation in this area published as quickly as possible. The Minister needs to attend the House on this issue.

I have also been continually raising the issue of Airbnb. When the Minister of State at the Department of Housing, Planning and Local Government, Deputy John Paul Phelan, attended the House last month, he gave a commitment that legislation on the control of short-term lets will be published. We are still awaiting the publication of this legislation, however. It is clear Airbnb and short-term lets are having a real impact on the housing crisis, not just in Dublin but in Cork, Galway and Limerick. We have been promised legislation but there is still no sign of it. There are many promises but no delivery.

I am requesting that the Minister, not a Minister of State, attends the House early in the new year to give a clear explanation as to why we have seen no movement whatsoever on affordable housing or dealing with short-term lets.

Senator Rose Conway-Walsh: I want to raise the issue of the hospital trolley crisis again. Up to November 2017, 82,459 patients had been left on hospital trolleys. We are in danger of 2017 becoming the first year that the number of people on trolleys tops 100,000. It is important to remember that each one of these figures represents an individual with a family. I commend the approach of the homelessness campaign which protested outside the gates of Leinster House yesterday. The main theme of the #mynameis campaign seeks to change the attitude towards homelessness figures, stressing that behind each figure is a real human being and each one is one too many. We also heard the phrase homelessness is not normal. This should also apply to people languishing on hospital trolleys.

The Irish Association of Emergency Medicine, IAEM, estimates that between 300 and 350 patients die each year on trolleys. It is awful to think that someone, who toiled and went through many things in life, might end their life on a hospital trolley. At the rate we are going, many more people will actually end their time on this earth on a trolley. It is shameful and a disgrace in a country that has wealth like ours. If there was an outbreak of disease, there is no capacity left in the hospital system to deal with it. I do not know what would happen.

Sinn Féin's policy document, *Tackling the Trolley Crisis*, seeks to resolve the crisis by using existing resources without seeking more capital spend. It maps out how to increase capacity by reopening beds which were closed, increasing recruitment and retention of staff to provide adequate step-down facilities, home help and home care packages.

The trolley crisis has hit Mayo University Hospital where there is a severe staff shortage in the emergency department. It is down five full-time staff from this time last year. It is a crazy situation. How can one expect two full-time staff nurses take full responsibility for everything that happens in that department and for every individual who comes through its doors? There is no point in giving newly qualified staff to these departments because there is no time to train them. Doing so only puts them into a dangerous environment.

This issue has to be examined. Will the Minister for Health come to the House in the first week when we return next year to discuss the trolley crisis, what happened over Christmas and to discuss the plans he has for once and for all to alleviate what is an inhumane situation, both for people presenting at emergency departments and the staff who work in them? I commend each and every member of staff in every emergency department for the wonderful job they do every day.

Senator Paddy Burke: When does the Leader expect the Public Sector Standards Bill 2015 to come before the House? It proposes to set up a commission in place of the Standards in Public Office Commission, SIPO. It will have significant consequences for local authority members across the country, putting onerous obligations on them to comply with the law when it is introduced. The Bill will have to be examined closely by the House, as well as by the Dáil.

Under the Bill's proposals, if a local authority member received €50,000 in a will, they would have to declare it. It may well have to be declared in private to the county secretary or county manager, but it still has to be declared. This could be in breach of data protection legislation.

The Bill will involve other obligations for local authority members. If their circumstances change, they may have to make up to three declarations per year and hold documentation for up to 15 years. Local authority members have limited secretarial services, if any. Holding records for 15 years and making three declarations a year will put quite an obligation on them. As well as that, they will be classified as category A public officials, putting them in the same category as Oireachtas Members, the Judiciary and departmental Secretaries General. It is most unfair that a local authority member would be categorised as having the same obligations as those groups. When is it envisaged that the legislation will come to this House? Is it going to start in this House?

Senator Robbie Gallagher: I concur with the views of Senator Paddy Burke. The terms and conditions of councillors in many spheres need to be addressed and I look forward to the Minister coming in early in the new year to do just that.

I wish to raise the terms and conditions of some school secretaries. The school secretary is the first point of contact when one enters a school. The secretary is a vital link between pupils, teachers and parents and many principals will say their school would not function properly without the school secretary. Despite the important role they play, their terms and conditions leave a lot to be desired. There are two groups of school secretary, those paid directly by the Department of Education and Skills and those paid out of the ancillary grant. Both do the exact

same job but they have very different terms and conditions. The secretaries paid by the Department are public servants and they enjoy standard terms and conditions but the secretaries paid out of the ancillary grant are in a very different situation. Their terms and conditions are at the discretion of the board of management. School boards of management are under a lot of financial pressure and are limited in what they can do. This group of school secretaries have to sign on during their holidays, whether at Christmas, summer or Easter, and this is very unfair. Other support staff, such as SNAs, have better terms and conditions, which is right. I would like this issue to be addressed as soon as possible as it is very unfair on school secretaries. I would like the Minister to come into the House in the new year to outline his strategy to ensure school secretaries are given proper terms and conditions.

Senator Tim Lombard: I call on the Leader to hold a debate on our natural resources in order that we can see where we are going and what our long-term plan is. Yesterday I had a meeting with the Minister of State at the Department of Housing, Planning and Local Government, Deputy Damien English, about seaweed harvesting in Bantry Bay, of which I am sure the Cathaoirleach is very aware, where a licence has been granted in the past few days. We need a debate on what we are doing with our natural resources. Seaweed harvesting at the level proposed has never happened before in the British Isles. There is great concern among the general public and we need to decide how we are going to police it. One of the conditions of the licence is that it will be self-policed and no other organisation will be recording data about what is happening on the ground. We need to have a debate with the line Minister of State, Deputy Damien English, and the Department needs to clarify how the licence is granted. It needs to address issues such as advertising, informing the public and ensuring that policing of the activity is done by the Department, rather than the individual who holds the licence. This can start a general debate about our natural resources and how we police them. This is a test case and I hope the Minister can come to the House for a real debate and a detailed discussion on his plan. We need to hear what he thinks of these proposals because without a national plan, we are shooting in the dark.

An Cathaoirleach: The Senator is moving very far west.

Senator Tim Lombard: Is the Cathaoirleach getting worried?

An Cathaoirleach: No. My race is run in that regard.

Senator Gerard P. Craughwell: Yesterday the Minister launched a programme for mental health in schools and Kinsale Community School was in here. Somebody, somewhere should look at that school because it is an example of excellence in education. There is an attitude in the school and when I was a former union leader I tried to figure out what this was. Everybody has their shoulder to the wheel and takes responsibility for all the students. This is reflected in the young scientist exhibition every year so the Minister should send somebody to study it. It is one of the finest schools in the country.

Senator Humphreys spoke about homelessness and housing. I tire of the Minister being hammered constantly over not producing houses because one cannot build houses overnight. We can look at historical facts but we cannot change what we have today. However, we can insist that everybody on the team plays the game and we have a couple of people who are not playing the game, specifically, the banks. Young people are coming to me all the time to tell me they have paid out tens of thousands of euro in rent and they have no way of establishing savings because they spend all their money on rent. When they are provided with a deposit to buy

a house or apartment, by relatives or somebody else, the bank will not give them a mortgage because they have no track record of saving. They have a track record in paying rent and very often that far exceeds what they would pay on a mortgage. We have to start looking at who is wearing the green jersey in regard to housing. In my area of south Dublin an entire estate is almost complete but not one house is sold on it yet. Why? It is because the value of property is increasing by the week. We have to do something in this regard too as it is plain, outright greed. We could have people moving into those houses and freeing up other accommodation for the homeless. There is a plethora of estates in south Dublin where that is happening. I do not know how the Minister will tackle that but we have to make everybody play the game and not just one side.

Senator Frank Feighan: I agree with what Senator Boyhan said about the “RTÉ Investigates” programme, which found that 300,000 crimes were committed by persons on bail between 2003 and 2011, amounting to 2,000 every month. This is unacceptable and I ask for the Minister to come to the House to discuss how we can resolve this issue. I understand that there is separation between the judicial system and us. I ended up in court 25 years ago when I was caught for after-hours selling in a pub I owned. When I went to court I was absolutely terrified because I come from a law-abiding community. A few years ago I got a speeding fine in Carlow. I am one of these politicians who does not go to court but I was shocked when I heard of these repeat offenders. However, I was very impressed by the competence and control of the superintendent at the time. Gardaí and judges need to work with the political system to deal with people who reoffend. I do not know what can be done but we need to debate this serious issue.

Last night, we saw the result of the US Senate election in Alabama, with the Democrats’ Doug Jones defeating Roy Moore of the Republicans. This is a huge defeat for President Trump. Maybe we should acknowledge it. I am not commenting either way, but-----

Senator David Norris: We should celebrate it.

Senator Frank Feighan: We need to acknowledge that this is a huge change in American politics.

Senator David Norris: It is a welcome one.

Senator Aodhán Ó Ríordáin: I ask the Leader for a debate on GP care. I have received correspondence from Sutton, in my own part of the world, indicating that a GP there is now charging between €20 and €30 for blood tests. I also note the comments of the Minister for Health, Deputy Simon Harris, suggesting that GP visits for children could cost between €5 and €10, which is a row back of the scheme brought in by the last Government. Even though GP care for children up to 12 years of age was provided for in the budget before the most recent general election, it has not happened yet. My worry is that free GP care is not being expanded and rolled out further. Instead, it is being curtailed, and individual GPs are making their own decisions as to how much they will charge for something as simple as a blood test. I understand that this particular GP is also encouraging people to go to Beaumont Hospital rather than provide the blood test in his own surgery. I would very much appreciate a debate on free GP care in this House.

To the people of the great state of Alabama, I send congratulations from this House. They have managed to defeat one racist and homophobic sex offender and I hope the other racist,

homophobic sex offender in the White House will soon have a similar fate.

An Cathaoirleach: I think Senator Ó Ríordáin might be using very colourful language.

Senator Jennifer Murnane O'Connor: Today, a group of protestors will be outside Leinster House asking for a simple, common-sense approach. The protestors are concerned about the lack of transport equality for disabled people. The Joint Committee on Transport, Tourism and Sport will be discussing the accessibility of public transport for people with disabilities today. It is terrible that they have to be tough but this Government makes their lives tough. Did the Members know that to travel in a wheelchair, one has to notify Iarnród Éireann 24 hours in advance that one will be taking the train? It was announced earlier this year, as part of the national disability inclusion strategy, that there would be a pilot project that would reduce notice time to four hours for the DART. Yes, a wheelchair user cannot simply decide to take a train. There is beauty and charm to Irish stations and I am certainly not advocating major restructuring work. I am simply calling for some common sense. We have mobile technology, we have the Internet. Why is it that a wheelchair user or someone with a disability cannot turn up and wait for a train like everyone else? Why is it that the line cannot just be switched following a simple phone call?

I have witnessed and heard of wheelchair users being abandoned on a platform waiting for the next train or being pushed up a ramp by some huffing and puffing, although kind, stranger because no assistant was available. Worse, like many Members, I have heard stories of taxis having to be called because a train cannot accommodate the wheelchair. In this day and age, this is appalling treatment. This is not equal rights. We should hear more about this from the Minister of Transport, Tourism and Sport, Deputy Shane Ross. I would like to know more and I call for the Minister to come to the House to discuss this issue.

Senator James Reilly: I hope the Cathaoirleach will add 30 seconds to my time, because I want to raise a point of order. Senator Ó Ríordáin accused somebody of being a sex offender. The person has not been convicted. This House believes in due process, and I do not think that is appropriate. People should be given the right to due process. His other comments about the outcome of the election are his own business. I am sure many people in this country are very pleased, but I will not say any more about it.

I wish to talk about the housing issue, which others have raised. This morning the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, was in Lusk, reviewing a new social housing scheme of 74 houses. The houses are rated A2, the top rating, and some of them are occupied already. The Minister then went on to Donabate to turn the sod on a new road that will lead traffic from the centre of Donabate and allow passage down to Portrane. It will also open up the lands there to more housing, private and social and affordable. The housing is badly needed. I concur with Senator Craughwell when he says that we need to acknowledge where progress is made. Much more needs to be done, as we all accept.

A related issue I want to raise is the new National Forensic Mental Health Hospital and the number of trucks passing through the centre of Donabate each day. The planning permission was intended to ensure that these would not travel during school opening or closing times, because the footpath coming out of the school is very narrow and there is a danger to children. However, concerned residents have sent me multiple pictures of lorries passing by at those very times, creating serious danger. I cannot confirm whether those lorries are from the hospital site or from other developments, but I must raise the issue of enforcement. When conditions are at-

tached to planning permission, they must be enforced. Fingal County Council is doing fantastic work and is leading the way in many respects, and it may need more staff to ensure that enforcement can be carried out. I would like the Minister to come to the House to discuss this issue on a national basis because the enforcement of planning permission conditions, particularly traffic restrictions, affects areas across the country.

An Cathaoirleach: On the matter Senator Reilly raised, it was a bit over the top for Senator Ó Ríordáin to make such remarks. Neither the President nor the unsuccessful candidate for the Republican Party has a criminal record, as far as I know, and we have to be very careful of making such allegations from the safety of this Chamber. I do not condone such remarks. It is unfair and I am not in favour of anybody outside the Chamber being castigated where there is no obvious evidence. Allegations have been made against many of us. However, the case here has not been proved.

Senator David Norris: Yesterday, I came here on the Luas. I also listened yesterday to property commentators. They were saying that there would be an additional increase of up to 20% in the value of the houses along the Luas lines. Many people may think this is welcome, but I hesitate, because this increased value will inevitably lead to an increase in property tax. The street where I live was a run-down and semi-derelict 18th century street 40 years ago, when I bought the house. I restored my own house to a high standard. I rescued 35 North Great George's Street, turning it into a James Joyce Centre which is still very successful 20 or 30 years after it started. I was personally involved in the positive change of ownership of 12 out of the 48 houses in the street. I created a preservation society, which I have to say is absolutely excellent. It has had a succession of chairpersons after me. They have all worked hard. We have made a great impact on that street. It is now a desirable place to live. Combined with the Luas and the very welcome redevelopment of Parnell Square, particularly the library moving into the Coláiste Mhuire premises, this will lead to an increase in the value of our houses. This means that we will have to pay far more property tax. This is grossly unfair and wrong and I believe property tax should and must be scrapped. It is going right back to what James Fintan Lalor and his colleagues fought against, the practice of rack-renting. When a tenant farmer dared to increase his profits, to increase his holding, to redecorate his little farm or to improve his living conditions, the landlord immediately slapped extra rent on him. This is what is happening now, but it is not due to malign landlords, it is what the Government is doing to its own people. It is wrong and it has to stop. I would like to ask the Leader if we can have a debate on that in the new year. I believe there are some parties, principally Sinn Féin, which have taken up this issue, and they are prepared to go to an election with one of their planks being removal of the property tax. I think this is absolutely necessary in the interests of equity and fair treatment for citizens.

Senator Terry Leyden: With the Cathaoirleach's permission, I would like to welcome neighbours of mine from Dunamon, County Roscommon; Mr. Brian Flynn, Ms Denise Flynn, and their children Meghan, Nathan and Suey, who are here for the first time in Leinster House. I welcome their visit to this Chamber. They are seeing some very distinguished people, not least our resident James Joyce expert, Senator David Norris.

I wish to raise an issue I have raised previously in this House about which I have not yet received a satisfactory response. I refer to a charge for fishing in rivers in my local area. It is the only part of Ireland where there is a charge for fishing. If Megan, Nathan and Zoe Flynn wanted to fish on their parents' land, they would have to pay a levy to the fisheries board. That is wrong. The ESB seems to have ownership and is acting like a latter day British landlord. I

have asked the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, and the Minister of State at his Department, Deputy Seán Kyne, to resolve this issue. It applies to the River Suck and its tributaries, including Linbaun Lake. Tourists to our area must pay a fishing levy but if they leave our area they do not have to pay such a levy. That is not fair. I hope I would have the support of this House were I to table a motion to resolve this issue early next year. As a former Minister, I find it very difficult to understand why the Minister, Deputy Naughten, has not addressed this matter given that it is in his bailiwick. It would be very simple to resolve and Ministers should look after their own areas. They always have done so in the past and always will do. It has been a while since we had a Minister in our area. The Suck valley centre in Athleague, county councillors and local people, as well as Donamon Castle are all arguing for this particular concession. It is hard to believe that there is a levy of €10 per day for a child to fish in Roscommon's rivers while down the road on the river Shannon, no levy applies. That is not fair, equitable or just.

An Cathaoirleach: There are probably a lot more fish in those rivers than in the River Shannon.

Senator Michelle Mulherin: I wish to voice my concern at the resistance by Amnesty International to follow an instruction from the Standards in Public Office Commission and refund an illegal payment of €137,000 made to it by a foreign donor-----

Senator David Norris: SIPO originally declared that payment to be legal.

Senator Michelle Mulherin: -----in an effort to influence policy and the law in this country. It is not good for our democracy that anyone from outside this jurisdiction who is not a citizen and does not have a connection to this country but who has deep pockets should be able to invest substantial sums in order to effect political, policy or legal change. It is pretty sinister and should not be happening, no matter what side of the argument one is on. It is particularly regrettable that this has happened in the context of the abortion issue. This should be an issue of concern regardless of whether one is pro-life or pro-choice. The people of Ireland are well able to debate this issue. There are enough people here with views on the matter and there is no need for any side to be funded by external organisations.

I am calling for a wider debate in this House on the limit on political donations, which is €2,500. There may be a need for that to be increased. That said, I strongly believe that people from outside this country using their money to try to change things here is not right. I sincerely hope Amnesty International will abide by the law. The cornerstone of any democracy is the rule of law and Amnesty International is not above the law.

An Cathaoirleach: I understand that Senator Aodhán Ó Ríordáin wishes to retract something he said earlier.

Senator Aodhán Ó Ríordáin: Having taken on board the comments of Senator Reilly and the Cathaoirleach, I accept that it is not appropriate for a Member of this House to make the comments that I made in terms of labelling someone as a sex offender without due process. I want to withdraw my remarks and apologise for them.

An Cathaoirleach: I acknowledge the Senator's apology and now call on the Leader to respond to Members.

Senator Jerry Buttimer: I thank the 15 Senators who contributed on the Order of Busi-

ness. The issue of health was raised by Senators Ardagh, Conway-Walsh and Ó Ríordáin. I will begin by saying that the trolley figures show a decrease of 509 in comparison to this time last year. In November, 1,864 fewer patients were on trolleys and year on year, 2,373 fewer patients were on trolleys. Notwithstanding the positivity of those figures, we all acknowledge that there should be no patients on trolleys in any of our hospitals. That is why the Minister for Health worked to secure an increase in the health budget and additional investment in our health service is happening. Sometimes Senator Conway-Walsh should leave her single transferable speech at home and look at the investment that is happening in our health service, in terms of the recruitment of staff, capital development in hospitals and the ways in which we are reducing the waiting lists. There has been a decrease in the number of patients on trolleys.

Senator Rose Conway-Walsh: It seems that 82,000 is acceptable. The numbers are being normalised.

Senator Jerry Buttimer: The Senator is great at putting words out there. It would serve her better to acknowledge what the Government is trying to do and to work with us rather than serving up the single transferable speech from west Belfast. Let us have some reality here.

Senator Rose Conway-Walsh: I ask the Cathaoirleach to tell the Leader to stop this nonsense. More than 82,000 patients have lain on trolleys this year-----

An Cathaoirleach: I cannot allow Senators back in.

Senator Rose Conway-Walsh: -----and he is talking about west Belfast. Is it any wonder that there are 600,000 on waiting lists? I am not going to listen to any more of it.

An Cathaoirleach: I suggest that the Leader has a habit of goading Members of the House, particularly Sinn Féin Members, and I urge him to reflect on that over the Christmas period.

Senator Jerry Buttimer: I have no difficulty with the Cathaoirleach's comment but the reality must be faced as well. Senator Craughwell, in his contribution, made reference to the fact that we must acknowledge the positive developments that are happening. I said in my response to Senators that nobody should be on a trolley in our hospitals. In that context, Senator Conway-Walsh should not lecture me about the humanity, empathy, compassion or concern of anyone on this side of the House. As we live in the real world too, the Senator should not lecture me.

Senator Rose Conway-Walsh: The figures speak for themselves.

Senator Jerry Buttimer: The figures are decreasing-----

Senator Rose Conway-Walsh: There were 82,000 patients on trolleys and the Government is trying to normalise that in the same way as it is trying to normalise homelessness.

Senator Jerry Buttimer: -----and the problem for Senator Conway-Walsh and her party is that they are for nothing and against everything. They do not recognise-----

Senator Rose Conway-Walsh: If the Leader had listened to my speech, he would have heard me propose solutions.

Senator Jerry Buttimer: She does not recognise, in any shape or form, that there is investment in our health system. She will not acknowledge that recruitment is taking place and that

capital investment is happening in hospitals around the country.

Senator Rose Conway-Walsh: Everything is rosy in the garden.

Senator Jerry Buttimer: She does not listen.

An Cathaoirleach: Never the twain will meet. I urge the Leader to move on.

Senator Jerry Buttimer: The Minister for Health and the Government are committed to breaking the cycle of overcrowding and of people having to wait for procedures. That is happening through the renegotiation of the GP contract, investment in primary care, changes in diagnostics and how we do business as well as through an increase in home care packages. That is the reality but I know that Senator Conway-Walsh does not want to hear good news.

Senator Rose Conway-Walsh: Will the Minister for Health come into the House in the new year to tell us all of that?

An Cathaoirleach: Please, Senator.

Senator Rose Conway-Walsh: That is all we are asking. We simply want him to come in to tell us where things are at-----

Senator Jerry Buttimer: I am very happy to-----

Senator Rose Conway-Walsh: -----and to be accountable for what is happening in health services.

An Cathaoirleach: I am sure the Leader will have the Minister here in the new year for a full debate on the health service.

Senator Jerry Buttimer: I am very happy to have the Minister come to the House again to take part in a debate, as he has done previously. I have no issue with that.

Senator James Reilly: Cathaoirleach, I must object. This is about the eighth time that the leader of the Sinn Féin group has come back in and interrupted the Leader. If he does not get a chance to respond, there will be mayhem.

An Cathaoirleach: Senator Reilly, both the Leader and the Sinn Féin Senator are wrong in interacting with each other directly. That said, Senator Conway-Walsh is entitled to make her case, whether the Leader likes it. I do not think it is personal but I ask the Leader to move on.

Senator Jerry Buttimer: The reality is that in November 2017 there were 1,800 fewer patients on trolleys by comparison to last November. That is a decrease and can be described as a positive trend downwards. There are 405 patients waiting on trolleys in acute hospitals today. While we all accept that there should be nobody on trolleys, there is a reality that must be faced by all sides of this House. The reality is that for the month of December 2017 there will be 460 fewer patients on trolleys as compared to December 2016. That is progress, black and white independent facts that are verifiable.

Senator Boyhan raised the issue of the District Court. I did not see the “RTÉ Investigates” programme but the issue he raised on the manner and behaviour of judges is one on which you have probably ruled, a Chathaoirligh, and we have no direct say. The Government is producing the Judicial Council Bill. The Bill is before the Oireachtas. It will promote and maintain

excellence among the Judiciary in terms of their functioning and high standards in conduct and behaviour. A judicial committee will be established to consider complaints against judges. The point the Senator made is that we should expect all involved in any type of interaction to be courteous and polite irrespective of where that interaction occurs.

Senator Boyhan has raised the matter of the National Rehabilitation Hospital on numerous occasions in the House. The Minister has reopened several beds through the HSE. We have had a debate on the matter in the House. Senator Hopkins has raised this matter as well. I am happy to have the Minister come to the House, but perhaps Senator Boyhan could put in a request for a Commencement matter tomorrow to get his issue resolved.

Senator Humphreys raised the matter of affordable housing. I concur with his views completely. There is need to see the scheme progress. I know the Minister is committed to it. To be fair to the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister of State, Deputy English, they are working on the scheme. There is a need for affordable housing. Airbnb is producing a knock-on effect. I share the views of Senator Humphreys and I would be happy to have a debate on the matter in the new year on housing and Airbnb.

Senator Conway-Walsh raised the #mynameis protest. I agree with the Senator on this much in that we all need to see the attitude change towards homelessness in terms of the language used. These people are citizens. They are men and women who, for whatever reason, are unable to provide for themselves or secure accommodation. There is an obligation and responsibility on each of us to work to ensure that no person is left homeless, put out on the street or left sleeping rough. This requires a co-ordinated effort with different interactions between different agencies. Through the Minister, the Department and Rebuilding Ireland a complete package is available. We want to see progress made in this area.

Senator Paddy Burke raised the issue of the Public Sector Standards Bill 2015. In particular, he raised the issue relating to section 5 and local authority members. We will debate the matter when the Bill comes before the House. The classification of county councillors in the same vein as Oireachtas Members, special advisors, chairpersons or chief executives of public bodies and those on remuneration at deputy secretary level in the public sector is somewhat mystifying. The people who serve local authorities work part-time and do not have the same resources or supports that we and others have. While we all want to see transparency, high standards and maintenance of the level of obligations, I believe that placing some local authority members in this category is a wrong move. We will have that debate in the House. I do not have an answer as to when the Bill will be brought back.

Senator Gallagher raised the important issue of school secretaries. He is right to say they are one of the most important points of contact and engagement in the school. I would be happy to have a debate on the matter in the new year.

Senator Lombard raised the issue of seaweed in Bantry Bay and the Minister granting the licence. There is a dispute on the matter of harvesting that relates to the impact on kelp stock. BioAtlantis was awarded the contract. The issue has been coming up in France and Norway since the 1970s. I imagine the Minister of State, Deputy English, would welcome the debate and I would be happy to arrange it for the new year.

I join Senator Craughwell in commending those in the school in Kinsale on their work and

the approach they take. The Senator also raised the issue of housing. There is an obligation and a duty on our banks to work with all of us to provide mortgages and loans to keep people in their homes. That is one piece of the jigsaw that needs to be further strengthened and enhanced and I agree with the Senator in that regard.

Senators Feighan, Ó Ríordáin and Reilly made reference the issue of the state of Alabama and race, as you did, a Chathaoirligh, in your ruling. I congratulate the new Alabama Senator, Doug Jones, on his victory and wish him well in his term in the US Senate. Whatever our viewpoints on the issue that was discussed and adjudicated, to be fair, Senator Ó Ríordáin withdrew his remarks. That was the right thing to do. The issue that dogged that campaign is one that we can never condone or support. Irrespective of our political viewpoints, we can say that the state of Alabama stood up for honesty and decency this morning. That is evident in the result.

Senator Feighan also raised the issue of the “RTÉ Investigates” programme. Again, I would be happy to have a debate about the issues of crime and bail in the new year.

Senator Ó Ríordáin made reference to the issues of GP care and primary care. This is a central plank of the Sláintecare report and Government policy. I hope no member of the GP profession would unravel the free GP care that has been put in place. We will have that debate in the new year.

Senator Jennifer Murnane-O’Connor raised the important issue of transport equality for disabled people. I fully concur with the Senator on the matter. It beggars belief that, whether in public or private transport, there are issues around disabled access for people who require specialised entrances or vehicles. It is important to have that debate in the new year and I would be happy to do that.

Senator Reilly also made reference to the issue of housing in Lusk. I welcome the opening of the development today by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. The Senator also raised an issue around the new hospital in Donabate and traffic. Perhaps he might get a response more quickly through a Commencement matter. The issue is important to raise.

Senator Norris commented on the property tax. The debate is one that I very much welcome. As I said yesterday, it is important to welcome the Luas and the joined-up approach being taken in Dublin now. The issue of property tax will not go away. I know many Members have different viewpoints on the matter but we will have that debate on it in the new year.

I am not familiar with the remarks of Senator Leyden regarding the issue of the licence for the area he referenced in County Roscommon. It is important to have clarity and for the matter to be resolved. I am sure he could arrange that by means of interaction with the Minister rather than a debate in the House.

Senator Mulherin raised the issue of Amnesty International and the rules of the Standards in Public Office Commission. There has been controversy around Part IV of the Electoral Act 1997, as amended. The matter is being investigated. There is an onus on everyone to fulfil their obligations and comply with the rules of the State. In the case of SIPO, there is a duty on all of us to uphold the law and provide for transparency. That matter will not go away given that there is concern about the legislation, as written and enacted.

Senator David Norris: There are two separate views in SIPO. The commission passed it

first of all.

Senator Jerry Buttimer: That is the other point. I am not going to go into a long-winded reply but there are consequences for the legislation for a wide variety of organisations, groups and political parties, which is fair enough. The Department has met representatives of Amnesty International and other groups to examine the issue around the definition of “political purposes”. As Senator Norris said, SIPO has raised concerns over the years in its annual reports. The matter has been to the forefront in recent days and is unlikely to go away. Clarity needs to be brought to the matter because there could be unintended consequences for other groups and organisations, including community councils or resident associations. Certainly, as the law is presented and written, there is an obligation on everyone to uphold the law.

Order of Business agreed to.

Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union: Motion

Senator Jerry Buttimer: I move:

That, in accordance with the recommendation of the Committee on Procedure and Privileges, that the Order of the Seanad of 23rd February, 2017, as amended by the Orders of 13th April, 2017 and 20th July, 2017, relating to the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, be amended as follows:

(i) by the deletion in paragraph 10 of ‘31st December, 2017’ and the substitution therefor of ‘30th April, 2018’;

(ii) By the addition of the following new paragraph:

“(11) Recognising that the withdrawal negotiations have progressed significantly since the Committee prepared its Report, the Committee shall consider whether there is sufficient added value in beginning a second phase of its work. The Committee shall prepare an assessment and report thereon not later than the 30th April, 2018.”

Question put and declared carried.

Sitting suspended at 12.30 p.m. and resumed at 12.50 p.m.

Social Welfare Bill 2017: Committee Stage

Sections 1 to 15 agreed to.

NEW SECTIONS

An Leas-Chathaoirleach: Amendments Nos. 1 to 4, inclusive, are related and may be discussed together. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 1:

In page 11, between lines 12 and 13, to insert the following:

“Amendment of Social Welfare Consolidation Act 2005

16. Section 242 of the Principal Act is amended—

(a) in subsection (4)—

(i) by the substitution of following paragraph for paragraph (a):

“(a) his or her public services card,”

and

(ii) by the substitution of following paragraphs for paragraph (b):

“(b) a card that has been issued to the person by the Minister under section 264 and such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person,

(c) an Irish Passport and such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person, or

(d) such information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person.”

(b) in subsection (6)—

(i) by the substitution of following subparagraph for subparagraph (b)(ii):

“(ii) such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of

authenticating the identity of the appointed person, or”

and

(ii) by the insertion of the following new paragraph after paragraph (b):

“(c) such information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of the appointed person.”

and

(c) in subsection (7), by the substitution of following subsection for subsection

(7):

“(7) Where a person fails to comply with subsection (4) or (6), payment of benefit may be withheld until such time as the identity of the person is authenticated. Possession or production of a public service card shall not be a mandatory requirement for the payment of a benefit.”.”

I welcome the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, to the House. The issues I am speaking to in amendments Nos. 1 to 4, inclusive, do not concern specifically the public services card itself but the manner in which it is being rolled out, the database to which it is attached and the procedures under which specified bodies are accessing the data. I recognise that many of these issues will be examined in the Social Welfare and Pensions Bill but the immediate concern is that the card is being rolled out in what I believe to be a heavy handed fashion. We have been told that it is “mandatory” if not “compulsory” and, increasingly, we are hearing story after story emerging of those who are being denied access to essential services or supports which allow them to live a dignified existence if they are not willing to participate in the process by giving their data over to have it fed into the single customer view dataset. This, of course, is where data gathered for the public services card goes.

During the summer we heard the case of the pensioner who was denied her pension and then later granted it despite strong avowals that she would not be able to access it and would have to forfeit it. More recently, we have heard cases of students being denied access to important student grants made under SUSI which allow them to attend college. We have heard of the multiple letters to people telling them they need to attend or may lose child benefit and essential payments.

I do not believe the Department or the specified bodies, such as the Road Safety Authority in terms of the driver’s licence, which are demanding people have a public services card are acting within the set boundaries. We have not yet been satisfied that there is a legislative basis to allow the demand to be made and to allow for the mandatory possession of this card in order to access essential services. We have not seen a satisfactory mandate and very serious concerns have been raised around, for example, the single customer view dataset. Information obtained under the freedom of information regime highlights that the 2009 ministerial agreement which allows data to be shared between the Department of Employment Affairs and Social Protection and the Department of Public Expenditure and Reform was not signed by a Minister. That is a small concern in the bigger picture but it is an example of a lack of robustness in how this information is gathered, stored and shared.

More importantly, serious concerns have been expressed by the Data Protection Commissioner. In response to questions posed, the Data Protection Commissioner received a number of answers from the Department and, subsequently, initiated a section 10 investigation. This is the first time the Data Protection Commissioner has launched a section 10 investigation, which is an investigation into the storage, collection and sharing of data within the Department of Employment Affairs and Social Protection. Of course, it also points to that wider question about the single customer view dataset. This is a real concern but this is not the first Data Protection Commissioner to be concerned. The outgoing Data Protection Commissioner also expressed extreme concern about how data was managed in the Department. This is not to point at the Minister or any officials. However, these are the concerns of those who we, as a State, appoint to guard us and ensure that the proper data standards are met.

My amendments seek to further clarify and underscore the situation. I believe the Minister has the discretion to accept forms of identification other than the public services card. I also believe specified bodies do not have the power to insist on production of a public services card. My amendments seek to clarify, lest there be any doubt, that there is the capacity to accept “such other information or documentation as the Minister, an officer of the Minister or a payment service provider, as the case may be, may reasonably require for the purposes of authenticating the identity of that person”. It spells out that the reasonable requirement may not necessarily be the public services card. For example, if the SAFE 2 standards are the Minister’s primary concern, in determining eligibility for a payment it is at her discretion to demand that SAFE 2 standards be met on a single occasion. I believe the Minister would probably have better sanction for demanding that the SAFE 2 standards are met in order to consider and determine eligibility for a payment. Where the question mark arises is in the addition of that information into the single customer view dataset and in the subsequent sharing and accessing of that information by more than 40 specified bodies. There are huge questions about whether those who give their data for the purposes of accessing a payment can be said to have agreed to the data being used for what is sometimes called excessive or additional processing by these specified bodies. There is a question mark.

In terms of the regulations which we, as a European community, are bringing into play from spring onwards, the general data protection regulation sets out clear parameters on the storage and processing of information and, crucially, on consent. The bar that it sets is for full, fairly obtained and informed consent. In terms of “full” and “informed”, the question is whether people have been fully informed as to all the uses the data they are given will be put. In terms of fairly obtained, was the information gathered or compelled by threat? If so, it will fall short of the standards of the general data protection regulation. It is hard to see how the potential loss of payment, loss of access to education or loss of the right to drive would not be seen as a threat and an attitude of compulsion.

There may be many who voluntarily, willingly and perhaps enthusiastically sought a public services card.

However, those who have been compelled, and who we hear of being compelled, or who are told this is the only form of identification which will be accepted, are having their rights effectively violated. Subsequent to the general data protection regulation, GDPR, coming in during mid-spring next year, it will apply not only to the gathering but to the use of that data. Therefore, those who are compelled to give their data, if those data are used subsequent to May or June, whenever the GDPR is initiated here in Ireland, will have a case. The GDPR comes with very substantial fines, which go up to 4% of a body’s turnover.

It is a very serious issue, which is why in these amendments I am effectively seeking to encourage the Minister to exercise her control and discretion to ensure we strive to ensure we are as compliant as possible going into that period and that we do not leave hostages to fortune in the future. Effectively, we have seen the concerns raised by the Data Protection Commissioner and a doubling down of the roll-out. This is an urge and a plea, effectively, for the Department of Employment Affairs and Social Protection and the Government, through the Department of Public Expenditure and Reform, to stop digging on the public services card because they are creating trouble for us down the line as a nation.

In terms of the question of fraud, which was the heavily used justification in regard to the risk of people presenting with the identification of others, we saw in the Committee of

Public Accounts recently that the figures on fraud proved to be highly exaggerated, although there were concerns. What had been reported to be fraud levels of 2% turned out to be 1.4% departmental error and just 0.6% fraud. What tiny fraction of that can we assume to be based on the presentation of false identification? Is the only way to recognise this false identification through the application of SAFE 2 and the rolling out of a hugely expensive public services card? I believe the imposter argument at the front line of public services is a straw man. I think the incidence is very small. If a straw man is presented to us as policymakers, we need to challenge it because there is a far more robust and more serious threat on the other side.

Although I have spoken at length, I want to speak also to the amendments as a whole and I want to add specific sentences in regard to each amendment and why I hope the Minister might accept them. I recognise that, in the current world, data are mined and used as currency. Many of the threats to citizens have been in terms of how their data are used by corporations. As Europeans, we have taken a strong stand and I am very proud of Recital 169, which we have collectively produced. However, even though it may mean changing historical practices, what we have done here with the public services card is a case of layering a new entity over historical practices rather than fundamentally rethinking how we do consent or how we gather data. We need to hold ourselves to the highest standards in order that we can legitimately represent citizens and protect their data in the wider data sphere, and in order that we can ensure that people feel empowered, even though they are living in the modern world and are accessing information.

I do not think those who oppose this are Luddites. If anything, some of the people who have opposed this and spoken about their concerns are those who are most engaged with technology and who want to ensure we are acting in such a way that citizens are empowered around how their data are used and collected. That is something we should aim for collectively. Of course, there are also those who are very vulnerable and frightened and who have taken this card and expressed the view that they are not sure what they are signing up for, which they are not. Those concerns have also come through to us. For example, with regard to pensioners, we saw the case of a person who had been adopted and had to give excessive and inappropriate information in that context.

I believe it is already the case that the Minister has discretion to accept another form of authentication for identity. Nonetheless, the first amendment seeks to spell that out and does this under a number of criteria in the later subparagraphs. While there has been some ambiguity and we know that, under the European GDPR rules, one cannot make it compulsory for someone to share his or her data, we have been told it is mandatory. In that context, I am seeking to spell out that possession or production of a public services card shall not be a mandatory requirement for the payment of a benefit. Perhaps the Minister can reassure me of that in other ways but that is simply seeking to spell it out, even though I do not believe it should be necessary.

Amendment No. 2 sets out the requirement of a report which will set out and make clear the compatibility of all measures that will be put with the general data protection regulation. I know there are bodies within Government and within the Department of Public Expenditure and Reform working to implement GDPR but, given the kind of concerns I have highlighted today, I was targeting and looking for a specific report in respect of the public services card, SAFE 2 and the dataset gathered by the Department of Employment Affairs and Social Protection. My condition here would be that the information gathered for the purpose of the public services card should not be shared and should be essentially for single use by the Department of Employment Affairs and Social Protection for the initial function rather than being shared with

the single customer dataset until we have those assurances. When we have those assurances and proper procedures in place, so be it. I am urging an approach which involves caution until we get it right, rather than ploughing ahead and then fixing it afterwards.

On amendment No. 3, there has been some ambiguity on the question of biometrics. A photograph which can be biometrically read is biometric. We have had different statements at different times from different parts of the Department around whether the photographs and cards are biometrics and whether we have had a proper debate on the use of biometrics. The simple fact is that if there is a photograph and it can be biometrically read, it is effectively biometric. If we are not ready to have the debate on biometrics, to discuss that properly and to look at the standards put in place, then for now, any photograph gathered for a public services card should not be shared, subjected to biometric reading or cross-checked against the database of biometric information. I realise there may be imperfections in how this amendment is drafted and I am happy to work on it for Report Stage, if necessary.

My final amendment in this grouping, amendment No. 4, is the one I feel I need to press because it is urgent, unless there is any other way the Minister can indicate that clear direction can be given. It states: "A person shall produce his or her public service card or other appropriate form of identification at the request of a specified body for the purposes of a transaction." Again, while I may look at amending this slightly and perfecting it, the key part of the amendment is: "No specified body shall make possession of a public service card a mandatory requirement for the purposes of a transaction." That is a key concern. We have a situation where many of the demands for a public services card to be mandatory for specified bodies is based on a very shaky legislative basis, without proper consent having been given. I am simply urging that the State would exercise appropriate caution until that is addressed.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank the Senator. I do not propose to accept any of the amendments which relate to the public services card and also to the general data protection regulation. I would like first to make some points about the public services card. When I get to the end of my contribution, the Senator might remind me about the fourth amendment, which is not included in this response, as I want to make a specific point about it.

The main legal powers providing for and relating to the public services card and the SAFE registration process are set out in the Social Welfare Consolidation Act 2005, as amended. They are as follows. Sections 262 and 263B provide for the verification of identity to facilitate the issuing and use of a public services number, the PPS number or PPSN. Sections 263, 263A and 263B provide for the verification of identity to facilitate the issuing, use and-or cancellation of a public services card. Section 241 provides that a person must satisfy the Minister as to his or her identity when making a new claim and sets out how the person might go about doing that.

Section 247C provides that an existing claimant must satisfy the Minister as to his or her identity, sets out how that can be done and provides for disqualification where an existing claimant fails to so do.

The standard authentication framework environment, SAFE, registration process is used by my Department to establish and verify a person's identity in order that it can be sure that the person using its service is the person he or she claims to be, that nobody else is using that person's identity for the purpose of claiming a payment or service, that the person is not claiming another payment or using another service under a different identity and in addition, and to

minimise the requirement for people to provide the same identity information repeatedly when accessing different services.

SAFE is a standard for establishing and verifying an individual's identity for the purpose of accessing public services and was agreed by the then Government in 2005. The SAFE standard has four levels. SAFE 0 is no assurance of identity, SAFE 1 is the balance of probabilities and the minimum authentication level for the allocation of a PPS number, SAFE 2 is a substantial assurance and the minimum authentication level for issuing a public services card, PSC, and SAFE 3 is beyond reasonable doubt, for example, if we were ever in a situation where fingerprinting, which is real biometric data, would be required.

My Department is implementing SAFE 2 registration on a phased basis with its customers and the customers of other public services that require identity verification to a substantial level of assurance. Until recent times, many public services were provided to people who had their identities verified only to the SAFE 1 standard. For example, identity documents such as passports and driver licences were issued following SAFE 1 equivalent registration processes. Since the introduction of SAFE 2 registration in 2011, more services are moving to identity verification at this level to ensure a substantial assurance of someone's identity.

While it is a matter for each public service provider to determine the appropriate level of identity verification required for each of its services, it has been the policy of this Government and the previous two Governments that SAFE 2 registration is required for access to all services that require substantial proof of a person's identity.

My Department makes it clear to customers in receipt of welfare payments or entitlements that they need to register for the SAFE 2 verification process, in accordance with the relevant legislative provisions, to access or continue to access those payments and-or entitlements. Once customers complete the SAFE 2 registration process, they may be issued with a PSC. They may not be issued with one either, though, as customers do not have to have PSCs. The PSC is replacing older documents used to show entitlement to a benefit, including the social welfare services card and, in some cases, the paper travel pass for free bus and rail travel. Accordingly, it will in future be necessary to produce a PSC as proof of identity for certain types of transaction, including collecting welfare payments in cash at post offices and availing of free travel by old age pensioners and others who currently have the free travel pass.

The recently published Comprehensive Guide to SAFE Registration and the Public Services Card document is available on my Department's website. Compiled as part of my Department's ongoing engagement with the Data Protection Commissioner, it contains 54 detailed questions and answers that address a wide range of questions about SAFE registration and the PSC, including an explanation that, while the PSC stores a person's photograph, it does not store the arithmetic template of that photograph. It also explains that the arithmetic template is not stored in the public service identity, PSI, dataset that we hold offsite, nor is it shared with other public bodies. We can split hairs, but the Department does not hold biometric data. They are only taken in the registration process.

Appendix 1 of the guide lists the legislative provisions associated with the PSC. Appendix 2 contains the full list of specified bodies that may use PSI data under sections 260 to 265, inclusive, of the Social Welfare Consolidation Act 2005. Primary legislation can be used to add new bodies to this Schedule should we ever feel the need to do so.

The general data protection regulation, GDPR, which will come into force on 25 May 2018 will replace the existing data protection framework under the EU data protection directive and impose a general necessity to have specific legislative provisions underpinning the methods that organisations such as mine use to process data. The GDPR has significant implications for the way in which the public service does its business. By using a regulation rather than a directive, the EU legislature aims to have a more uniform application of EU data protection law across member states than was the case under the previous EU data protection regulation.

The GDPR is complex legislation. For example, it contains 173 recitals. These are the preliminary paragraphs setting out the objectives and intentions of the EU legislation and guide interpretation, but they are not directly binding. In addition, there are 99 articles, which are the operative provisions that are binding on EU member states. Owing to this high level of complexity and even though the EU legislature has opted for a regulation, there remains a need for national implementing legislation to give full effect to the regulation at national level.

The House is aware that my Department collects and holds large volumes of personal data on customers. We are aware of the need to have adequate data protection policies, procedures and structures in place in line with the GDPR. Preparations for the GDPR are being overseen by my Department's data management programme board, which comprises many of the Department's most senior personnel. The Department has a dedicated GDPR implementation team in place and has commissioned external expertise to assist it with achieving GDPR compliance. My colleague, the Minister for Justice and Equality, has published the general scheme of the data protection Bill, and the Minister for Finance is working on a data sharing and governance Bill to simplify data sharing between public bodies. Officials from my Department are examining both legislative measures in light of the GDPR and the relevant rulings by the Court of Justice of the European Union.

There are strong frameworks and safeguards in place within the legislation governing the use of the PSC and the necessary steps are being taken to ensure compliance with the GDPR. The Social Welfare, Pensions and Civil Registration Bill 2017, which is progressing through the Dáil, includes a number of specific provisions relating to the PSC. That Bill would offer a more appropriate vehicle for discussing the issues raised by the Senator, given that, when we return in the new year, our GDPR scheduling team will have advanced its preparations and we will be closer to the 18 May deadline.

Regarding the final amendment to which the Senator referred, there is no legal requirement to produce a PSC. The card is a by-product of the SAFE 2 authentication process. Therefore, the number obtained upon completing the registration process is what is vital for accessing other services, for example, SUSI. It is not specifically the card that is the magic piece of information.

Senator Alice-Mary Higgins: I hate to interrupt-----

An Leas-Chathaoirleach: Order, please.

Senator Alice-Mary Higgins: I will speak later.

An Leas-Chathaoirleach: Has the Minister finished?

Deputy Regina Doherty: I will wrap up. I would prefer it if the Senator withdrew the amendments in order that we might discuss this matter further on the Social Welfare, Pensions

and Civil Registration Bill, since I do not intend to accept these amendments.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Alice-Mary Higgins: I will respond.

An Leas-Chathaoirleach: I do not necessarily need the Senator to do so.

Senator Alice-Mary Higgins: I need to respond. I will be brief.

An Leas-Chathaoirleach: With respect, the Minister and the Senator have both spoken fully. As the Minister has stated that she will not accept the amendments, I am entitled to ask-----

Senator Alice-Mary Higgins: With respect, I will exercise my right to respond.

An Leas-Chathaoirleach: No. I want the Senator to say whether she will press the amendment. Both Members have spoken fully on this matter.

Senator Alice-Mary Higgins: Sure.

An Leas-Chathaoirleach: We have wasted over half an hour.

Senator Alice-Mary Higgins: I do not regard it as a waste of time. It is an important discussion.

I have a number of key concerns. I appreciate the Minister's full response. I look forward to debating the issue with her, although not just when the Social Welfare, Pensions and Civil Registration Bill is before the House. I hope we will have the opportunity to engage on it in advance of that Bill. A number of provisions in that Bill, one of its sections in particular, are even more concerning. I may engage with the Minister further on it. The Minister is aware that the Joint Committee on Employment Affairs and Social Protection, of which my colleague, Senator Ardagh, is also a member, will be considering this issue in the spring. I could have waited for that Bill. The concern is, however, that we have seen an acceleration of the push out, the promotion and the demand for the public services card. When the Data Protection Commissioner has expressed such serious concern and given that we are still waiting for, as the Minister said, the proper full response of how we implement GDPR, I am hoping we may have entered a period of slow down or caution where we seek not to drive something forward when we do not know if we are on the right path or are proceeding in the right manner.

I will not push all of my amendments but I will press one or two. They are an attempt to apply the brakes. They are not a radical restructuring but are an attempt to apply the brakes while we wait and ensure that we get our house in order.

The Minister mentioned, and it has been mentioned widely, the need for identity verification in order to access services. We should be very clear that under current legislation, the public services card cannot be used as a method to verify identification. It is used specifically for the purposes of a transaction. Therefore, there is a question and there have been questions as to whether some of the usages to which it has been put in terms of identity verification fit the constraints of the definition of a transaction. It is not sufficient to have a PPS number. I have sought to access a service and have been denied it, even though I have a PPS number but because I did not physically have a public services card. That is an experience that many people will have had, even in terms of, for example, seeking a driver's licence. One cannot get

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a driver's licence with another form of identification and one's PPS number. One is required to have a public services card. That should not be the case but it is what is happening.

Deputy Regina Doherty: I am sorry to interrupt but one is not required to have it. I feel as if we are splitting hairs as both-----

Senator Alice-Mary Higgins: I just wanted to seek clarification. If that is not the case, it would be great to know it.

Deputy Regina Doherty: One is not required to have the card. It is illegal at present for anyone to ask one for the card. However, one is required to have gone through the SAFE 2 authentication process. The only way one can prove one has gone through it is to get the registration number from SAFE 2.

Senator Alice-Mary Higgins: Therefore, not the PPS number but the new number entered in the new database.

Deputy Regina Doherty: Yes. I know we are always focussing on the card but the card is irrelevant.

Senator Alice-Mary Higgins: I understand the Minister's response but my concern stands. I thank the Minister. I will engage further with her and we look forward to looking into this issue again. I wish we had as a State adopted a more cautious approach.

The Leas-Chathaoirleach will be delighted to hear I am moving to whether I will press the amendments. I would like to press amendment No. 1.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 2:

In page 11, between lines 12 and 13, to insert the following:

“Amendment of Social Welfare Consolidation Act 2005

16. Section 242 of the Principal Act is amended by the insertion of the following new subsections after subsection (9):

“(10) No information or documentation furnished by a person under subsection (4) or (6) may be shared by the Minister, an officer of the Minister or a payment service provider with a specified body prior to Ireland's implementation of General Data Protection Regulation (EU) 2016/679.

(11) Within 8 months of the passing of the *Social Welfare Act 2017*, the Minister shall publish and lay before both Houses of the Oireachtas a report on the compatibility of all measures and procedures relating to the recording, retention or further usage of information furnished by a person under subsection (4) or (6) with standards set out in the General Data Protection Regulation (EU) 2016/679. Prior to the publication of such a report and being agreed by both Houses of the Oireachtas, no information furnished by a person under subsection (4) or (6) may be shared by the Minister, an officer of the Minister or a payment service provider with a specified body.”.”.

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 3:

In page 11, between lines 12 and 13, to insert the following:

“Amendment of Social Welfare Consolidation Act 2005

16. Section 263 of the Principal Act is amended by the insertion of the following new subsection after subsection (1C):

“(1D) Within 8 months of the passing of the *Social Welfare Act 2017*, the Minister shall publish and lay before both houses of the Oireachtas a report on the proposed and prescribed use of any photograph taken for the purposes of a public service card. This report shall include evidence as to the compliance of any such usage with standards set out in the General Data Protection Regulation (EU) 2016/679. Prior the publication of such a report and being agreed by both houses of the Oireachtas, no photograph on a public service card may be subjected to biometric reading or cross checked against any database of biometric information.””.

I will withdraw this amendment but reserve the right to reintroduce it on Report Stage. I also reserve the right to produce amended amendments on some of the other issues.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 4:

In page 11, between lines 12 and 13, to insert the following:

“Amendment of Social Welfare Consolidation Act 2005

16. Section 263 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) A person shall produce his or her public service card or other appropriate form of identification at the request of a specified body for the purposes of a transaction. No specified body shall make possession of a public service card a mandatory requirement for the purposes of a transaction.””.

Amendment put:

The Committee divided: Tá, 14; Níl, 25.	
Tá	Níl
Bacik, Ivana.	Ardagh, Catherine.
Black, Frances.	Boyhan, Victor.
Conway-Walsh, Rose.	Burke, Colm.
Craughwell, Gerard P.	Burke, Paddy.
Devine, Máire.	Butler, Ray.
Freeman, Joan.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Maria.
Higgins, Alice-Mary.	Coffey, Paudie.
Humphreys, Kevin.	Coghlan, Paul.

Mac Lochlainn, Pádraig.	Conway, Martin.
Nash, Gerald.	Daly, Paul.
Ó Donnghaile, Niall.	Feighan, Frank.
Ó Ríordáin, Aodhán.	Gallagher, Robbie.
Ruane, Lynn.	Hopkins, Maura.
	Leyden, Terry.
	Lombard, Tim.
	McFadden, Gabrielle.
	Mulherin, Michelle.
	Noone, Catherine.
	O'Donnell, Kieran.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Ned.
	Ó Céidigh, Pádraig.
	Reilly, James.

Tellers: Tá, Senators Frances Black and Alice-Mary Higgins; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Sections 16 to 19, inclusive, agreed to.

NEW SECTIONS

Senator Máire Devine: I move amendment No. 5:

In page 14, after line 18, to insert the following:

“Report on fuel poverty in Ireland

20. The Minister shall prepare and lay a report before the Houses of the Oireachtas on the impact of cuts to the fuel allowance given, the increase in fuel costs and examine the impact that partial restoration of the fuel allowance would have on fuel poverty and that the report shall be presented to the Oireachtas Joint Committee on Employment Affairs and Social Protection within 6 months of this Bill being enacted.”.

Research on fuel poverty has shown that people aged over 65 are seven times more likely to be hospitalised as a result of freezing temperatures compared to those aged 18 to 44. Hospitalisation in poorer communities due to cold weather is two and a half times more common than in the wealthiest neighbourhoods. We can underestimate the effect fuel poverty has on the health and well-being of the population. The justification for this amendment is to ensure adequate scrutiny is given to fuel allowance policy, given the extreme impact it has on the health and well-being of many people in our society. The proposed report will allow both Houses of the Oireachtas to have the necessary information to adjust allowances in light of its findings.

During this Bill's progression in the Dáil, the Minister agreed to this amendment in principle. She agreed to support a revised amendment on Report Stage, but she subsequently failed

to do so. This amendment gives her an opportunity to keep her word. We hope the Minister, with the Members of this House, will support this updated amendment in the Seanad.

Senator Catherine Ardagh: As I have suggested previously at the joint committee, the Department might consider a slight increase in the income threshold for the fuel allowance. I want to repeat this proposal, especially given that people who receive the fuel allowance also receive ancillary benefits.

Senator Alice-Mary Higgins: Senator Devine has highlighted an important issue. During the current cold snap, concerns have been expressed about variations in fuel costs, which can change frequently. I support the Senator's proposal. She has highlighted this issue in the House previously. I hope the Minister is able to give satisfaction to the Senator in respect of this issue.

Deputy Regina Doherty: I do not propose to accept this amendment because fuel allowance is just one element of the Government's strategy to tackle energy poverty, which is a complex and multidimensional matter. Energy poverty occurs when people are unable to adequately heat their homes or meet other necessary household energy services at an affordable cost. I said on Committee Stage in the Dáil that this amendment could not be accepted because it is not within my remit to look at the entire effects of energy policy, or lack thereof. It would fall under the remit of the Department of Communications, Climate Action and Environment to do so. My remit in this regard does not extend beyond income support. With the support of Fianna Fáil, we have extended the fuel allowance calendar by one week this year. I hope, expect and anticipate that with continued support, we will be able to continue to increase that calendar as the years go by.

In 2016, the Government launched a comprehensive strategy to combat energy poverty following extensive public consultation. The strategy which was developed in the then Department of Communications, Energy and Natural Resources builds on the progress and experience developed over the four years since the publication of the first Government strategy on affordable energy. It expands the reach of existing energy efficiency schemes and commits the Government to developing and piloting new measures to find more effective ways to focus energy efficiency efforts on those who are most at risk of energy poverty, as described by Senator Devine. The strategy puts in place the structures and the accountability needed to ensure this challenge is effectively addressed at every level of the Government that has responsibility for addressing this issue. The only responsibility that the Department of Employment Affairs and Social Protection has in this regard is to ensure the income support payments it makes so generously are provided for the people who need them.

The fuel allowance scheme helps pensioners and other householders that depend on welfare to meet the cost of their heating needs during the winter season. It contributes towards a person's normal heating expenses. It has never been anticipated that it should meet these costs in full. Fuel allowance payments are made to more than 376,000 of the most disadvantaged householders in the country, including pensioners. I agree with Senator Devine that pensioners are most at risk of energy poverty. The amounts and duration of fuel allowance payments have been increased in recent years. In 2016, the fuel allowance rate was increased from €20 to €22.50 per week. In budget 2018, we increased the duration of this payment from 26 to 27 weeks. This was done with the support of Fianna Fáil. On foot of genuine requests from the advocacy agencies that look after people in this category, in the past year we have agreed to change the way this payment is made in order that it can be received in two lump sums. This option has been taken up and welcomed by tens of thousands of families.

The Department of Employment Affairs and Social Protection pays the household benefits package at an estimated annual cost of €232 million. That is on top of the €229 million annual cost of fuel allowance supports. Under the supplementary welfare allowance scheme, a weekly or monthly supplement can be paid to help people who are unable to meet their weekly payments because of certain circumstances. In many cases, this includes fuel supplement payments. Average household energy costs vary from €1,400 to €2,200, with significant variation between urban and rural households. The disparity between urban and rural households is largely based on the nature of the housing stock, because many houses in rural areas are much older and do not have the same energy ratings, and is one of the reasons for focusing on improving energy ratings through the local authorities. The disparity between single and couple households is one of the main reasons for the payment of the living alone allowance of €468 per year.

I do not propose to accept this amendment. As I have mentioned, a progressive and comprehensive cross-government strategy on energy poverty is readily available and currently being rolled out across various Departments. I plan to increase the duration of the fuel allowance calendar in future budgets.

Senator Máire Devine: I do not think it is rocket science to appreciate that research and reports tend to improve outcomes. I do not think it is a big ask to propose that these things should be done in a proper manner. I am disappointed that this amendment is not being accepted.

Amendment put:

The Committee divided: Tá, 15; Níl, 17.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Butler, Ray.
Conway-Walsh, Rose.	Buttimer, Jerry.
Daly, Paul.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gallagher, Robbie.	Coghlan, Paul.
Gavan, Paul.	Conway, Martin.
Higgins, Alice-Mary.	Hopkins, Maura.
Humphreys, Kevin.	Lombard, Tim.
Mac Lochlainn, Pádraig.	McFadden, Gabrielle.
Murnane O'Connor, Jennifer.	Mulherin, Michelle.
Norris, David.	Noone, Catherine.
Ó Donnghaile, Niall.	O'Donnell, Kieran.
Ruane, Lynn.	O'Mahony, John.
	O'Reilly, Joe.
	Reilly, James.

Tellers: Tá, Senators Máire Devine and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

Senator Máire Devine: I move amendment No. 6:

In page 14, after line 18, to insert the following:

“Report on jobseeker’s allowance

20. Within 6 months of the passing of this Act, the Minister will lay a report before the House on the impacts on young people under 26 years of age of the reduced levels of jobseeker’s allowance applicable to them and report further on reversing these reduced allowances.”

Amendment put:

The Committee divided: Tá, 12; Níl, 15.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Conway-Walsh, Rose.	Butler, Ray.
Daly, Paul.	Byrne, Maria.
Devine, Máire.	Coffey, Paudie.
Gallagher, Robbie.	Coghlan, Paul.
Gavan, Paul.	Conway, Martin.
Humphreys, Kevin.	Hopkins, Maura.
Mac Lochlainn, Pádraig.	Lombard, Tim.
Murnane O’Connor, Jennifer.	McFadden, Gabrielle.
Norris, David.	Mulherin, Michelle.
Ó Donnghaile, Niall.	O’Donnell, Kieran.
	O’Mahony, John.
	O’Reilly, Joe.
	Reilly, James.

Tellers: Tá, Senators Máire Devine and Niall Ó Donnghaile; Níl, Senators Gabrielle McFadden and John O’Mahony.

Amendment declared lost.

Senator Catherine Ardagh: I move amendment No. 7:

In page 14, after line 18, to insert the following:

“Review of Bereavement Grant

20. The Minister for Employment Affairs and Social Protection shall review the abolition of the Bereavement Grant setting out options on restoring the payment and shall bring forward a report on the same within 6 months of this Bill being enacted.”.

The bereavement grant was a once-off payment to help with funeral expenses and costs. Eligibility for this grant was not related to ability to pay for the funeral. It was based on PRSI contributions. Our amendment seeks to provide for a review of the grant with the hope of restoring it.

Senator Máire Devine: We will be supporting this amendment. It is a pity Fianna Fáil Members did not think it worth voting in favour of the review of under-26 jobseeker's allowance and fuel poverty allowance.

Senator Alice-Mary Higgins: To facilitate a speedy vote the previous amendment on jobseeker's allowance was not debated. It is very important and would be useful if the Minister, Deputy Doherty, could comment later. There are very serious concerns in terms of the treatment of those under the age of 26. We have lost young people in the high levels of emigration that we have had in recent years.

I support the proposal from Senator Ardagh. It is important to look at it in the context of the wider set of supports given to those living alone subsequent to bereavement. There is also a concern in terms of the living alone allowance, which is still not adequate for purpose. Women, in particular, are often left living alone on severely reduced pensions after the death of a spouse. Perhaps that could be touched on in addressing the question.

Deputy Regina Doherty: I am not proposing to accept this amendment.

The bereavement grant was an insurance based payment. It was entirely based on the amount of credits that somebody had. It was valued at €850 and was usually paid to the person responsible for payment of funeral expenses. The scheme was abolished in January 2014. In 2013, the value of the scheme amounted to just over €20 million. It was given to people in the main who were not the most vulnerable people in society. The social welfare assistance payment and the supplementary welfare allowance scheme were always available, even when the €850 was being given to people who did not or could not necessarily afford to bury their loved ones. These exception payments are made to the most vulnerable people in society. The Government provided just over €31.5 million in total expenditure for both of those payments last year. There was an average payment of €2,700 per family for bereavement and burial expenses. The total expenditure was €4.4 million. That is for those people who genuinely could not afford the expenses of burying a loved one. In the intervening years, expenditure under the supplementary welfare allowance scheme has remained broadly the same. In 2014 it was €4.6 million and expenditure in 2015 and 2016 amounted to just over €5 million. The figure for 2017 will be €5.2 million. The average payment, as I said, is just under €3,000. I know it is something Fianna Fáil wanted to look at in the budget but during our negotiations, the value of the contribution that would have to be given to every social insurance contributor was deemed to be more effectively spent with people who are genuinely vulnerable. This led to an increase in the qualified child allowance, the extension of fuel allowance by a week and giving an increase of €5 on *pro rata* pension payments to all old-age pensioners, blind pensioners, people with disabilities or an inability to work and people on partial capacity payments. All of those people are genuinely vulnerable. There is also the idea of maintaining the current practice within the Department of Employment Affairs and Social Protection of looking after people with regard to burial and funeral costs when they are vulnerable and cannot afford to pay the expense themselves.

Amendment put and declared lost.

Senator Catherine Ardagh: I said we would call a votáil.

An Cathaoirleach: I cannot reverse the procedure.

Senator Catherine Ardagh: I said we would press the amendment.

An Cathaoirleach: You did but we cannot go back to the amendment. I cannot have one rule for one Senator and another for others.

Senator Catherine Ardagh: I said we would press it.

An Cathaoirleach: When the question was asked, the Senator should have called for a vote but that was not done.

Senator Catherine Ardagh: I suggested I was pressing it, which is the same thing.

An Cathaoirleach: I have to adjudicate on this and I have given the result. I will not change it. As this has happened before, I cannot reopen it. I am sorry.

Senator Catherine Ardagh: I was very firm in saying I was calling a vote.

An Cathaoirleach: The Senator pressed the amendment and I put the question. The House produced a result. When the Government side said “Níl” and the Opposition said “Tá”, I said the question was lost.

Senator Catherine Ardagh: The Cathaoirleach went very quickly. It was not a fair time-frame.

An Cathaoirleach: I cannot do this. If we procrastinate on every matter-----

Senator Catherine Ardagh: The Cathaoirleach gave less than five seconds before moving on. From an administrative perspective, the Cathaoirleach has been unfair in moving on without allowing me to call a vote. It was dealt with in less than ten seconds.

An Cathaoirleach: I put the question and announced the result that the amendment was lost. I had to move to the next item as otherwise we could allow a minute between votes.

Senator Catherine Ardagh: With due respect, if we look at the record it would show the Cathaoirleach moved on in less than 30 seconds.

Deputy Regina Doherty: That is normal. With the previous amendment it was moved and pressed without me even being here, which is highly unorthodox. We move on at a pace.

An Cathaoirleach: I have made a ruling but we must move to amendment No. 8. I am sure Senator Ardagh will have the opportunity to revisit this issue. I have a system of trying to move things along. I regret that the Senator was caught offside. I did not intend to do that as it is not my style.

Senator Alice-Mary Higgins: To clarify, a similar if not identical amendment can be proposed on Report Stage. It would arise from the same matter.

An Cathaoirleach: We are not taking Report Stage until tomorrow. Unfortunately, I cannot go back on the amendment.

Senator Catherine Ardagh: I move amendment No. 8:

In page 14, after line 18, to insert the following:

“Review of carer related payments

20. The Minister for Employment Affairs and Social Protection shall review all carer related payments under the remit of her Department and in particular the Carers Support Grant with a view to determining its adequacy and suitability for current needs and shall bring forward a report on the same within 6 months of this Bill being enacted.”.

I welcome the decision today to grant those in receipt of carer’s allowance a GP card and the increase in funding for respite grants. However, there is an issue with how carers are being treated and payments to carers are being dealt with. This amendment calls on the Minister for Employment Affairs and Social Protection to review all care-related payments within the remit of her Department, and particularly the carer support grant, with a view to determining its adequacy and suitability for current needs. The Minister would also have to bring forward a report on the same within six months of the Bill being enacted.

We saw in a recent RTÉ programme that over 200,000 people are caring for loved ones throughout Ireland, with a 35% increase in those over 85 caring for their loved ones. As the State is getting a massive amount of free care, we should show a little more respect for carers and ensure payments in particular are protected and reviewed in order that we can acknowledge the hard work they do across the country. I will be pressing this amendment.

An Cathaoirleach: To clarify, the Senator is entitled resubmit amendment No. 7 on Report Stage and can call a vote then. I cannot make a ruling and go back on it.

Senator Alice-Mary Higgins: I am strongly in favour of this amendment and the review of care-related payments. Care is the lifeblood of society and without it the economy and society would not function. All too often it becomes somewhat invisible and it is not given the full acknowledgement that it should. I have long pressed not only for the homemaker scheme to be addressed, as we have discussed before and will again today I am sure, but for a care credit and how we can move towards a modern social protection system recognising the contribution of care. Mr. Peter Moss, who spoke on this matter before, said very eloquently that care always costs but the question is to whom the cost is levied. Does it cost the time, energy and life of somebody contributing to care or does it cost the State? Care is always a requirement.

The question is how to better ensure the cost of care is managed. We have had some progress with that in areas such as child care, for example. I very much hope we will see progress in areas like home care and respite care, which give relief, so we can share the challenges and tasks involved with care, as they currently fall heavily on families. This is all part of the picture of recognising the importance of care and seeing how we can better support and contribute to it. There is also the question of payments and financial recognition of the needs and contribution of carers. We could look to the carer support grant area.

It is yet another gap in the pension system, unfortunately, as many of those who are carers fall out of the system. If they have not been contributing or making PRSI contributions for a period before becoming carers, people will not necessarily have contributions made automatically on their behalf. There is a gap, for example, with those who travel abroad and come home to become carers. They fall through the system in different ways. There are a number of scenarios in which people who give their time and life to care can sometimes fall through the system. They can find themselves suffering great hardship when they are caring and penalised when they come to a point of retirement.

There are a few matters to be looked at and this is a really good opportunity to do that. I

hope the Minister will be able to accept or in some way accommodate us in looking more deeply at the question of care, as sought by Senator Ardagh.

Deputy Regina Doherty: The Government and probably everybody in the country recognise and acknowledge the crucial role family carers play in our society. We are fully committed to supporting carers in that role. The commitment is recognised in the national carers strategy.

As the House may be aware, yesterday the Government agreed a new health service measure that will have a positive impact on the lives of people with disabilities, particularly their carers. Additional funding is being provided to enable all carers in receipt of carer's allowance or a half carer's allowance to qualify for a GP visit card. There will also be an additional €10 million in funding to provide respite care for persons with disabilities. That will provide an extra 1,900 bed nights over and above what was agreed in the budget for 2018. The GP visit card measure will be implemented once the primary legislation is passed at the beginning of the new year.

The crucial role that carers play is explicitly recognised within the social welfare system. The income disregard and means test for carers is probably the most generous within the social welfare system and, at the full payment rate, the amount of weekly earnings disregarded is €332.50 for a single person and €665 for a people who are married, in a civil partnership or cohabiting. The maximum personal weekly rate of carer's benefit is €210, while the maximum personal weekly rate of carer's allowance stands at €209 for those aged 66 years and under and €247 for those aged over 66. In the budget, with the support of my Fianna Fáil colleagues, we provided for an increase of €5 per week from the week commencing 26 March 2018 in the maximum personal weekly rate of carer's benefit and carer's allowance. We also maintained the non-means-tested respite carer's support grant of €1,700 per annum. Half of the carer's allowance is paid in addition to certain primary social welfare payments where the carer meets the criteria for both schemes. Where a person is being claimed for as a qualified adult on his or her spouse, civil partner or co-habitant's social welfare payment and providing full-time care for another person, half-rate carer's allowance is paid, in addition to the qualified adult allowance. Carers who provide care for more than one person may qualify for an additional 50% of the maximum rate each week. Approximately 2,700 carers receive carer's benefit, while almost 75,000 receive carer's allowance. Approximately half of the latter receive the reduced rate of carer's allowance, with another full social welfare payment. In recognition of the value we place on the care provided, we will, as a nation, spend some €728 million this year on carer's allowance and carer's benefit and €180 million on the carer's respite grant and that is before we start to add the services provided by the Departments of Health, Justice and Equality and Education and Skills.

The adequacy of payments to carers, like every payment we make in the Department of Employment Affairs and Social Protection, is kept under constant review. It is not the case that we need a special report or review to reflect the adequacy of the payments because it is done every year as part of the budgetary process and will be informed by developments in refreshing the national carers' strategy, for which my colleague, the Minister for Health, has overall responsibility. Increases are entirely dependent on the recovering economy, of which we are all so proud. I do not propose to accept the amendment and conduct a special once-off review because we carry out an annual review in the Department of all payments made.

Amendment put:

The Committee divided: Tá, 14; Níl, 15.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Butler, Ray.
Conway-Walsh, Rose.	Byrne, Maria.
Daly, Paul.	Coffey, Paudie.
Devine, Máire.	Conway, Martin.
Gallagher, Robbie.	Feighan, Frank.
Higgins, Alice-Mary.	Hopkins, Maura.
Humphreys, Kevin.	Lombard, Tim.
Mac Lochlainn, Pádraig.	McFadden, Gabrielle.
Murnane O'Connor, Jennifer.	O'Donnell, Kieran.
Nash, Gerald.	O'Donovan, Denis.
Ó Donnghaile, Niall.	O'Mahony, John.
O'Sullivan, Grace.	O'Reilly, Joe.
	Reilly, James.

Tellers: Tá, Senators Catherine Ardagh and Paul Daly; Níl, Senators Gabrielle McFadden and John O'Mahony.

Amendment declared lost.

An Cathaoirleach: There was an equality of votes. Therefore, pursuant to Article 15.11.2° of the Constitution, I exercised my casting vote. In this case I voted against the question.

Senator Alice-Mary Higgins: I move amendment No. 9:

In page 14, after line 18, to insert the following:

“Report on Voluntary Labour Activation

20. The Minister for Employment and Social Protection shall, within eight months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas examining potential improvements to voluntary access to INTREO and LES employment, training and educational opportunities and supports for those not on the Live Register.”.

This has relevance for amendment No. 12 which deals with qualified adults. There is a concern that, particularly in recent years, there has been a strong focus on the live register, with a political demand to ensure the numbers on it change. There has been neglect of those not on the live register but who want to access employment, training or education.

In my previous life with the National Women's Council of Ireland, I appeared before the Joint Committee on Social Protection, where I got the sense that those who were facing sanction on the live register in accessing employment would always take priority and that people needed to wait. In recent discussions at that committee, the sense has been that we might now be able to give a little support to those seeking voluntary activation measures, be those in education, employment or training. I regret the approach that was taken previously. We have resources now, but many people who could have spent three-year, four-year or five-year periods of their

lives engaged in training, education or employment were not supported. We are discussing people's lives and opportunities.

The emphasis on those who face sanction and are being compelled to seek activation measures has sometimes caused us to neglect those who may be interested in voluntarily accessing supports but have concerns about the system. For example, the system still requires full-time availability, which can act as a disincentive for those who may want to start building labour market attachment by working part-time because they have caring commitments or diminished capacity.

Rather than just having access "in principle", given that I have often been told that, in principle, there is access to Intreo and local employment services, I am calling on the Minister to ensure that there is effective access and support for those who are not on the live register but who wish to seek employment and activation measures, for example, people who are in receipt of the one-parent family payment. They may wish to access employment and training opportunities prior to going on the jobseeker's transitional payment. Lone parents have been mentioned. There are many who would like to access supports and would not need to be pushed, but who would need to be supported.

Qualified adults are invisible in the social protection system. In fact, not only are they distant from the jobs market, they are also distant from the social protection system and employment and activation supports. In many cases, we do not chart who they are and what they might be interested in fully. They can disappear from the register and the system.

The issue of people in receipt of the disability allowance requires a longer discussion. Senator Dolan has engaged actively on this matter and may raise it on Report Stage. Many high-quality schemes, for example, JobsPlus, are not available to people who are not on the live register. One of the most striking and heart-breaking examples is the European Youth Guarantee. When it was rolled out in Ballymun, a large number of lone parents were under the age threshold for the guarantee, but they were not allowed to access employment, training and education opportunities through the pilot scheme because the Youth Guarantee was targeted towards the live register. These people have fallen by the wayside. The Minister has an interest in this issue. I will not speak so extensively on amendment No. 12 because it touches on similar issues, but amendment No. 9 suggests how to make access and support a reality for everyone who seeks them on a voluntary basis.

Deputy Regina Doherty: The focus of the employment services provided through Intreo is on supporting and assisting people who are returning to work in whatever shape happens to be appropriate for them. Intreo services are already open to jobseekers - since our conversation last night, I have checked this - regardless of their status. Many of the people we help are not on the live register.

Local employment services provided by one of the contracted service providers have a similar focus on people who are not in receipt of a jobseeker's payment, including qualified adult dependants, who avail of these services on a voluntary basis. However, it is acknowledged that many people have educational or training requirements that need to be met before they can successfully compete in the labour market. In such cases, the staff of Intreo or local employment services will work with the individuals to identify and address those needs as part of the process of agreeing each individual personal progression plan and nominate the person for training within the education and training boards, ETBs, or other training providers, whichever is the

person's wish.

A range of activation programmes, particularly in the area of education and training, are available to any jobseeker irrespective of his or her live register status. In line with long-established policy, participants on these programmes receive allowances in line with their previous welfare payments. This means that persons who are not in receipt of welfare payments do not receive allowances, but we will engage reactively with them when they approach us for assistance.

The funding model for wages on temporary employment programmes such as community employment and Tús is based specifically on the generation of savings as a result of participants moving off prior schemes and onto these schemes. It is not feasible to alter this funding model for people who are not in receipt of social welfare payments.

I will point the Senator towards two proactive measures. To date, our Intreo services, local employment services and jobs clubs have worked reactively when people who are not on the live register approach them looking for assistance. However, we are undertaking two projects this year. We launched the Action Plan for Jobless Households and the Ability programme for people with disabilities. Under these, our people will proactively seek out people who are in jobless households and not in receipt of social welfare payments within their own right. Most of these are the qualified adults in question who receive payments through their spouses. They will be targeted in an attempt to get them to engage with our training, education and work experience programmes.

The Ability programme is designed to address these issues for people who have intellectual or physical disabilities. We are working with NGOs and service providers to roll out a programme of specific actions and plans to make people who have disabilities job ready in order that they can move to other social welfare payments, for example, the partial capacity payment, or part-time work, which is what we want them to do. The purpose of our activation programmes is to get people unemployed or underemployed into full-time employment.

I am not going to accept the amendment because there is no reason to do so, given that what the Senator is looking for is already the practice in our local offices.

Senator Alice-Mary Higgins: While there may be access in principle, we are often not seeing effective access in practice. I have heard of many instances of people being unable to access full supports or being told that they will have to join the live register and indicate full-time availability, which some of them are unable to do. Alternatively, they have been told that they are not a priority at this time or they have been given basic information in the form of leaflets and a website. They have not been afforded case workers. This is particularly so in terms of back to education measures and other programmes.

I acknowledge the Minister's statement that she is now seeking to pursue active measures in terms of, for example, the pilot on jobless households. A person's right to be supported through activation and employment measures is intrinsic and should not depend on the status of his or her partner or household. However, I recognise this as a step forward and I hope that the lessons from the pilot scheme will lead to a further extension of supports.

I wish to clarify something about the pilot scheme on jobless households. When will we take lessons from that and determine how it might be strengthened or rolled out further? Is participation on a voluntary basis? There is a difference between encouragement and compul-

sion. We want to be able to give people encouragement and support in order that they feel like they can walk into Intreo or local employment service offices or whatever the case may be, but bringing them in with a fear of sanction or loss of payment is not the way to go. Will the Minister confirm that this is not the approach?

Deputy Regina Doherty: The action plan for jobless households in all of our local employment schemes, Intreo offices and departmental offices is based on voluntary participation. The pilot project in the Action Plan for Jobs is being undertaken in five regions. We will probably do it for approximately six months before we see real, quantitative data. In my experience, and it may be the Senator's also, when offered assistance, people grab it with both hands. They do not put up resistance and say they do not want to do a course leading to an educational qualification, etc. I genuinely think that we will get a positive response from those who are not currently listed in any scheme other than dependent spouses of people who are already receiving a social welfare payment. I will not really know until six months or so have passed. We are kicking it off in January in five specific regions throughout the country. When I get the results back, the Oireachtas joint committee might examine the results. I anticipate it will be a success. When it is a success, we will then roll it out to the rest of the country. We can talk about tweaking it based on the evidence that will be available after a couple of months.

Senator Alice-Mary Higgins: On that basis, I am happy to work with the Minister through the joint committee.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 10:

“Guidelines on development of Personal Progression Plans

20. The Minister for Employment and Social Protection shall, within three months of the passing of this Act, prepare and lay guidelines before the Houses of the Oireachtas on the principles and parameters which must underpin the development and agreement of “personal progression plans” by any third party contracted by the Department in respect of labour activation. These guidelines are to include:

(a) a requirement that any individual in respect of whom a personal progression plan is being developed is presented with options in terms of education, training and employment;

(b) a requirement that any individual in respect of whom a personal progression plan is being developed be entitled to possession of a hard copy of any proposed personal progression plan prior to signing and be free to seek external advice on that proposed personal progression plan prior to signing;

(c) prohibition on any text requiring an individual to share data in respect of family members or cohabitants;

(d) prohibition of any text requiring an individual to share contact information, or permit contact, in respect of any employer who has offered that individual employment independently of the third party;

(e) recommendations to ensure compliance with General Data Protection Regulation.”

This amendment seeks to provide for guidelines in respect of personal progression plans and, in particular, how they are used by third parties contracted by the Department for the purposes of labour activation and not by the Department itself. I am thinking of agencies such as Turas Nua and Seetec which have been contracted in respect of the JobPath programme. There may be another way to ensure that the issues are addressed but the guidelines that I am proposing would touch on a number of issues of concern about how JobPath is operating on the ground and the requirements made of people in terms of personal progression plans.

It is positive if people are given the opportunity to look forward and to develop a plan for their future. However, it has been indicated that inappropriate language is contained in the personal progression plans which people are being required to sign in order to indicate that they are co-operating. Like the Minister, I too believe that most people want to and will seize opportunities. However, where people will not sign a particular piece of paper because they have legitimate concerns about the language in it and how it binds them, they are being regarded as not co-operating and, in effect, the activation and employment process does not proceed.

I want to highlight a number of key points. It is important that a person be offered options. This may be practice rather than policy or principle, but we have heard that people often feel they are not given full options in terms of education, training and employment. In many cases, those who have engaged with JobPath have felt like they were strongly pushed towards a particular option and have not felt like they were able to consider it fully. That is one concern.

We have heard of people being given a personal progression plan and asked to sign it before they are allowed to take a copy to seek advice, to discuss it or to compare it with others. It is extremely poor practice that anyone would be asked to sign a contract before being given a copy of it to take away. That is another key concern and I am seeking to address these issues because they are arising in practice. There may be other ways to address them. Perhaps they are not there in principle, but we need to give credence to what we hear from a number of sources.

Paragraphs (c), (d) and (e) are linked. This comes back to the general data protection regulation, which we discussed extensively in terms of the public services card, and people being inappropriately compelled to give information that is not necessary to the task at hand. I have seen in at least one personal progression plan and have heard that it may be standard, text that requires an individual to share data in respect of family members or co-habitees and to report any change in theirs or their spouse's circumstances. While these issues may be discussed in terms of case work, these companies, if contracted simply to provide an activation and employment support for an individual, are not payment agencies. We have often been reminded that they are not payment agencies, nor are they sanctioning agencies. It would not seem appropriate that people would be required to give information about another individual with whom they may be living, for example, a spouse. That person may have his or her own relationship with Intreo or may not be in the JobPath system. Therefore, there is a real concern about the requirement for that information to be given as a sign of co-operation.

Another concern is text which requires people to agree to share contact information and permit contact with an employer they may have sourced outside and entirely separate to the third party. If those in JobPath were to find a job on their own, perhaps a dream job or one with a small business, of course it is relevant that they would inform the Department that they are now in employment and no longer need jobseeker's allowance or benefit. However, I cannot see how it is appropriate or necessary for them to inform Seetec or Turas Nua not only of the contact details of their new employer but to permit contact with that new employer. They no

longer require the services of these companies.

Deputy Murphy has highlighted in the Dáil situations where Seetec and Turas Nua have contacted a new employer, which the person sourced himself or herself, and asked it to sign paperwork to indicate that the job was sourced through it when it was not. We can only imagine how difficult and, in some cases, embarrassing it is for individuals to have their first week or two in new employment overshadowed by contact from a delegated third party company. It is not the right way for anyone who had the initiative to find a job to begin his or her new employment.

Will the Minister address those concerns? I have proposed one way to address them; the Minister may have other ways.

Deputy Regina Doherty: A personal progression plan is an organic document that is personal to the individual jobseeker. I cannot state in more strenuous terms that it is not a contract or a legally binding document. It is a progression plan for someone who is out of work to get him or her into work. It is as simple as that. The Senator, as have others, has referred to them but these plans are not unique to Turas Nua or Seetec. These companies happen to be two agents operating for us around the country, but the same personal progression plans are developed for those availing of our Intreo services. If there is a criticism, it cannot be confined to Seetec or Turas Nua. There are as many personal progression plans availed of through our Intreo offices as there are elsewhere.

The plan is developed in consultation between the jobseeker and the adviser, whether that is an Intreo adviser or an agency adviser. It is a supporting and enabling document which is meant to map out the person's journey towards upskilling, getting rid of barriers to employment a person might face and finding pathways to a job. The jobseeker is getting one-on-one treatment weekly from an adviser, which is what the provision of activation support is all about. It is about working closely with people to ensure that we get the best results for the individual, given his or her current circumstances.

The laying down of such prescriptive and restrictive guidelines as the Senator suggests in her amendment would be contrary to the engagement between the personal adviser and the jobseeker, which is policy. Furthermore, it might get in the way of what is supposed to be a genuine and mutually developing relationship between the two people over a period of time, which can be up to 12 months if the person is engaging with the adviser.

It is important to note that at the time of their making the claim to be a jobseeker, whether it is in an Intreo office, a local DSP office or having been sent onwards to Seetec and Turas Nua, through an agreed record of mutual commitments, we are already aware of all of the information the Senator is concerned people might be being compelled to give. In order to

3 o'clock make a jobseeker's claim, we already know who one is living with, how many dependents one has at home and what one's circumstances are. That information has already been shared. The only reason - because there is no requirement at a personal progression plan stage to share that one has three children and one's granny is living in the house with him or her - that those conversations should take place is because a person's circumstances at home may form a barrier to employment or to progressing a pathway to work. It is only from general concern and in conversation with each other that we might inquire how old one's children are, does one have a dependent spouse at home or whether one's elderly relative is living there. It is a general conversation of sharing of data that we already have in what

I will call, for argument's sake, HQ.

To be clear and straight with the Senator, if a person does not want to share that information with his or her personal adviser, then the person need not do so. There is no part of the personal progression plan that says a person cannot move to part B if he or she does not share certain information. It does not exist. From an adviser's perspective, this is generally only part of developing the relationship to learn what are the barriers to jobseekers achieving full employment.

A key element of the modern activation service, obviously, from our perspective, is to secure full employment or fuller employment for those who are in part-time work. The personal advisers' sole job is to be the jobseekers' conduit from not having work to getting work. I stressed this to the Senator last night. There are now two reasons. If a person has initiative enough to get jobs outside of that personal progression plan that he or she might have with the adviser, first, we want to know who the employer is, but not with a view to contact with the employer. There is a mistaken view out there that unless we know who the employer is, Turas Nua and Seetec do not get paid for the placement. They get paid anyway. They get paid if we do not know who the employer is. They get paid once somebody who is on JobPath gets a job. If that job happens to be in Outer Mongolia or up in Superquinn in Finglas, they are paid anyway. The reason that there is the continuation of the co-operation is that the advisers provide ongoing in-work support because sometimes - this is borne out by practice - people have developed strong personal relationships. In many cases, when somebody gets a new job, it is after having been out of work for a long time. His or her confidence might not be as high as one would like it to be. He or she is probably vulnerable and nervous. We provide those in-work supports to ensure that the person knows that his or her adviser is there at the end of a phone, but also once a month the adviser will touch base with the person to ask how is it going, whether there is any difficulty and whether has the person settled in and made new friends. It is what one would expect for two people who have developed a relationship over a period up to 12 months.

I emphasise to the House that my Department's public employment services, including Turas Nua, Seetec and our own Intreo offices, operate in full compliance with the data protection legislation. All of our contractors are aware of their current obligations under the GDPR. Obviously, as we change, as we suggested earlier on, when the new regulations come into play on 18 May next year, all of our contractors will have been given strict new guidelines that they will have to adhere to on the basis of the new directive coming into play then. I hope the Senator is reassured. Because of that, it would be unfair of me to put such prescriptive restrictions that definitely should not apply to the policy or the practice that is carried on on our behalf by any of our agents, but also because our Intreo offices do the same thing. It would be too prohibitive to put them in as amendments to the legislation.

I listened carefully to what Senator Higgins said about anecdotal evidence on Second Stage. Much anecdotal evidence is brought; some of it may be grounded in truth and some of it is not. If the Senator genuinely has somebody who has the experience which she stated on Second Stage, I ask her to bring the information either to me or to somebody in the Department and I promise we will follow up on it. If the policy is different from the practice, I want to know about it and ensure that all of our practices adhere to the policy commitments that we have.

Senator Alice-Mary Higgins: I thank the Minister. Unfortunately, there is sometimes a shortfall between policy and practice. There is a slight difference. Of course, nobody is against personal progression plans as a concept and they are in place in practice in a number of areas. What is specific here is that it is third parties. It is a little different because they are only con-

tracted for part of the process whereas the question of payment and sanction still sits with what the Minister described as “HQ”. That is why the question of what information is appropriate to be shared with a third party who is not contracted in terms of payment or sanction arises and why I was calling for additional scrutiny in that regard. Of course, personal progression plans have been used in practice for a long time but it is a matter of ensuring good practice.

I accept the Minister’s bona fides. I encourage her to look at this across a number of cases rather than on a case-by-case basis. Perhaps the Department could confirm and re-check what the Minister stated today, for example, with those contracted third parties.

Can the Minister confirm that no person should be subject to a sanction from the Department of Employment Affairs and Social Protection because he or she refused to sign a personal progression plan which contains the kinds of information in paragraphs (c) and (d) without the person’s agreement?

Deputy Regina Doherty: Yes. It should not happen.

Senator Alice-Mary Higgins: The Minister has confirmed that should not happen.

Deputy Regina Doherty: First, there is no need.

Senator Alice-Mary Higgins: That makes it clearer for others.

Acting Chairman (Senator Gerry Horkan): Through the Chair, please.

Deputy Regina Doherty: I beg the Acting Chairman’s pardon.

Senator Alice-Mary Higgins: It makes it clear. Individuals may contact me but it is important and useful to send a signal to all individuals who may be undergoing this process.

Deputy Regina Doherty: Let me confirm that the personal progression plan is not a contract. It is not a legally binding document. It is not something that can be forced. It is supposed to be an aid, a pathway for somebody who is unemployed to being in employment.

There is already a legal obligation on a jobseeker to inform the Department of a change in circumstances. It is not like we are trying to find out that a person is actually living with his or her rich Auntie Mary. If a person is living with rich Auntie Mary, the person is obliged, through the jobseeker’s payment that he or she gets, to come and tell the Department anyway. The only reason there might be a curiosity, because it is not a requirement of the progression plan, on the part of one’s adviser to know the person’s circumstances is so that he or she can learn what barriers exist in the jobseeker’s life.

I hope I can reassure the Senator. I am not the type of person who gets told something by somebody and thinks it is gospel. For the past number of weeks, one day a week every week, I have visited an Intreo, Seetec or Turas Nua office to see for myself. I have to talk to the staff and they are all lovely, they really are. Actually, I am more concerned about speaking to those who are sitting on the other side of the desks. This week I was in Kildare. Last week I was in Longford. The week before, I think, it was Athlone. I go and meet these people in order that I can be categorically satisfied when I stand in front of the Seanad and state that I see good stuff happening. With tens of thousands of people, one will always have somebody who does not have a pleasant experience. It might be a personality. We have to deal with those on a case by case basis. However, in the main, we are providing real opportunity and progression for

those who are going through JobPath. I witnessed a young fella giving his adviser a Christmas present wrapped up - a poinsettia and a box of chocolates - the other day. Not to be smart or dismissive, one knows when somebody is living on €198 a week that is a lot of money to take out of his own pocket to show an appreciation of somebody who is genuinely helping him. The purpose of us doing this is to help. It is not to poke or prod people.

To be absolutely categorically clear, it is not a legally-binding document. If somebody wishes, he or she may take it home and talk to their mother, friend or partner about what is in the progression plan.

Senator Alice-Mary Higgins: And suggest amendments, if necessary.

Deputy Regina Doherty: Yes, absolutely. It is all about helping the person. It is not about being prescriptive because no two people and their pathways or barriers to work will be exactly the same.

Just to let the Senator know, I will keep visiting the offices. If there are specific cases and they come in numbers, of course, I will look at them because I do not want anecdotal talk maligning something that is genuinely helping people.

Senator Alice-Mary Higgins: I thank the Minister for her hands-on engagement on the issue. I will not press the amendment for now. I hope we will be able to look at the issue in the future.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): For the information of Members, there are six amendments left, all of which are in the name of Senator Higgins, and we must conclude at the very latest by 5 p.m.

Senator Alice-Mary Higgins: I move amendment No. 11:

In page 14, after line 18, to insert the following:

“Report on jobseeker’s allowance calculation

20. The Minister for Employment and Social Protection shall, within eight months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on the possible introduction of an hours versus days approach to calculation of entitlement to jobseeker’s allowance payment including an examination of the potential to support the building of labour market attachment for those balancing employment with caring responsibilities.”.

On Second Stage I highlighted my concern about the way availability for work is calculated to the Minister. People may well be seeking full-time employment. However, if they are offered a two hour job, for example, between 10 a.m. and 12 noon for five days a week, they face the danger that by simply taking the job they will be marked as being fully employed. Again, my query concerns the notion of full-time availability. The provision does not exclusively affect women but persons who have caring responsibilities. If such people get a full-time job they may be able to afford child care. If they accept a part-time job that involves a small number of hours worked across a few days then carers can find themselves falling into a trap and in a bind. Part-time work can close off opportunities to build labour market attachments, working

relationships, etc. My amendment seeks to address the question of hours versus days and seeks to ensure we support people in a more effective manner in availing of part-time on their way to full-time work.

Deputy Regina Doherty: We recognise that the labour market is changing. We have moved away from the historical and traditional working patterns to the gig economy. There is a whole new way of working that we never had before and the job activation schemes must reflect same.

There are two reasons I do not want to apply this provision, specifically, on its own. I ask the Senator to withdraw her amendment because there is an amendment that calls on me to review the working family payment system. I would like, in totality, to consider how we can best merge the hours-based system and the working family payment system. If I consider the hours system on its own, then we will end up right back at zero. The introduction of changes to the current criteria for calculating entitlement to the jobseekers allowance, as in moving to an hours-based system, will result in a significant number of individuals becoming eligible for jobseekers payment thus costing tens of millions of euro. Conversely, it is important to note that if an hours-based system was introduced existing casual jobseekers will lose out on payments that they currently receive from my Department, which might save us tens of millions of euro. While we might help people in one area we will hinder people in another area. We never want to do something good that will cause an anomaly and, therefore, I ask the Senator to allow me, in the review of the working family payment scheme, to consider how best to move forward. I know that the Senator does not want to hinder anyone. I know she wants to help people who can only work for a small number of hours but cannot live on fresh air for the rest of the hours that they are unavailable for work. In the review, I will consider ways to address the issue the Senator has specifically sought to address. Maybe one of the solutions will be to widen some of the working family payments. Let us consider the current stipulation for 15 or 19 hours in the review. I will bring the findings back to the joint committee where we can discuss the results and consider how best to prepare. If we are going to do something about this matter, it can only be done during the budgetary process next year that we will start after the summer, or maybe before the summer depending on our workload. I ask the Senator to consider my request.

Senator Alice-Mary Higgins: I thank the Minister for her reply. I recognise the amendment on the working family payment was tabled by Deputy O’Dea has been accepted. I also note the fact that the Minister has indicated here, and previously, that she will consider the question of 19 hours. On Second Stage, I highlighted my concern about the anomalies between the 15-hour child care and 19-hour child care provision. I did not table an amendment on the matter because she has recognised the issue. Does the matter fall within the remit of the examination?

Deputy Regina Doherty: Yes.

Senator Alice-Mary Higgins: I accept the Minister’s proposal to examine the issue to which I referred in my amendment within the context of a wider review. There is no point in us duplicating work. I imagine it would be more expedient if she considered the matter in the context of the review of the working family payment.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 12:

In page 14, after line 18, to insert the following:

“Report in respect of Qualified Adults Scheme

20. The Minister for Employment and Social Protection shall, within eight months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on the potential to introduce voluntary access to a scheme for qualified adults based on principles similar to those underpinning the jobseeker’s transitional payment, including targeted casework and the waiver of any requirement for full time availability.”.

I spoke extensively about amendment No. 12 when we discussed amendment No. 9. As there was some overlap, I will not reiterate my key points. Amendment No. 12 refers to the question of qualified adults. My amendment seeks the issue to be re-examined and in a wider context than jobless families. There is another little group involved. For example, a person may be retired and he or she may have a qualified adult spouse who may be younger in age. There are a few cohorts involved. I appreciate that the Minister plans to examine these aspects as part of the pilot programme and I hope these issues will be teased out. I specifically wonder whether lessons can be learned from the jobseekers’ transitional payment, which is in the process of improvement, in terms of targeted casework. I urge that consideration be given to child care supports and other supports that a qualified adult might need in order to access job activation opportunities. I also have questions about job readiness and upskilling, including in cases where a person wants to return to education so that the person is education ready, as well as employment ready. I suggest that such matters be considered.

I know I sound like a broken record but I want something positive done about the jobseekers transitional payment. Consideration must be given to the requirement to be available for full-time employment. The waiving of that requirement for the jobseekers transitional payment was a positive move because it gave people the freedom to talk about options, and to do so honestly. I hope that such jobseekers will get the opportunity to talk about it with caseworkers but that is not what I sought with my previous amendment. I want such people to talk honestly about ways to balance care and opportunity. I suggest we apply the lessons learned to the review mentioned by Minister. I will not press my amendment.

Deputy Regina Doherty: I totally agree with the Senator. I hope that her suggestion will form part of the report that we bring back to the joint committee and then we can talk about the best way forward.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 13:

In page 14, after line 18, to insert the following:

“Report in respect of National Maintenance Body

20. The Minister for Employment and Social Protection shall, within 6 months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on options to establish a State body to appropriately seek and pursue maintenance payments.”.

I propose to withdraw my amendment because my colleague, Senator Ruane, is very keen to discuss the issue with the Minister. She has already been in discussions with the Minister. My amendment refers to a national maintenance body. As the Minister will be aware, the joint committee put forward a very strong recommendation in its report on the Position of Lone Par-

ents in Ireland published earlier this year. We very strongly suggested that we need to consider the option of a national maintenance body and highlighted the flaws. I know the Minister and others, on separate occasions, talked about the flaws whereby we have practices that are inappropriate for women, although it is not always women who must pursue their spouses for maintenance payments to support their children. Such people also fear that they may lose payments or get reduced ones if they are not seen to be actively seeking a maintenance payment.

A few years ago there was an unfortunate moment in the history of the Department of Employment Affairs Social Protection when it issued a letter informing a number of spouses that they would no longer be watching to see if maintenance payments were made. I refer to the time the jobseekers transitional payment was introduced and there was a move away from the one-parent family payment. The letter was framed in an unfortunate manner because it sent a negative signal about maintenance. Historical mistakes have been made and the current practices do not work. I will not enumerate them in great detail because I know it is an issue of great interest for my colleague, Senator Ruane, who is attending a meeting of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution. Therefore, I will withdraw my amendment and will resubmit it on Report Stage when Senator Ruane will speak on it. The Minister can comment briefly if she wishes.

Acting Chairman (Senator Gerry Horkan): I presume the Minister will have to address all these matters again on Report Stage.

Senator Alice-Mary Higgins: Tomorrow.

Deputy Regina Doherty: If the Senator withdraws her amendment and resubmits, it we will have a proper conversation on the matter tomorrow.

Senator Alice-Mary Higgins: Yes.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 14 and 15 are related and may be discussed together. Is Senator Higgins happy to discuss them together?

Senator Alice-Mary Higgins: I move amendment No. 14:

In page 14, after line 18, to insert the following:

“Report on one parent families with children over 14 years of age

20. The Minister for Employment and Social Protection shall, within eight months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on the specific obstacles faced and supports needed by one parent families with children over the age of fourteen years of age, including an assessment of the adequacy of the Qualified Child payment and the potential to extend the jobseeker’s transitional payment to include those with a child up to the age of eighteen years of age.”.

I query whether my amendments are related. Nonetheless, I am happy to discuss them together because they both relate to lone parents.

Acting Chairman (Senator Gerry Horkan): Does the Senator agree to discuss amendments Nos. 14 and 15 together?

Senator Alice-Mary Higgins: Yes. I will first speak about amendment No. 15, which is on jobseekers transitional payment. One of my key concerns is that those who have a child over 14 years of age cannot access the jobseekers transitional payment and, therefore, are not part of the jobseekers transitional payment supports. I will speak first to amendment No. 15 and then to amendment No. 14, as it will work better.

I spoke previously about the jobseeker's transitional payments supports. There are still concerns. I know that there has been a partial income disregard restored in terms of the financial loss that people experienced in moving to the jobseeker's transitional payment. I want to focus on the supports attached to jobseeker's transitional payments. There is a concern, which comes back to the issue of casework, about whether a full and rich gamut of employment, training and educational opportunities are being offered to those who are on the jobseeker's transitional payment.

As a result of the waiver on the requirement for full-time availability, we still do not have an adequate or wide enough range of part-time courses, part-time training supports or part-time education. People may want to go back to education but they would only be able to go part time. How can we ensure that when people are on this new payment they will also have an appropriately tailored set of supports, for example, those which recognise the constrained time availability but also access to the full range of the wider supports that are available? The Minister addressed this issue very eloquently on Second Stage, stating that there is no reason a lone parent who is on the jobseeker's transitional payment may not want to start a five-year course to become a physicist and why that should not be one of the options on the table, rather than being bound by a constrained set of options. It is about improving that work.

The problem of lone parents with a child more than 14 years of age is that they do not have access to any of the tailored supports, such as the idea of case workers who would be working with them, recognising in particular their care balances. In some cases a person is available full-time but in others, parents of a 14 or 15 year old who are facing challenges may not feel they are able to work full-time because they are parenting alone. They do not have a safety net or back-up person who is sharing holiday time and whatever else families do to try to manage.

We all know that every family in Ireland, not just lone parent families, are juggling and figuring out how to make it work. The challenges faced by a lone parent with teenagers are very high. There are two concerns. First, the qualified child payment. I recognise there was a small increase in that payment. I am sure the Minister would acknowledge that the small increase in the qualified child payment was inadequate. There is a specific need for an increase in qualified child payments for those with children over the age of 14 years. We know that in great detail from the Vincentian Partnership's in-depth research on minimum essential standards of living. We know there are huge costs. The other issue is the additional child care supports and tailored options that people might need. I hope I will revisit it in the year ahead - that we will be able to look to a point where anybody with a child under 18 years who is parenting alone is able to access jobseeker's transitional support.

People who are parenting alone feel they become invisible parents once their child hits 14 years of age. The lone parent feels he or she is viewed as just a person claiming the jobseeker's allowance and is no longer recognised as somebody who is parenting alone and facing those particular challenges.

Deputy Regina Doherty: Amendment No. 14 addresses the qualified child increases, QCI.

I totally recognise not just what Senator Higgins said, but what NGOs have said, that it costs more money to raise teenagers. I have a few of them at home. We know that they go round with their hands out all of the time and that they grow out of clothes more quickly. I do not need to be told that is the case.

I would have loved to have been able to reflect and recognise that this year, but because of the way the budget negotiations were structured and the numbers we had to consider, there was not a significant sum left over to implement specific policy measures. The qualified child increase of €2 this year was the first increase in eight years. That is not enough, but had I reflected the over 12 years, and under 12 years, I would have ended up giving €3 to one and €1 to other. I thought the money was so miserable in the first place. That is not to say that I do not recognise the point that the Senator has made. I do recognise it and in next year's budget and budgets thereafter, we will reflect the reality that having teenagers does cost more money. I can only give my word on amendment No. 14, as opposed to tabling an amendment.

A number of services are available to people on the jobseeker's transition payments. We need to reflect on when we brought it in, that some of the people we did not get to might have children over 14 years of age and they would have gone on to jobseeker's allowance or benefit before they got to avail of the full range of services that were specifically designed for lone parents with children aged between seven and 14 years to upskill and educate themselves. I will ensure we carry out an analysis to make sure that if people have gone to the next level and did not avail of the services, that we proactively go after them.

We will proactively ensure that we reach all of the 32,000 lone parents who are under the jobseeker's transitional umbrella. We have only reached 60% of them to date and we will ensure that we get to the remainder before they transition to the next jobseeker's allowance. Just because somebody goes on to jobseeker's allowance, does not mean that we should treat him or her differently. We still should recognise the limitations that they have and the concerns of care.

There are many more children that present with difficulties over and above the number who would have presented ten to 30 years ago. We need to recognise the barriers to work. That comes back to the personal progression plan that people have with the staff in our Intreo offices or our agents. If we are not fully aware of the barriers that exist in people's lives then we cannot plan around how to help them to become job ready and to become employed. I am absolutely adamant that there should be no limits to women or men who are parenting alone who want to upskill or educate themselves. The idea of only having 20 courses that one can go on and the rest of the world is closed off is not acceptable to me. I will come back to this Chamber in the next couple of weeks with a complete list of what is available through e-learning or our education courses. If we do not like the look of it, we will change it. I give Members my personal commitment that will be changed by me.

Senator Alice-Mary Higgins: I thank the Minister. There were many who received the shock of moving from the one-parent family payment to a jobseeker's allowance without any of the supports. It is important that this be addressed. I recognise the importance of the casework on tailoring and recognising needs. I have the concern that the full-time availability tool can make it hard for people who are on jobseeker's allowance to talk honestly about the issues in terms of casework. We can put that concern to the side. I very much welcome the Minister's agreement to provide me with a list of the schemes that are available and it would be very useful if the Minister were agreeable to be able to share that information with the joint committee because we are currently preparing a report on activation and it would be useful to incorporate

and reflect on it.

Deputy Regina Doherty: We will get that information to the Senator before the end of January. It will feed into what we will do next year.

Senator Alice-Mary Higgins: I thank the Minister. In that light, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Amendment No. 15 not moved.

Senator Alice-Mary Higgins: I move amendment No. 16:

In page 14, after line 18, to insert the following:

“Report on State Contributory Pension

20. The Minister for Employment and Social Protection shall, within 6 months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on the following matters:

(a) the potential extension of the Homemakers Scheme to include claimants from 1973 to 1994;

(b) the impact of the 2012 changes to contributory pension bands and rates and measures to address any issues arising from those changes;

(c) a consideration of how any proposed recommendation in respect of *paragraphs (a) and (b)* may impact on the gender pension gap;

(d) proposals around the financing of any recommendations in respect of *paragraphs (a) and (b)*;

(e) a consideration of how any such financing might intersect with other relevant aspects of national pension policy including the current expenditure on private pension tax relief.”.

I had tabled a similar amendment, about which other Members have spoken, in respect of the Department of Finance. I am not simply putting this issue to the Minister or targeting the Department of Employment Affairs and Social Protection. I know the Minister has agreed to a report on the State contributory pension in reviewing the question of the 2012 changes and their impact. A report is mentioned in terms of an amendment from the Dáil.

Deputy Regina Doherty: Through the Chair, there is an amendment from the Dáil. I will issue the report being prepared by my Department with its recommendations to fix the anomaly the day I bring it to the Cabinet. That is what is agreed. I am going to do it anyway.

Senator Alice-Mary Higgins: We can expect a report on the 2012 changes.

There is also an underlying anomaly in how we calculate pensions which needs to be addressed and I hope there is scope to do so. I have some concerns. Yesterday in this House we heard about the move to the new supplementary pension system, about which the Minister has spoken previously. I refer to the new auto-enrolment pension system. The concern is that we have also been hearing that the total contribution approach is going to be brought in by 2020.

We have heard that the total contribution approach had the potential to address some of the concerns about our unfair averaging system. That said, I recognise that there are still concerns, namely, recognition of care and how best to operate a care credit, which the total contribution approach would need to factor in. In other words, how do we include and reflect care in the total contribution approach? I also note that in the auto-enrolment system, how we recognise and support care is also going to be an issue, if we are to ensure that we do not have yet another gender pension gap in that system further down the line.

My concern is this. As we move towards the new auto-enrolment system, what is happening in the move to the total contribution approach? If we are not going to deliver it by 2020, or even if we are, we still must do something to address the basic inequality in our averaging system. It is an inequality on an inequality. The first of these is the inequality caused by women being pushed out by the marriage bar. As I said yesterday, I believe that in 1973, when we were told that the marriage bar was not acceptable, we should have put pensions systems in place to address the impact it had had since it had been noted as being inequitable. We did not do this.

On top of the first insult arising from issues like the marriage bar, there is the ongoing tendency to deeply penalise anybody who takes a period out for caring. That occurs even if they have made the same amount of contributions as somebody else over their lifetime. It is an unacceptable inequality and it is not something we can stand over, especially as a Government that has committed to gender and equality proofing the budget. That is why it sits with the Minister, but it also sits with the Department of Public Expenditure and Reform, as I have highlighted. That Department is responsible for the implementation of the legislation for public duty around equality and human rights proofing. It is also fundamentally responsible for the gender and equality proofing of the budget every year. I cannot see how this stands up. I do not know how it slipped through another year. It is like a glaring black mark on any future report we produce on equality.

In that regard, I suggest that the solution to this anomaly should not simply be sought using the resources allocated to the Department of Employment Affairs and Social Protection, because the solution will need a wider scope. I have discussed this before with the Minister. We spend €2.6 billion on private pension tax relief in this country. In many cases I am sure it is important and it has many merits. When we debated this during the Finance Bill 2017, many people spoke about the various merits and the encouragement it provides. Nonetheless, there are a lot of problems with how it is done.

There is another inequality and it seems inequalities are piling up, namely, we award private pension tax relief at a marginal rate. As such, many in the country who are on a low income have the not very incentivising tax relief of 20%, whereas those who are looking to be on higher incomes have a much more incentivising 40%. When this was discussed before, what I sought from the Department was something that was in fact recommended in the memorandum of understanding with the troika, namely, that we should move to a standard rate of perhaps 30%, which every citizen seeking a pension and a private pension could access. This would deliver adequate savings, I hope, to at least partially address the gaps that we have seen. I ask that we consider addressing an inequality in order that we can address an inequality. That is what I am putting forward as a proposal. I look forward to the Minister's response.

Deputy Regina Doherty: I might be able to tick all of those boxes. The reason I think these measures got through the gender proofing test is that it does not just affect women. I know it affects more women than men but only marginally. Those affected are 60% women and 40%

men; therefore, we are nearly equally discriminatory to both sexes. That still does not make it all right.

Let us talk about the three things Senator Higgins brought up. The first was the pensions anomaly whereby the averaging system penalised people because they started work very early, stopped to care for their families and then came back to work again. I have a report with some recommendations that will go to the Cabinet economic committee on 18 January 2018. Assuming that we agree at that table, it will then go to the full Cabinet committee the following week. As soon as it goes to the Cabinet I will issue the report, because I hope I will have agreement from my Cabinet colleagues on how to fix the anomaly and a road map of how to get there, starting in the following couple of months. That sets out when I am going to deal with the anomaly if not yet how. When I release the report the Senator will know how I am going to deal with it. Senator Higgins is right to say that the money cannot come from the current budget, because I do not have it. It is not small change. There are 42,000 people currently affected by it today, and rectifying this will cost the taxpayer money.

Moving to other topics, I will answer Senator Higgins's first amendment by saying that the Government is not going to extend the homemaker's scheme. I do not wish to be so brutal as to say "No" to the Senator. However, we propose to calculate pensions in the future by abolishing the averaging system. When we move to the total contribution approach on 1 January 2020, the averaging system will be gone and the length of time a claimant has worked will be irrelevant. The number of contributions needed to get into each band will be agreed through the public consultations that I will launch after Christmas and there will be a sizeable carer's credit. That credit will be irrespective of whether claimants are minding their children or their older parents. It is not prescriptive. It will be as a result of the public consultation, but we will put out examples of what we think might work, and depending on the responses that we get from both industry and individuals, that will determine what the final model looks like. I hope to have an agreement between the middle and the end of next year on what the total contribution model will look like. Then we can begin creating an IT platform to be able to manage it, to collect and to pay, with a view to going live on 1 January 2020.

The second point is separate and distinct, but it reflects on subsection (e) of the proposed amendment. Senator Higgins is well aware that we give €2.6 billion worth of tax relief to people in both the 20% and the 40% bracket. That is unfair. The people who were earning more money get more tax relief than the people who were earning less money. The new model that we are introducing, which will also undergo public consultation after Christmas, is the auto-enrolment model. Yesterday's front-page story in the *Irish Independent*, with what was written by the young journalist on pages 13 and 14, were entirely inaccurate. She got her information from a report from the Organisation for Economic Co-operation and Development, OECD, which does not reflect the ambitions of the Department. I repeat, what will be subject to public consultation in January will not be a finished product. The finished product will be informed by the responses of members of the public on what they want to see. I have said it on the record before, and I will say it again in this House. Whatever system we conform to at the end of that couple of months of public consultation will be entirely fair to everybody. People will not get more tax relief on the new auto-enrolment scheme because they happened to earn more money than others getting less tax relief.

Within a proposed salary bracket of between €20,000 and €60,000 - those figures are purely for the purposes of this discussion - if a claimant puts in €5, his or her employer will put in €5 and the State might put in €2.50. I emphasise that those figures are plucked from the sky. The

actual figures will be determined by industry collaborating with us and individuals making suggestions of what they think they can afford. The misleading and entirely inaccurate story on the front of the newspaper yesterday, which said that people would have to put €200 of their wages into pension schemes every week or month, was wrong. It sets a very misleading tone for what should be a very exciting reform of pensions and tax relief and a way for young people to save extra money over and above what they will normally get in either the non-contributing pension or the contributing pension when they reach 66 or 67. All of what the Senator has asked for, except the homemaker's credit, is going to be provided for in the anomaly provision on 18 January, the total contributions public consultation and the auto-enrolment public consultation. I will only guarantee the Senator that there will be a sizeable caring credit that will form part of the new total contributions model. The averaging system that affected people in that, while I will not call it unfair, made people not get as much money as they should have expected to get, will be entirely gone out of the new total contributions system. The exact parameters of that will be determined and arrived at from the public consultation.

Senator Alice-Mary Higgins: I thank the Minister. I very much welcome her comment on the care credit, which is something I have pushed for years since my time with Older and Bolder and the National Women's Council of Ireland. I am very happy this is on the agenda in terms of the total contributions approach, which is good to hear. I am also glad to hear in regard to the auto-enrolment model that the Minister is looking at a three-part contribution from employees, employers and, of course, the State. That three-part element, whatever way it may finally be constructed, is an important principle.

In recognition of the fact the Minister is moving forward and that we will be looking extensively at this area of pensions, I will not be pressing this amendment at this point. However, I note that, nonetheless, despite these wonderful visions for the future, we have a cohort in Ireland who are deeply disadvantaged and we cannot simply wait for them to move on up to 2020. There is a cohort of people who are suffering inequality every single time they go to get their pension and, on a weekly basis, they are feeling the impact of that inequity. In some cases, it is those who have this as a very small independent income and who may not be able to apply for the non-contributory pension, for example, because of their partner's means or other forms of means but for whom, individually, their pension represents the message the State sends to them about how their contribution over their lifetime has been valued.

I will be continuing to press in respect of the homemaker's credit. This applies to older women and men across Ireland. The Minister is right that there are men, particularly those who worked and travelled, for example, in England, for years and then returned and who are disadvantaged by this averaging system. I know they will continue to campaign. One of the strongest signals the State can send in order to build confidence in the new auto-enrolment and total contributions systems - while it would be costly financially, it would be important symbolically - would be to send the signal that we have addressed a past inequity. That would set a very positive tone for our better strategies as we move forward. I know that is not within the Minister's gift at this point but I would like to mention it.

Deputy Regina Doherty: As the anomaly is going to be dealt with in January, that is separate. For those people about whom the Senator is talking, when we introduced the total contributions system, it was not just for new entrants; therefore, there will be a period where people who are currently being adjudicated on under the averaging system can move to the total contributions system. I do not know if the period will be one year or three years as that will be determined during the public consultation. Whatever period it happens to be, whether it is ten

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years, 20 years or whatever we determine during the public consultation, they can attribute that period to their future payments.

Amendment, by leave, withdrawn.

Schedules 1 to 3, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

Acting Chairman (Senator Gerry Horkan): When is it proposed to take Report Stage?

Senator Joe O'Reilly: Tomorrow.

Acting Chairman (Senator Gerry Horkan): Is that agreed? Agreed.

Report Stage ordered for Thursday, 14 December 2017.

Special Needs Assistants: Motion

Senator Aodhán Ó Ríordáin: I move:

“That Seanad Éireann:

- recognises the vital role that special needs assistants (SNAs) play in Ireland’s education system, providing essential support for some of the most vulnerable students in our classrooms;

- acknowledges the overwhelming vote in October 2017 by over 8,000 SNAs as members of IMPACT in favour of industrial action;

- regrets the failure of the Minister for Education and Skills to implement the recommendations of the Oireachtas education committee report on the role of the special needs assistants published in January 2016;

- condemns the July publication of SNA allocations in 2017, which caused enormous uncertainty for SNAs;

- demands that the Minister for Education and Skills guarantee that:

- in future, SNA allocations will be announced in sufficient time (no later than May) to allow the supplementary assignment panel – and distribution of available hours to serving staff – operate to full effect;

- arrangements will be put in place in respect of job security for SNAs;

- an agreed procedure will be established for dealing with SNA grievances and issues.”

I welcome the Minister to the House. On behalf of the Labour Party group, I am delighted

to propose this motion in defence of the employment rights of special needs assistants. Before I do so, I acknowledge the attendance in the Visitors Gallery of members of IMPACT and some of the special needs assistants it represents very ably and with distinction. It might not be well known to many Members of this House - in fact, it might not be well known to many members of the Irish public in general - that IMPACT has balloted for industrial action out of complete frustration with the actions, or inaction, of the Department of Education and Skills. Most people would agree that when a profession such as that of special needs assistants is forced to ballot for industrial action, something has gone seriously wrong. SNAs are dedicated to the welfare of the students they work with. Anyone who has ever come across an SNA in any school in Ireland knows that this is their primary concern. When it comes to a situation where the union that represents over 8,000 SNAs feels it has to ballot for industrial action, and when 97% of those SNAs agree that industrial action is the route they feel it is necessary to pursue, then something is seriously wrong.

I have some history with this issue, as do many in the Labour Party. I initiated an Oireachtas committee report on the role of the SNA in the last Oireachtas and this was completed by the then Senator Mary Moran and published in January 2016. I recall a number of years ago having a public meeting in my constituency on the issue and that meeting was stuffed out the door with people willing to tell their stories. What always comes back, and it happened again this afternoon at our briefing for all Members of the Oireachtas, whom I want to thank for attending to hear the story of SNAs, is that it is never, ever about money. Fundamentally, what SNAs are asking for is respect.

We could spend hours talking about the respect or disrespect that SNAs are shown within the walls of the schools in which they work. Any SNA will tell stories they have heard or witnessed about menial tasks they have been asked to undertake, about the fact they are referred to by their first name while every other adult in the school is referred to by their second name and about the basic lack of value placed on them as professionals in an educational setting. However, we are not here to talk about that issue. We are also not here to talk about the number of SNAs in the system, which obviously was increased under the last Government and again under the Government. While that is to be welcomed, it is not the point. The point is the way that SNAs are treated by the Department of Education and Skills. Fundamentally, it comes down to the timing of the allocations. I know last week and earlier this month, it was relayed to IMPACT that that situation would change and that the allocations would be known from May next year so that SNAs can plan for September in future. That is to be welcomed but it is very late in the game for SNAs to know that and it is disappointing that they had to ballot for industrial action before they got such clarification from the Minister's Department. There is still a huge number of issues with the situation with special needs assistants. The Minister mentioned in his counter-motion that a review is being undertaken by the National Council for Special Education relating to the role of an SNA. IMPACT informed us this afternoon that it has no role, involvement or engagement in that review. It is staggering that, if the Department is to pretend that the SNA is respected, the body that represents the vast bulk of SNAs has no involvement in this review. The Minister can suggest to me that that is not the case. If it is not the case, why would senior members of IMPACT state it so categorically in an open forum this afternoon?

Points were raised this afternoon which really shocked me and I thought I knew this issue inside out. The issues include SNAs at second level being asked to be on-site doing fundamentally menial tasks in June. Gardening and painting were mentioned. Just being asked to be on-site for the month of June was mentioned. That is something that anybody would find

reprehensible from an employment rights perspective. They have no board of management representation. Everybody else in an educational setting has representation on the board of management. The parents and patron would have representation on the board of management but not the special needs assistants. They have no involvement with the care plan for individual students. When a care plan is put together by the school for the students who are under the care of an SNA assigned to help them during the day, the SNA is not involved in that care plan. It comes back again and again to the issue of respect.

I know the Minister will not want to micromanage every school and the way every school or school principal deals with an SNA or group of SNAs in the school but leadership in education comes from the top. I suggest that leadership is sorely lacking. Another issue, which it might be suggested is small, that comes down to basic respect is the matter of bereavement leave. If one is a teacher, bereavement leave is five days whereas it is three days for an SNA. All these small things add up to SNAs believing that they are not respected, do not have security of work and cannot plan for the future or look forward to September with some kind of security of tenure. Until now, SNAs have not known if they would be back in a school in September; they wondered if they should apply for another job and considered that perhaps they should not because they might retain original positions. There is insecurity related to bills, mortgage repayments etc. that everyone has to pay.

We ask the Minister to change the attitude that the Department has to special needs assistants, to acknowledge them as a vital component of our education system, to acknowledge that the special needs assistants we have, approaching 14,000, are vital in the roles that they have. They are not an add-on to the system. They are not a luxury. They need to be clearly defined. They need to be given the respect and value that they deserve at this stage. It is only fitting that the report compiled by former Senator Mary Moran would be at the top of any review mechanism that is in place.

We have a few fundamental questions. I know it is the way of things to table a counter-motion and that the Minister has spoken in his counter-motion about the number of SNAs who have been allocated and that is fine and to be welcomed. However, the employment rights and the value placed on individual SNAs is what we are speaking about today. It does not come down to the salary expectation that any SNA has. Whenever any of my Labour Party colleagues or I have a discussion with special needs assistants, money is never raised. It is always about the respect they are given from within the school and from the Department. We ask the Minister to expand on what he has said in his counter-motion with regard to the review. Will he engage with the practitioners and representatives in compiling that review? I find it incredibly frustrating when dealing with the Department that there always seems to be a review, committee or paper written by somebody else and the Department seems unwilling or unable to make a definite decision outside of having another body compile a report.

There are many issues in the area of education on which we in the Labour Party group believe the Government is falling down. We have the ongoing issue of pay discrimination among primary and second level teachers which was raised again with me today. Noises from the Government are not helping with it. I received a phone call today from Councillor Mark Wall in Kildare about St. Paul's Secondary School in Monasterevin and its lack of certainty as to the progress of its school building. There are many issues with education coming down the tracks. We get action plan after action plan after action plan from the Department, yet the very good work which was compiled by the Oireachtas Joint Committee on Education and Skills seems to have been sitting on a shelf for almost two years. There is inaction when it comes to a cross-

party, bipartisan approach to the future of the SNA. Let us get beyond the numbers of SNAs allocated by the Minister's Department because that has been acknowledged. We want to deal with the issue of respect, ensure we value special needs assistants and engage with them and their representatives in any review the Minister undertakes. We will call a vote on our motion. We are sticking with it as laid down. We reject the counter-motion and we want support for our motion from all corners of this House.

Senator Ivana Bacik: I welcome the Minister to the House. I second the motion. I reiterate that we are not supporting the Government counter-motion, if that needs to be emphasised. I commend my colleague, Senator Ó Ríordáin, on moving this motion on behalf of Labour Party Senators. It arises from his own long experience as a teacher and principal and seeing first-hand the important role of SNAs. From my own experience as a parent of a primary schoolchild, I know the invaluable contribution made by SNAs to supporting the work of schools. In many classrooms across the country, as the Minister is aware, SNAs increasingly form a vital part of the school and educational infrastructure. I thank Senator Ó Ríordáin for facilitating a briefing earlier today with IMPACT representing SNAs and I welcome our colleagues from IMPACT and those representing SNAs who are in the Visitors Gallery for this debate. We are disappointed that the Government has tabled a counter-motion. We believe that the wording of our own motion is sensible, reasonable and reflects the real concerns and views of SNAs.

I reiterate what we heard from Kevin Callinan and others at the IMPACT briefing earlier. As Senator Ó Ríordáin has said, this motion and the principles behind it are not about money or the pay of SNAs. They are about respect for SNAs and the treatment, conditions and employment rights of SNAs, particularly their desire and absolute entitlement to be treated with respect in the workplace, which the wording of our motion reflects.

In particular, our motion seeks to emphasise the major problems that delayed publication of special needs assistants, SNAs, allocations causes to individual SNAs and schools, which must plan for the years ahead. In particular, this year the IMPACT ballot spoken of by
4 o'clock Senator Ó Ríordáin was prompted by the delayed publication of SNA allocations to July, just two months before the new term for the 2017 and 2018 school year started. This caused enormous uncertainty for thousands of SNAs around the country who simply did not know until the last minute whether they had a job to return to in September. Not only is this disrespectful to SNAs but it is disrespectful to the schools, parents and, most important, the children whose education depends on the SNA allocation.

I will briefly address some of the broader points our motion also reflects, particularly the importance of SNAs in ensuring our children achieve full potential in schools. Many of us were very disturbed by comments made around the budget this year, with the Minister for Finance, Deputy Donohoe, quoted being critical of the rise in the numbers of SNAs. He said he was alarmed by rapidly escalating costs while referring to the fact there are more SNAs than gardaí. This language was heavily criticised by Ms Lorraine Dempsey of the Special Needs Parents Association, who said she was concerned about the dangerous use of language. One can consider some of the commentary of the time. An editorial in *The Irish Times* pointed out that there has been an incidence of SNA allocations increasing but this is due to rising child populations, medical advances, better diagnoses and better recognition of the rights of children to be schooled in a mainstream education setting. After years of playing catch-up, we are finally making progress in meeting the needs of some of our most vulnerable children. The incidence of special needs diagnoses is increasing and so are the numbers of children who previously would not have been in mainstream schools. For example, there are 700 more children with special needs entering

third level now versus two years ago, up 31%. We are seeing dramatically improved outcomes for children and young adults as a result of SNA allocations. Children are being enabled for the first time in our education system to meet their full potential.

Senator Ó Ríordáin also spoke of recent announcements by the Minister last week that we very much welcome. That happened after we submitted the text of the motion, if I am correct. We very much welcome the Minister's announcement, as reported on 6 December, that a total of 130 additional special needs assistants would be made available for allocation to schools between January and June 2018 and that schools would be informed of their allocation for the 2018-19 school year much earlier, possibly May rather than late summer. The announcement was welcomed by the Special Needs Parents Association and we also welcome it, as will the SNAs and IMPACT. It is still not good enough that we have waited until what seems the last minute before we debate this motion for the announcement to be made. In 2016, the Oireachtas Joint Committee on Education and Skills, as Senator Ó Ríordáin noted, specifically recommended that allocations be made earlier, ideally in March or April of the year preceding the year in which they are to be allocated.

We are disappointed with the amendment. We recognise the advances and increases, as well as the fact there will be more than 14,000 special needs assistants in place as a result of the recent announcement. We very much recognise and welcome the great increase in support that it represents for children with special needs in our educational system. However, not enough has yet been done to recognise the employment rights of SNAs, improve their working conditions and ensure they are treated in the workplace with the respect to which they are really entitled, given the vital contribution they make to our education system.

I hope the Minister will listen to what we are putting forward and know other Labour Party colleagues will also speak on this. We are appealing to colleagues across the House to support our motion and reject the amendment on the basis that we must ensure SNAs are treated with respect in the workplace.

Senator Maria Byrne: I move amendment No. 1:

To delete all words after "That Seanad Éireann:" and substitute:

“- recognises the vital role that special needs assistants (SNAs) play in Ireland's Education system, providing essential support for some of the most vulnerable students in our classrooms;

- welcomes this Government's ongoing commitment to ensuring that every child who is assessed as needing SNA support continues to receive access to that support;

- commends the substantial increased annual investment in SNA provision which has seen the number of SNAs increase from 10,575 in 2011 to 13,990 by the end of this year, an increase of 32% at a full annual cost of €458 million;

- notes that Budget 2018 provided for over 1,000 additional special needs assistant posts with up to 130 commencing from January 2018 which would bring the number of SNAs to 14,100 and further posts commencing from September 2018;

- notes that some 34,000 children attending mainstream classes, special classes or special schools now receive the support of SNAs;

- notes that the Minister for Education and Skills formally requested the National Council for Special Education (NCSE) to lead a comprehensive review of the SNA scheme aimed at providing better outcomes for students and ensuring that we are making the best additional investment for children with special educational needs;

- notes that in preparing its Report, the Minister for Education and Skills has asked the NCSE to consider the findings and recommendations of the Report on the Role of the Special Needs Assistant which was published by the Joint Oireachtas Committee on Education and Social Protection in January 2016;

- notes that the NCSE will conclude its review and bring forward its report by the end of March 2018;

- welcomes the undertaking of the Minister for Education and Skills that schools will be informed of their SNA allocation for the 2018/19 school year by the end of May 2018, fulfilling a commitment made by the Minister for Education and Skills in July 2017 that the notification of SNA allocations would be brought forward so that schools and parents can have greater certainty for the following school year;

- notes that by announcing SNA allocations for the 2018/19 school year by the end of May 2018, the supplementary assignment arrangements – and distribution of available hours to serving staff in schools – will operate to full effect;

- notes that the supplementary assignment arrangements for SNAs have operated since 2013 which seek to maximise job security for SNAs and ensure that schools continue to put in place the best possible support for the children in their care, and notes the ongoing commitment of the Minister for Education and Skills to the effective operation of that scheme in consultation with education partners as provided for in national industrial relations agreements;

- notes that procedures are in place involving schools, school management bodies, the Department of Education and Skills and staff interests to deal with SNA grievances and issues at school and national level, and notes the commitment of the Minister for Education and Skills to continued engagement with staff interests and school management on industrial relations matters.”.

I welcome the Minister, as well as our guests in the Visitors Gallery who represent the SNA association. During the worst years of the recession, the number of SNAs was not cut back by the current Government. Emphasis was put on learning and learning outcomes, with everything put in place to support students who were most vulnerable. That is most important.

More than 3,000 extra SNAs have been announced by the Minister since 2016, which is welcome. In my area there have been a number of special needs assistants posts announced and I am involved with a school with a number of special needs assistants. I have not come across many cases like those referred to by Senator Ó Ríordáin, with people being asked to do things outside their remit. The Senator received complaints in that respect but I have not come across them while being involved with many schools over many years. The increased investment reflects the priority the Government has put on helping children with special educational needs to fulfil their potential.

A report was put in place and I compliment the former Senator and her committee at the

time. I know from meeting the Minister that the report has been taken on board. When the Minister asked for a review, he also asked that the points made by the committee at the time be considered. I understand that is being studied. The Department is taking into account these requests relating to special needs assistants. In 2013, a grievance support system was put in place by the then Minister responsible for education, former Deputy Ruairí Quinn, and I understand it is still in place. It has been worked on and has been strengthened as well. If the SNAs had any grievance, they could speak to school management and bring it further. As the mechanism is still in place, if people have a problem, they can move along a complaint. I know the Minister has committed to the effective operation of the scheme in consultation with education partners, as provided for in the national industrial relations agreements.

Procedures are in place involving school management bodies. I sit on a board of management and know that although we have not had complaints from people representing SNAs, there have been past grievances. They are aired at board of management meetings. From my experience, boards of management are open and receptive to listening and dealing with the matters of the day. I know from speaking to the Minister that he is willing to engage with staff interests and school management in all areas. The Minister and his Department are very committed in this respect. There has been a doubling of the number of special classes, and there has been a spread of autism spectrum disorder units, which are very necessary, right across the country. They are not just in Dublin and can be found in the regions, small towns and rural areas. The schools have specific units and children who were not able to attend mainstream classes are now able to do so.

I pay tribute to all special needs assistants throughout the country as they do fantastic and Trojan work. People like them have made it so much easier for children and they are very supportive of the students that they work with. This is really to be commended and these people should be recognised for the work they do. They have made the lives of students and their families easier through the support they give in conjunction with their work with the teacher and school. I welcome the fact that there is engagement with regard to SNAs. There are procedures in place. Anything that can strengthen the role of people is to be welcomed but there is a lot of support in place.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire go dtí an Teach. Cuirim fáilte mhór roimh na daoine atá ag éisteacht linn inniu fosta.

Fianna Fáil fully supports the Labour Party motion. I compliment the Labour Party Members on raising it. From a Fianna Fáil perspective we have been consistently critical of the manner in which the Government allocates SNAs. It is something that has been going on now over a four year period. It is very unfair on SNAs, the schools, the boards of management and the children. The Government's treatment of people employed as SNAs is reprehensible and completely lacking in respect.

When the 2016-17 school year ended, management of schools still did not know how many SNAs would be allocated or even if they could retain their current staff. This also meant that people employed as SNAs did not know if they would be employed next year. The situation created unnecessary hardship as things were let go to the wire. It is unfair on SNAs who have to live with this uncertainty. Often they do not if they are going to have a job. Everybody would agree that is a very regrettable situation to be in.

When announcements were finally made, school boards of management and teaching staff

had to come in during the summer to try to put arrangements in place in order that they would be good to go at the start of the academic year in September. Bear in mind that boards of management members were doing that in a voluntary capacity and the teachers were on annual leave. It was very unfair that they were asked to do that. It is time the special needs allocation was given greater predictability and announced before it gets too late. It should be announced no later than mid-May to give everybody time to know exactly where they stand and put proper plans in place. The SNAs would know that they have a job in their existing school or whether they have to make plans to try to find employment elsewhere.

It is important when we are discussing the issue of special needs education that we must not focus exclusively on the cost to the State. That would be a mistake. Rather, we must reflect on the real and positive impact that SNAs have on the well-being of our children with special needs. I hear reports that the Minister for Public Expenditure and Reform, Deputy Donohoe, has raised concerns with the Minister in regard to the cost of special needs in schools. It is important the Minister holds firm and we do not lose sight of the bigger and very important picture.

Special needs education has been transformed over the last 20 years and we can be very proud of the progress we have made in that regard. It is imperative that we do not take a step back from that real progress. Nothing must be done to jeopardise that because it is important that each child who receives support from the Department of Education and Skills is classified as a valuable member of our society. The State must support his or her learning and development as much as possible. I am reminded when discussing this subject of the great American liberator, Frederick Douglass, who way back in the mid-1880s came up with the famous quote that we often use and it is very apt that we would use it today. "It is easier to build strong children than it is to repair broken men."

Senator Máire Devine: Céad míle fáilte to the representatives of the IMPACT trade union who are in the Visitors Gallery. The ongoing work and commitment which IMPACT and its members have vested in this sector is second to none. If they had been treated with any respect at all by the Government we would not be here this evening. We have a dysfunctional relationship between the Department of Education and Skills and the workers and families within schools. It is not fair that the SNAs employed by the State, the schools run by the State, and the families whose children are reliant on SNAs are left in the lurch like this year after year.

I cannot understand why after four years of ongoing failure there is still a habitual failure by the Department to publish the allocation of SNAs in a timely fashion. It is hugely disrespectful not just to the workers in the sector but also to the parents and the children who depend on these services to access a level playing field in education. The signal this ongoing failure by the Department sends to out SNAs and children is that they are not valued. They seem to be an afterthought. The agreements they have with the Department around deadlines do not seem to be worth the paper they are written on. What we do know for sure is that the Department is fully aware of how important and how serious this issue is for workers in the sector. We know this because the Department of Education and Skills published a report in January 2016 entitled, *A report on the role of the special needs assistant*. Recommendation nine of the report stated:

SNA allocations need to be made at an earlier date in order to provide SNAs with the appropriate notice of their employment in advance of the upcoming school year. Earlier allocations would also be beneficial for parents and students as they will have clear knowledge of the SNA support they may or may not be receiving for the upcoming school year. A

March or April allocation deadline would be preferable.

This issue was explained to the Department in 2015 and the report was published in 2016. It outlined what had to be done. Why has the Department of Education and Skills failed in 2016 and 2017 to achieve this? If this happened once it would be frustrating. However, it happens every year. It is an habitual failure by the Minister's Department and that is why we are here. Sinn Féin fully supports the decision by 97% of members of IMPACT to take industrial action on this issue. We respect the work that they do. We recognise their commitment to students who need their vital help. SNAs are a lifeline to any person in a school with a disability. They help students with their tasks and allow students to get on with learning. The more inclusive we make our schools, the better the environment we create for all students and staff.

However, the stark reality is that students today are being taught in overcrowded classrooms. More and more costs of supposedly free education are being passed on to parents who should not have to deal with that sort of mental and financial distress. Voluntary contributions place a heavy burden on the family purse. SNAs have a relationship with the assigned students. They want security and continuity to strengthen that bond. At the very least, the SNA and the child should know in a timely fashion what the future of that relationship will be. This basic demand is not being met. This sort of behaviour displayed by the Department of Education and Skills is hugely disrespectful and unacceptable. To continue ignoring the demands and the needs of SNAs in this sector is unacceptable.

The Minister was told by representatives of IMPACT in 2015 at the Joint Committee on Education and Skills that the way SNAs were being treated was disrespectful. However, it has continued for a further two years. We have a situation where schools across the country are finishing their term for the summer, closing their doors and principals cannot prepare their schools' schedules for the next term because they do not know the allocation of SNAs. SNAs are left in the lurch as to whether they will have a job to go back to. They cannot apply for a new job because they may still have their old one. They cannot get the relevant documentation in order to apply for work, or at least prepare to apply, because they will not know what their situation will be. There is no security and no certainty. It is not good enough that the State would continue to act like this as an employer. Not only that, but last May we had 558 schools looking to appeal their special needs allocation under the new resource model. SNAs, as well as families, are being left in limbo and with a lack of clarity as to the resources that will be available to them. The Minister must ensure that this critical information is provided for schools in good time. It is prudent, it is sensible and it is doable.

I am also aware that the Government is currently carrying out a top-secret review of the special needs assistant, SNA, scheme. I ask the Minister to please outline the steps being taken in this review process, the participants in the review, and whether, though it seems doubtful, trade union representation is being considered. The Minister should remember that trade unions are the only organisations that represent and protect workers. It is disappointing that there is an attempt to block them and to keep them outside the door behind which decisions are made. Just as an aside, it was also disappointing that yesterday the amendment to the Finance Bill 2017 proposing to reintroduce tax allowances for trade union subscriptions was ruled out of order, but *sin scéal eile*. It seems that the attack on trade unions goes on and on.

IMPACT represents over 8,000 workers in this sector alone and they are being ostracised when it comes to this issue. How can the Minister expect to deliver a review with any credibility when it does not contain the experiences and input of workers in the sector? The delay

in publishing SNA allocations is not only in breach of the 2016 report by the Joint Committee on Education and Skills, it also undermines both the Haddington Road agreement and the Lansdowne Road agreement. These are provisions and deals that have already been agreed to, but they are not being fulfilled.

It is for these reasons and many more that we will be supporting the Labour Party motion. We call on the Minister to deal with the SNA allocations in a sufficiently timely manner, as IMPACT has requested; to provide job security for workers in this sector; and to establish a procedure for grievances to be heard. These demands are not a lot to ask for, considering the vital work SNAs do. They and their staff representatives deserve the Minister's respect.

Senator Grace O'Sullivan: I support the Labour Party motion. It is very welcome that the Labour Party took the initiative to do this. We talk in Ireland about being an inclusive society. The role of the SNAs is to support inclusion. I have seen it first-hand in schools in Tramore and through the needs of my own children. It is crucial that the SNAs get the security that is required to ensure that they can carry out their functions to the best of their capability. Moreover, I support those children who deserve their rights and need the support of SNAs. I fully support this motion of the Labour Party and hope it will be taken on board today.

Senator Kevin Humphreys: I am particularly proud to support SNAs. Ever since I came into politics, I have always fought the battle for the parent, and parents certainly value the assistance an SNA gives to the child in the classroom. Those parents know that their child could not go through the education system without the support of the SNA. On many occasions I have had to support the same child in an appeal for an SNA year after year.

I also wish to acknowledge the work that the SNAs carry out in the school. Many schools would not function without the SNAs. I want to acknowledge IMPACT, some members of which are here today as professional representatives. They are a trade union, not an "association", as they were referred to earlier. They are a professional group of people representing workers, and they should be referred to as such. For far too long, we have had to fight the battle for the recognition of the trade union movement. As a strike will probably take place on 20 December where other union members are looking for recognition and a right to negotiate, I want to recognise the right of IMPACT to negotiate on behalf of SNAs.

Across the inner city there are SNAs that support schools from Sandymount to Ringsend and from City Quay to Sing Street. Those schools would not function or have proper integration without the help and support of SNAs. Many times an SNA has come to me in June saying that they had no job to go to in September. A fundamental right of a worker is the ability to plan their life. Allowing this situation is no way to treat a worker. I will recognise that earlier allocations will assist this greatly.

I want to touch on one point that Senator Ó Ríordáin mentioned, concerning the way post-primary SNAs are treated. For an SNA in post-primary to be asked to clean the toilets, paint the school or cut the grass is not acceptable. I put it to the Minister that additional training in that period would be very useful. This would assist SNAs who are anxious to provide a really good service and best serve the pupil. The SNA often become an enormous friend not only to the pupil but to their family. An SNA will show great concern for that child. Often, when an SNA is out sick, that child cannot attend school. Those services have to be built up and reinforced.

It was said to me by one of the SNA providers at the briefing in the AV room that the sign of

a good SNA is that they do themselves out of a job. They build up the child's confidence, they provide support and they strengthen the child's ability to function. I have seen that in practice. I have seen SNAs go well above the call of duty. They engage with the school and make sure that when the pupil comes into the classroom, he is ready and able to participate. The disrespect that has been shown to this outstanding group of people over many years is no longer acceptable. We have to move on.

The sector has grown very quickly and in many ways we have to catch up. We have to run to catch up however, because our SNAs are now an integral part of the education system. It is just not true to say that if an SNA has a particular problem, they can take the issue to the board of management. As a matter of fact, the only people who do not have representation rights on schools' boards of management are SNAs. They contribute hugely to the school, yet they are excluded from participating in the board of management, unlike the teachers, the parents, and sometimes, at post-primary level, the pupils. We have excluded SNAs. That has to be looked at. The idea that an SNA can bring problems to the board of management is not living in the real world. It does not happen.

I know that the Minister wants to do what is best. I ask that he accept the motion in the spirit in which it was tabled. Let us work with the representatives of the SNAs to make sure that the child's experience in school is the best experience that it is possible for them to have. Above all, I call on the Minister to value the worker that provides that service, to make sure they get the respect that they deserve and give them certainty of employment so that they can plan their lives. We give everybody else that certainty. SNAs deserve the same certainty around their terms of employment.

Senator Gerald Nash: I welcome our colleagues from IMPACT who represent so professionally the interests of SNAs across the education system at primary and secondary level. I recognise their absolute right to fulfil their role as a professional trade union in the context of Irish legislation, and to represent professionally those who seek their representation. They do that job very professionally.

It is fair to say that there is not a public representative in this Chamber, or in the other Chamber of these Houses, that has not made at least one representation to the system on the allocation of SNAs, on behalf of a school, parents or children. However, it is rare that we have a discussion about the basic terms and conditions enjoyed and experienced by those who deliver that service and that is a flaw. There is little in the Government amendment to give anyone in the Visitors Gallery, those listening in and those SNAs who IMPACT represents any great hope that the Government is at all interested in providing a pathway to greater job security or that such is on the horizon in the future. In fact, a key part of my colleague, Senator Ó Ríordáin's, Labour Party motion is neglected. The Government amendment is largely silent on the issue of job security of an SNA and certainty in terms of hours and income.

My colleague, Senator Kevin Humphreys, alluded to the fact that the system of provision of SNAs over the past decade and a half or so has grown organically and on a piecemeal basis. Of course, one of the problems associated with that is that SNAs have become second-class citizens in terms of employment in the public system. They certainly do not enjoy anything like the same rights, entitlements and terms and conditions of their counterparts in the education sector and in many respects, they are victims of the fact that this system has grown organically over many years. Great credit is due to administrations in the 2000s and, in fact, the administration I served in from 2011 to 2016, for ensuring that the numbers of SNAs grew significantly to meet

the demands my colleague, Senator Bacik, outlined.

It is regrettable to listen to a Minister, for whom I have a huge amount of respect, talking about the cost of SNAs. There are far too many people in Irish politics who speak about the cost of everything and who, unfortunately, know the value of little, and do not recognise that value. That particular Minister certainly is somebody who recognises the value of public service but it is regrettable that comments like that would be made and that an issue would become confused. What we are talking about is respect. It is about dignity. It is about providing job security and certainty, the type of certainty to which all workers in Irish society are entitled.

I know many SNAs. I have family members who are special needs assistants. I have many friends who are special needs assistants. They are extremely dedicated to the job that they do, the school they represent and the student they support through the education system. Unfortunately, the system has grown to take advantage of the dedication and selflessness that is always displayed by SNAs and to make certain assumptions about what an SNA is prepared to do. My colleague, Senator Ó Ríordáin, made reference to the fact that some SNAs in the system are expected to clean toilets, paint classrooms and do odd jobs around a school when the students are not there outside of the academic year, which is objectionable. It tells us all we need to know about how the system in general treats SNAs. It is a practice that is completely unacceptable and should end. It is not too much to expect that the thousands of SNAs who do remarkable selfless work should be afforded the same respect, dignity, job security and certainty as others working in the public service are entitled to expect.

This is a matter of respect. This is fundamentally what this motion is about. I hope that this House can unite behind this motion and reject the Government's narrow amendment, to which we object. We will put forward our motion because we believe that represents the direction in which the SNA system should travel because it is about respect, dignity, job security and certainty. If the majority of Members of this House can unite around this motion, it will represent a landmark, a milestone and a turning point in terms of the working conditions of SNAs.

Minister for Education and Skills (Deputy Richard Bruton): I would like to say how pleased I am to participate in this debate and how I strongly support the amendment moved by Senator Maria Byrne which deals with all the issues of concern. I hugely value the role of SNAs. In my period in government, we have seen the number of children with special needs who are supported by SNAs grow by 12,000. There has been an increase of 50% in the number of children with special needs who are getting support from special needs assistants. This reflects a commitment by this and previous Governments to ensure that children with special educational needs get the opportunity to fulfil their potential.

I was pleased to attend the IMPACT education conference earlier this year in Cork - it is not an annual event - because I believe SNAs are truly key partners within the education system and I value their role. I have changed the system I inherited which dealt with the appointment of SNAs in the way that has been rightly criticised by Senators. I succeeded in changing this by sitting down with the Minister for Public Expenditure and Reform, Deputy Donohoe, of whom several Senators have been critical. The Minister, Deputy Donohoe, strongly supported this because he, too, believes that people should have certainty in the allocation of this resource and be able to plan their future. Despite Ministers having the opportunity to deal with this for years, I got the chance to change it and I did so. That was flagged, as the Senators will be aware, in October, long before this motion was tabled in the Seanad.

The work of SNAs is something to be treasured and valued within the school system. Let me assure Senators that having a review is not some secretive conspiracy against special needs assistants. This is being done, as the National Council for Special Education, NCSE, has done in respect of resource teachers, to ensure that we bring in a system that is most responsive to the needs of children and respects the role of all those who work within the system. I am pleased to be able to tell the Seanad that the working group dealing with this has a SNA on it and that the NCSE, which is an independent statutory authority charged with advising me, as Minister, has involved IMPACT in the consultations and will continue to involve a wide group of people in the consultations as it seeks to do what it has already done with resource teachers. I remind those who feel in some way locked out of what the NCSE is doing that the NCSE has a track record in that it reformed the resource teaching allocation model, which is now a much better model. The resource teaching allocation model is recognised by everyone. It is fairer and it is working better. It brings children with special needs right into the heart of the school and it becomes a core element of it. I certainly hope the result will be the same in respect of the review that the NCSE is doing of the role of SNAs to ensure that we get the best service and that SNAs are respected.

I would be horrified to think that inappropriate duties are being asked of SNAs. I would point out - it is stated in the Government amendment - that we have grievance procedures to ensure that the unions which represent SNAs can raise those grievances and have them aired and dealt with. Officials in my Department will be stringent in ensuring that SNAs are used for the purpose set out in the circulars that govern their deployment.

It is fair to say - Senator Maria Byrne recognised it - that it was before my time that a panel was put in place to give security. That is working. Contrary to what Senators said, it is not a failure. The record to date is pretty encouraging in that the number of SNAs experiencing compulsory redundancy as a result of changes in the allocations to match children in the schools under the old system was running at between 300 and 400 per year, and now it is down to on average only 45 per year. The vast majority of SNAs who want to be redeployed are being redeployed. In the four year period since the panel was introduced nearly 1,200 SNAs came up for redeployment and 84% found a place or decided not to continue. Only 16% faced redundancy. That system is working.

My Department officials met IMPACT officials earlier this month. We will continue the dialogue with them. I recognise there was frustration about the way in which SNAs were being allocated under the old model, where Ministers for Education had to go to their colleague, the Minister for Public Expenditure and Reform, in June and get a specific budget allocation that had not been provided for the year before. That created significant problems. It was a huge catch in the system. This year we have made the allocation in advance and we have decided that we will allocate 1,000 extra SNAs next year, in the same way that I allocated 1,000 this year and the 1,000 last year. This is a very firm and good system for planning for the future.

The Senators referred to the report by the Joint Committee on Education and Social Protection. It is one of the elements that the National Council for Special Education, NCSE, will be addressing. It raised a number of important issues. Opening up SNAs to JobBridge is no longer an issue that people would consider, but other issues arise, such as changing entry level qualifications. The entry level qualification at present is FETAC level 3 and it is required that they would be urgently examined. That is something that the NCSE will look at. It also raised the issue of mandatory training being introduced, which is not there at present. There is no mandatory special education training for any staff across the system. Perhaps we need to move to that

over time. Whether one makes it mandatory or starts to introduce improvement programmes is something to be considered by the NCSE. It was also raised for consideration that the use of SNAs as a teaching assistant or learning aid be considered. I know there are different views on that and not everybody would agree with the committee on that suggestion. There is evidence from the United Kingdom that is critical of that suggestion on the grounds that it runs the risk that the relationship between the child with special needs and the teacher as the leader of learning can be severed and that this is not necessarily advisable. The NCSE will have to evaluate whether that evidence from the UK is something that is strong, or what we should consider in that area.

I am strengthening legislation that will be introduced in this House to ensure that provision is made for children with special education needs, in order that not only can the NCSE require a school to take them but it will also have the power to require a school to establish an ASD specialist unit. Those are units with one teacher and two SNAs for six children. As Senator Maria Byrne pointed out in 2011, there were about 500 ASD specialist units and now there are more than 1,200. There has been a huge expansion in the number of units that create an environment where children with special needs can get the intensive level of support with the SNA working very closely with the teacher in the class. That model is certainly becoming more mainstream in the system compared to what it was. Approximately 60% of children with special needs go to mainstream classes but now an increasing number about 20% go to these special classes and they are certainly offering options. We are seeing the impact of this as well.

Recent figures show that school completion rates in Ireland are almost the highest in Europe and have been increasing significantly. Last year there was a very significant increase of 2 percentage points, just in one year. We are succeeding in ensuring that children who may not have gone very far in education are now remaining in education. As we saw recently in the Progress in International Reading Literacy Study, PIRLS, report on literacy, we are doing not only very well across the average, but we are particularly good at reducing the number of young people who are at very low levels of performance in literacy. Our focus on making sure that children who come into the system with difficulties are helped to achieve high standards. There is evidence that this is working. It is a real reassurance for people that the effort we have put in recent years to support literacy in our schools with the support of teachers, parents, the education policy and curricular development has been successful. I think it gives us cause for optimism in the future.

I believe we are on a good road of progress, recognising and expanding the role of SNAs, undertaking a review, which I believe, based on the track record of the work that was done with the review of resource teachers, we can have a lot of confidence in. The NCSE, under the Chairman, Mr. Eamon Stack, a former inspector in the Department of Education and Skills is undertaking that review. The work that the NCSE did on the resource teaching model actually won a public service award for being a particularly innovative piece of work that was not only innovative in its thinking but in its execution. I would be very heartened and optimistic about the work of the review. I can sympathise with Senators who ask why this was not done more quickly, but as Members are aware, the implementation of the resource teaching model took time to convince people to show the way in which it was done was the right road. We have taken time but this review will be available in the first half of next year. The work is progressing very intensively. I am confident that there will be input from people who have the experience, whether through their trade union IMPACT, SIPTU or people with their own direct experience. I will be glad to see that there is a number of inputs from individual special needs assistants

who are making their own contributions and views known, so that the very best experience can be brought to bear in this review.

I assure the Senators that my commitment in this area is absolute. I have set five goals in the Action Plan for Education 2016-2019, which we have developed. One of the goals is to ensure that for children who come to the education system, either at a socio-economic disadvantage or at a disadvantage because of special needs, we will become the best in Europe at dealing with their needs. It is encouraging to see that the resources we have put in during recent times, something which is being supported across the House, are having a tangible impact on the performance of children. We need to continue to ensure that education does genuinely open up equality of opportunity for children.

Acting Chairman (Senator Gerry Horkan): I call on Senator Ó Ríordáin to conclude.

Senator Aodhán Ó Ríordáin: I thank all the Members who have spoken, particularly those who have spoken in support of the motion, Senator Robbie Gallagher from Fianna Fáil, Senator Máire Devine from Sinn Féin, Senator Grace O'Sullivan from the Green Party and the Civil Engagement group and my own colleagues, Senators Nash, Bacik and Humphreys who have laid out the reason this issue is so important.

I wish to pay tribute in particular to the IMPACT trade union, representatives of which are in the Visitors Gallery. If any SNA is listening to this debate in any part of the country is not a member of a trade union, today is a good example as to why they need to join a trade union. Without the activity of IMPACT, in mobilising their members, this debate would not be happening and the Minister for Education and Skills would not be here to respond to the issues that have been raised. I thank the members of IMPACT for being present in the Visitors Gallery, for promoting the interests of special needs assistants and for continuing to do so.

I take issue with some of the comments made by Government speakers. To suggest some level of surprise that an SNA has been given a menial task to undertake in a school is, as anybody who knows anything about special needs assistants, completely disconnected with the reality of what is happening in Irish primary and secondary schools. If that is a surprise to anybody, they do not know fundamentally what they are talking about.

I suggest that it would be significant surprise to IMPACT to learn that it is being consulted in regard to this review because if so, it was not aware of it as late as 2 p.m. I am sure it will be surprised to learn that it is part of the consultation for this review, which we believe from the amendment to the motion will report back in March 2018. I am delighted to hear there is a SNA on the review group but that is not good enough. That is not a comprehensive review of the role of the SNA. If one is excluding members of the trade union which represents the SNAs from being on this review group or even in consulting with it in a meaningful way, I think the review is doomed to fail. However, we will give it a fair chance to report to the House. We will obviously be in the Chamber to discuss the group's report.

I think everybody in this House fundamentally knows the value of the special needs assistant. SNAs do not ask for much. They do the most incredible of jobs, they empower the most vulnerable of children in our system, they give them a reason to smile and they look forward to seeing them every day. They make a connection with them on a human level, which is unparalleled. Without them many families would not be able to cope. They give the child a reason to go to school and to look forward to it. They build relationships that often last long after the

child has left second level education. They are not asking for even a fraction of the world, they are not even asking for a single penny in extra salary, all they are asking for is respect and for their role to be valued.

That is why so many Members of this House from different political backgrounds have looked at the motion and realised it is not a political football. We are not trying to have a go at anybody or have a political points scoring exercise. We are trying to defend the employment rights of SNAs with a trade union such as IMPACT. That is the reason that speakers from Fianna Fáil, Sinn Féin, the Green Party and the Civil Engagement group have seen the validity of our motion and rejected the Government counter-motion. I am quite sure that when the votes are cast, it will become a Seanad Éireann motion that shows the SNAs of this country that this House respects them. The IMPACT trade union and other trade unions that work with SNAs are working tirelessly on their behalf. It will be a good day for them to realise that the political system is backing them, that their union backs them and this House backs them. What they want from the Minister for Education and Skills is that he will back them too.

5 o'clock

An Leas-Chathaoirleach: That concludes the debate. Is amendment No. 1 agreed to?

Senator Ivana Bacik: A Leas-Chathaoirligh, the amendment was not seconded.

An Leas-Chathaoirleach: Government amendments do not need to be seconded. I am sorry about that.

Amendment put:

The Seanad divided: Tá, 16; Níl, 20.	
Tá	Níl
Boyhan, Victor.	Ardagh, Catherine.
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Black, Frances.
Byrne, Maria.	Clifford-Lee, Lorraine.
Coffey, Paudie.	Conway-Walsh, Rose.
Coghlan, Paul.	Daly, Mark.
Craughwell, Gerard P.	Daly, Paul.
Feighan, Frank.	Davitt, Aidan.
Hopkins, Maura.	Devine, Máire.
Lombard, Tim.	Gallagher, Robbie.
McFadden, Gabrielle.	Higgins, Alice-Mary.
Mulherin, Michelle.	Horkan, Gerry.
O'Donnell, Kieran.	Humphreys, Kevin.
O'Mahony, John.	Kelleher, Colette.
O'Reilly, Joe.	Murnane O'Connor, Jennifer.
Reilly, James.	Nash, Gerald.
	Ó Donnghaile, Niall.
	Ó Ríordáin, Aodhán.
	O'Sullivan, Grace.

	Warfield, Fintan.
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Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Ivana Bacik and Aodhán Ó Ríordáin.

Amendment declared lost.

Question put: "That the motion be agreed to."

The Seanad divided: Tá, 21; Níl, 15.	
Tá	Níl
Ardagh, Catherine.	Burke, Colm.
Bacik, Ivana.	Burke, Paddy.
Black, Frances.	Byrne, Maria.
Boyhan, Victor.	Coffey, Paudie.
Clifford-Lee, Lorraine.	Coghlan, Paul.
Conway-Walsh, Rose.	Conway, Martin.
Craughwell, Gerard P.	Feighan, Frank.
Daly, Mark.	Hopkins, Maura.
Daly, Paul.	Lombard, Tim.
Davitt, Aidan.	McFadden, Gabrielle.
Devine, Máire.	Mulherin, Michelle.
Gallagher, Robbie.	O'Donnell, Kieran.
Horkan, Gerry.	O'Mahony, John.
Humphreys, Kevin.	O'Reilly, Joe.
Kelleher, Colette.	Reilly, James.
Murnane O'Connor, Jennifer.	
Nash, Gerald.	
Ó Donnghaile, Niall.	
Ó Ríordáin, Aodhán.	
O'Sullivan, Grace.	
Warfield, Fintan.	

Tellers: Tá, Senators Ivana Bacik and Aodhán Ó Ríordáin; Níl, Senators Gabrielle McFadden and John O'Mahony.

Question declared carried.

Permanent Structured Cooperation: Statements

Acting Chairman (Senator John O'Mahony): I welcome the Minister of State at the Department of Defence, Deputy Paul Kehoe, to the House and invite him to make his opening statement.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I welcome the opportunity to once again address the Seanad on the important issue of Permanent Structured Cooperation, commonly referred to as PESCO. It is important to note that debate on this topic has to be seen in the context of the current international security environment and the ever-changing, complex and intertwined nature of threats to citizens, individual states and to international peace and security. There is no doubt but that the European Union and its immediate and wider neighbourhood face new and ever more complex challenges. These threats to international peace and security are multidimensional and transnational in nature. No country or member state acting on its own can address such challenges; it requires collective co-operation.

The EU global strategy on foreign and security policy, published in June 2016, sets the context and provides a guiding framework for the Union's external action under the common foreign and security policy. The strategy identifies key security challenges facing the European Union within its neighbourhood and beyond and commits to a global order based on international law with the United Nations at its centre. Within the provisions of the Union's common security and defence policy, CSDP, the strategy commits the Union to taking greater responsibility for its own security and to enhancing its capacity to contribute to international peace and security in accordance with the charter of the United Nations. In accordance with the charter of the United Nations, actions to give effect to strategy are now being progressed through the EU's comprehensive approach to crisis management. This brings together all the instruments available to the Union, including civilian crisis management, diplomatic, political, financial, developmental and trade instruments, including in the areas of security, defence and the rule of law.

Ireland has been centrally involved in the development of common security and defence policy, CSDP, from the outset and has been one of the leading contributors to CSDP operations. Ireland supports the role the EU can play in support of international peace and security with the UN at its core. It should be noted that all CSDP operations to date have either been mandated or supported by the UN and endorsed in UN Security Council Resolutions.

As the Members of this House are aware, Permanent Structured Cooperation, PESCO, provides a treaty-based mechanism whereby EU member states can participate jointly in capability development projects. These capabilities can then be made available for CSDP crisis management and peacekeeping operations. Participation in any particular PESCO project is entirely voluntary. As such, Ireland, along with all other member states, is free to decide for itself whether to opt in to any project on a case-by-case basis.

Participation in PESCO which is provided for in the Treaty of the European Union, Articles 42.6, 46 and Protocol 10, was introduced under the Lisbon treaty and voted on by the Irish citizens. PESCO was specifically mentioned in the Lisbon treaty protocol to address the concerns of the Irish people, and in Ireland's national declaration. The legislation setting down Ireland's approval process for PESCO was published in advance of that vote and enacted in November 2009. PESCO is seen as the primary initiative in demonstrating EU ambition in advancing the agenda on CSDP. In this regard, the establishment of PESCO is seen at EU level as a political demonstration of unity, inclusivity and continuing ambition to provide global leadership, in the face of Brexit and the increased security threats in the European neighbourhood and beyond.

PESCO will operate in a similar manner to the European Defence Agency, EDA, but it is a formalised and treaty-based structure. Just like the EDA, it will allow countries to come together to develop capabilities that will be of use to their own militaries. Examples of EDA projects that we are already involved in are force protection, chemical, biological, radiological

or nuclear, CBRN, protection, counter improvised explosive device, IED, training and maritime surveillance. PESCO will be used to jointly develop further capabilities with enhanced commitments in terms of investment and, crucially, deployability on CSDP operations

As I noted, participation in any PESCO project is entirely voluntary and it is a matter for each member state to decide for itself whether to participate on a case-by-case basis. While much further work is required before Ireland can decide which PESCO projects we may wish to participate in, examples of the types of projects we are currently looking at include: upgrade of maritime surveillance systems; development of unmanned underwater vehicles for protection of harbours and maritime systems; a centre of excellence for EU military training missions, cyber threats; and incident response information sharing platforms. As the work on elaborating the details of these project proposals and potential participants remains at an early stage I regret that I cannot yet be specific about what projects Ireland may participate in at this juncture. I would like to reassure this House that we will only join projects to develop a capability that will enhance our interoperability and assist with equipping our troops. It is vital that our troops are equipped with the latest and best equipment and training for peacekeeping, conflict prevention or the strengthening of international security. This is in accordance with the principles of the Charter of the United Nations, and in accordance with the provisions of the Defence (Miscellaneous Provisions) Act 2009.

Participation in PESCO has no implications for Ireland's policy of military neutrality, for the triple-lock or the roles we play in peace building and support to international peace and security. The participation criteria expressly stipulate that PESCO will be implemented in full compliance with the Treaty on European Union and its protocols, respecting the constitutional provisions of the member states. Four other non-aligned EU member states, Finland, Sweden, Cyprus and Austria have also committed to join PESCO. The notification states that it does not prejudice the security and defence policy of the member states; that the member states remain sovereign; and that the commitments will be implemented fully in accordance with the treaty, its protocols and the constitutional provisions of the member states. As such the budgetary process and role of Dáil Éireann, remain untouched.

PESCO also has nothing to do with the creation of a European army. Nothing in the treaties provides for the creation of an EU army. PESCO simply involves member states making more binding commitments to each other to jointly develop military crisis management capabilities for use in support of CSDP operations. Ireland, as a strong proponent of the important role the EU can play in supporting international peace and security and the UN, wishes to remain fully engaged in all CSDP processes, as it has done to date. Fully participating in these developments ensures that we have a voice and that we can influence the evolution of these initiatives, including PESCO. It is important that Ireland has once again demonstrated that we will move forward together and at the same time as our EU partners, including in the security and defence domain. This protects our interests within the union. PESCO is one such key initiative in that regard.

Participation in PESCO will also allow the Defence Forces to gain access to latest thinking and technology on capabilities of interest to them. This will help enhance their capabilities for peacekeeping operations. When Ireland deploys the Defence Forces overseas, they are never deployed alone; we always work in close co-operation with other countries. PESCO is a means of enhancing interoperability with project partners and ensuring that our troops are equipped with the latest and best equipment and training, enabling them to be even more effective at peacekeeping for which they are quite rightly renowned and respected.

Now more than ever, with Brexit and emerging and increasing security challenges in our neighbourhood and beyond, it is important that the Union can demonstrate unity and cohesiveness. Ireland has a responsibility to play its full part. To that end, in seeking the support of our EU colleagues on our priorities, it is important that we continue to act in step with them in shared areas of concern, including on security and defence initiatives such as PESCO.

Senator Paul Daly: I welcome the opportunity to speak about PESCO. Fianna Fáil supports the Defence Forces and State in joining and engaging with PESCO. This is not a question of creating a European army or undermining our neutrality - we look forward to working within PESCO with other neutral countries, Finland, Sweden and Austria. It concerns deepening our co-operation with other states with which we are already part of a Union, working together, building co-operation, sharing knowledge and ideas, pooling resources, generating better economies of scale, providing better training for members of the Defence Forces and, ultimately, ensuring peace and stability across the European Union to protect its citizens.

This might be a small island on the edge of Europe but we face the same type of threats as our nearest neighbour, the UK, and our larger neighbour across the Atlantic. Cyberterrorism is something which this country has experienced. Over 5,000 cyberattack attempts were discovered in one hospital forcing the HSE to shut down all external access to its information technology, IT, network. Our health system is already on its knees without cyberterrorism. Knowledge is not power but the sharing of knowledge is power and PESCO offers us the opportunity to learn from and impart knowledge on our peacekeeping missions. We have an international reputation as a peacekeeping nation and we have a lot to offer in that respect.

The effects of joining PESCO are many and positive. It reinforces the fact that we are fully committed to the European Union and its ideals and values. We engaged in all aspects of the process and ensured the Irish voice and concerns were heard, as reflected in the draft. In the context of Brexit and a post-Brexit scenario it is vital that, as a member state fully committed to the European Union, we show our support for the Union and all of its values. This includes our commitment to the common security and defence policy, which we have had a major role in developing.

We will gain much from joining PESCO. Members of the Defence Forces will be better trained and equipped and will have more knowledge. They will ultimately be safer when they go on overseas missions to represent our country.

There are many times when politicians laud the members of the Defence Forces for their fantastic work and humanitarian actions overseas, including their peacekeeping and peace enforcement missions. It is important to note that joining PESCO is very much supported by the Defence Forces. It is important to send the message to members of the Defence Forces that we support them in the work they do. That is something we have not been doing that lately. We are proud of the work they do and we want to work with them to ensure they have access to the best information, knowledge and training.

Senator Gerard P. Craughwell: I thank the Minister of State for coming to the House and setting out such a clear message on where we are going with PESCO. There has been much talk about the Government trying to ram through Ireland's participation in some kind of European army. It is important to put the record straight.

First and foremost, let us discuss Ireland and its neutrality. We are a militarily non-aligned

country and nothing in this agreement is going to change that. How neutral we are has always been a question. For example, on 6 June 1944, the Irish weather forecast service provided a weather report for the Allies to invade Europe. Overflights by Mayo, Sligo and Donegal were commonplace during the Second World War. Today, the RAF covers our skies because we cannot do it ourselves. There is nothing wrong with this. This is all good straightforward intelligent stuff, but it is important to be honest about it.

People are talking and accusing the Minister of State of dragging us into some sort of EU army. The Minister and I both know that is bunkum. An army needs intelligence. There is no independent intelligence unit in Europe that gathers, analyses and executes the results of intelligence gathering. There is no intention to form a European army. There never has been an intention to form a European army as far as PESCO is concerned.

Some countries in Europe may come together and form military alliances and they are perfectly entitled to do so. As a militarily non-aligned country, Ireland will stay out of that. If there was to be any change, I know that the Minister of State knows that he would have to put that to the people by way of referendum in order to change the status of Ireland. There is no question whatsoever of us moving into some sort of European army.

We talk about neutrality as if it was some Holy Grail. If we were really neutral, like Finland or Austria, for example, we would spend vast amounts of money in developing military resources to protect our neutrality, but we do not. We are a peaceful country and, for the most part, we operate in peacekeeping roles. We operate in European missions. It is important that the people know that when Irish troops are involved in European missions, the ultimate buck stops with the Minister of State. The commander in the field is answerable to the Minister of State and to the Government of the day. We do not send our troops into wars or war zones and put them at risk with European missions. Command and control and the control of our units overseas on European missions rest with the Government. The Government has the final say. General Ger Aherne spoke on “RTÉ News at One” on Sunday and pointed out that the troops he was involved with in Mogadishu came from 16 different countries. Two of the countries were third countries non-aligned to Europe. The rest were involved in the European Union. We opted in and we opted out of that particular mission.

The Minister of State set out four points on PESCO, related to maritime issues, the development of unmanned underwater vehicle protection, a centre of excellence for EU military training and cyberthreats. Who, in God’s name, could find fault with any of those? We have seen what a cyberthreat did to the UK National Health Service. In one weekend that attack ground the entire country to a halt. What is wrong with us becoming involved in such things?

I imagine people are still going to try to turn this into some sort of grand European army. Be that as it may, the Minister of State has set out in clear terms precisely what we are attempting to get ourselves in to. No firm decision has been made on the specifics at this stage. I know that when the time comes and the Minister of State, with the aid of his officials and senior military officers, has picked out the specific items he will come back to the House and explain what we have decided to opt in to and why.

Irish soldiers walk around the place with Austrian rifles. We used to use French armoured cars. What is wrong with coming together with our colleagues in Europe to have the funds to buy the best equipment in the world? What is wrong with Institute of Technology, Carlow developing bullet-proof vests? I saw the project when I was down there some time ago. What is

wrong with that? There is nothing wrong with it.

I am glad to see that the Minister of State is looking favourably on a military school of excellence, especially when we are putting people overseas in peril. I welcome what the Minister of State has done today. I am 100% supportive of what he is at and I wish him well with it. I look forward to him coming back and letting us know what specifics he has chosen.

Senator Gabrielle McFadden: I welcome the Minister of State to the House. On Monday, the European Council agreed a pact called PESCO that will allow member states to co-operate in developing military capabilities, invest in shared projects and enhance their respective armed forces. I believe this is an important development, as defence is the ultimate guarantee of our freedom. I value that freedom and I believe it is worth defending.

The threats to Europe and Ireland are changing and we must be willing to put in place measures to meet challenges such as terrorism, cybercrime and the trafficking of drugs and people. There has been some negative and ill-informed commentary about the establishment of PESCO. Some of it has emanated from quarters where, I believe, people would be happier to see the breakup of the European Union.

Involvement in PESCO does not take away our neutrality. Ireland remains a neutral country, as does Austria, Finland and Sweden, all of which are neutral and members of PESCO. We are not obliged to become involved in any of the projects being considered. However, activities such as a pan-European medical unit or reaching common standards across the Union for military radio communication seem to me to make sense.

One of my concerns has always been to ensure that the members of the Defence Forces are properly trained and resourced. The Minister of State has said the same in his comments today. Who could find fault with that? Back in the late 1950s some people opposed Ireland's involvement in any UN mission. They argued that it was the thin end of the wedge and that it would compromise our neutrality. Less than two weeks ago I stood with the Minister of State, Senator Craughwell and the brave men of A Company, the 35th Infantry Battalion, who finally got the recognition they so richly deserved following their service in the Congo in 1961. They represented this country proudly like so many who have served with the UN since. Over the years, Irish men and women have served on UN peacekeeping missions in places such as Central America, Lebanon, Iran, Iraq, Afghanistan, Liberia and East Timor, to name but a few.

Irish Defence Forces personnel have been involved in European Union missions in Chad and even closer to home in Kosovo and Bosnia. On these occasions they have served with distinction and have enhanced the reputation of Ireland abroad. None of these operations has threatened our neutrality or dragged us into a war as some of the naysayers predicted. However, people will always be found who define themselves only by what they are against. We must be clear about what we are for. I am proud to be Irish and I define my patriotism in terms of my love for my country, unlike those whose nationalism is based on their hatred for others. I am proud to be European. I believe supporting the European Union enhances Ireland's international reputation, unlike those who have campaigned from the beginning against European integration. They have taken the same position on Europe as Nigel Farage and the right wing of the Tory Party, very unlikely fellow travellers indeed.

Senator Fintan Warfield: What is the Senator talking about?

Senator Gabrielle McFadden: For as long as I can remember, I have been a proud sup-

porter of the Defence Forces. My grandfather was a sergeant major in Custume Barracks in Athlone. When I was growing up, our kitchen overlooked the parade ground in Custume Barracks. I was proud of Óglaigh na hÉireann when it defended our freedom down the years against those who sought to undermine this State. I was proud of the members of the Naval Service who intercepted the *Marita Ann*, laden with arms and ammunition to be used against Irish men and women. Likewise, I am in favour of Irish men and women playing a role in defending Europe from terrorism, gun-running, cybercrime and hacking and in helping to prevent the trafficking of drugs and people. In doing so, they are enhancing our freedom, both as a nation and as part of a Union.

Senator Fintan Warfield: Last week with almost zero public debate, Ireland was signed up to PESCO. Among the most ludicrous arguments, some of which we have heard here, in favour of doing so was that we needed to drag our neutrality through the mud in order to support the EU and its values. Since when did increasing national defence budgets, creating new military capabilities, fuelling the arms industry, and compromising respect for human rights become core values of the European Union?

PESCO, the €5.5 billion European defence fund and the action plan on military mobility are just three initiatives of the past six months to shore up and strengthen a European military union. I thank the Minister of State, Deputy Kehoe, for coming to the House to debate this issue and I commend Senator Higgins and others who proposed this debate during Order of Business last week. It is no secret that many federalists in the European Parliament idolise the notion of a common defence policy and a single European army. Jean-Claude Juncker, the President of the European Commission, refers to PESCO as the sleeping beauty of the Lisbon treaty and is on record, in 2015, reflecting on his own desires for a federal defence force. Today the European Parliament in Strasbourg voted in favour of two reports calling for greater European militarisation. Those are the annual reports on common foreign and security policy, CFSP, and common security and defence policy, CSDP. The European Parliament has endorsed increased EU military spending and further European defence integration. The wording in these two reports is clearly laying the groundwork for an EU defence union and the creation of a European army. These two reports were fully supported by the three MEPs from the Minister of State's party. They voted in favour of the creation of EU military units as part of PESCO, spending 2% of our GDP on defence and for the free movement of military equipment and troops within the EU.

When Sinn Féin campaigned on both Lisbon treaties, Lisbon I and II, and referenced more military spending and a harmonisation of defence policy, many commentators batted away our perspective as illegitimate and simply eurosceptic. We have heard that here today. Many of those who were significant proponents of this treaty were dishonest. As we know, the people were forced to vote again on the basis that they would have protection and that Ireland would be excluded from any EU common defence programme. Yet in 2017, we are now discussing exactly that.

The long-standing national policy of neutrality is not simply an idealistic notion of which we wish to aspire. Neutrality, as enshrined in the Constitution, is one that rejects a colonial war-thirst held by many of our European counterparts. Neutrality recognises our historical and current occupation by one of these counterparts and discards their colonialism as nothing more than just that. Ireland has felt the scourge of colonialism and we do not wish to be complicit in it.

The PESCO agreement mentions the aim of a potential deployment of an EU battle group

as well as agreements on increasing cybersecurity, and relaxing restrictions on moving military equipment and personnel across EU borders. Many of our European counterparts engaged, not so long ago, in illegal wars in Iraq and Afghanistan that killed civilians in their hundreds of thousands, leaving those regions destabilised and vulnerable. Many of them are currently involved in disastrous expeditions in Libya, Syria and Yemen. I am proud that this State is not involved in those invasions. I am not proud that our State harbours and shelters the US forces going on to commit war crimes in the Middle East and PESCO further commits us to enable the Western superpowers to continue that occupational imperialism.

PESCO also commits countries to regularly increase defence budgets in real terms, as well as devoting 20% of defence spending to procurement and 2% on research and technology. Sinn Féin believes in increasing the State investment in the Defence Forces, as Senator Daly has mentioned. However, it should not be in the way of procurement of arms and research and technology when there are citizens affected by a homeless crisis, are on trolleys and so on.

Article 29.4.9° of Bunreacht na hÉireann states: “The State shall not adopt a decision taken by the European Council to establish a common defence”. Has the Attorney General spoken with the Minister of State about that?

Senator Alice-Mary Higgins: I want to begin by addressing some of the misapprehensions that have been suggested today. The first is that those who have concerns about or are opposed to PESCO are in some senses less committed to Europe or anti-Europe. I am extraordinarily pro-Europe. I have campaigned for Europe. I work with European NGOs. Right across Europe there is concern and it is partly my European citizenship that also drives me. That needs to be resoundingly rejected. Also, I would like to address a significant error that has been put forward a number of times that somehow in the vote for the Lisbon treaty, and it was in the Minister of State’s speech, participation in PESCO was provided for and introduced under the Lisbon treaty. The Irish people did not vote on participation in PESCO. Let us be clear. In the debate on the Lisbon treaty, PESCO was referenced not as something that was being agreed to but that the legislation would set out Ireland’s right to either approve or reject PESCO. That is what was promised and what was debated. I have endless quotes from members of the Minister of State’s party as well as members of Fianna Fáil who spoke at length about how we would not be moving towards permanent co-operation without due process. I am sure if it had been said at the time of the Lisbon treaty that we would approve this in a week, that there would be a paucity of debate and that the Seanad would only get to talk about it after the fact, the people would have been very disappointed. Let us be very clear about this as a matter of respect for the population and for the many who voted for the Lisbon treaty. They did not vote for PESCO. They voted for Ireland to maintain a separate and autonomous decision-making process around participation in anything such as PESCO.

I wish to address claims made by members of Fianna Fáil outside this Chamber earlier this week. They suggested that not joining PESCO would show that we were less committed to working with other member states to ensure security and peace across the European Union and that suggestion was made again in here today. Let us be very clear, Ireland does work with other countries. We work with other countries through the United Nations and have a very proud record of doing so. In fact, Ireland has lost more UN peacekeepers in Lebanon than any other country. I do not think there is a monopoly on pride in our UN peacekeeping, but given the centrality of UN peacekeeping to our role, is it not shocking that the PESCO notification makes no reference to UN peacekeeping, to peace or to peace building and the UN is mentioned only once in this document? This is a core concern.

We have spoken already about intelligence and research and development. The European Commission has been very clear that research and development will be taking place in the context of procurement in terms of the European defence fund. The Commission has said “development and acquisition of defence capabilities are inherently linked” and that “Member States have committed to jointly finance further development [and to] ... procure the final product”. We are talking about procurement of military equipment, essentially. In any talk about efficiencies or value for money, we are, in the end, talking about the circumstances under which Ireland might contribute, directly or indirectly, to the loss of life. The bar should be set very high.

I have a number of direct questions for the Minister of State. First, will all joint procurement contracts be subject to the triple lock? Will we be able to see the contracts or will commercial sensitivity be invoked? What do we know about how the military equipment, which we may jointly purchase, will be used by countries that have different mandates, histories and interests? Will it always be within a UN mandate? The answer to the last question is “probably not” because Germany, for example, has many troops with NATO missions in Afghanistan. Will these weapons be used against former or current colonies, for example, as we saw in the Falklands, or tested, as we saw in French Polynesia? Will the weapons be used within Europe? We hear that militarisation is the key to unity and cohesiveness but I beg to differ on that. Austrian armed personnel carriers and troops were sent to the Brenner Pass crossing with Italy recently and Austria came dangerously close to electing a fascist leader, as did France. In that context, how can we account for the future use of our jointly procured weaponry or military equipment? The crux of the matter is the question of what we are defending. Are we defending life or are we defending interests? Crucially, are we ultimately going to see these weapons used against the most vulnerable of people, migrants who are fleeing wars driven by a militarisation agenda? Mr. Donald Tusk seems to think that such a danger exists because he has said that the migration crisis has made us aware, with full force, of the need to build effective control of our external borders. Will we see some of these weapons used as we saw in the past when arms were used against refugees who were marched out of Croatia into Serbia, when a six year old child died? Where will accountability lie? I would like the Minister of State to answer those questions.

If we had walked into that meeting on 11 December without signing up to PESCO, we would have been just as much proud members of the European Union and would have been able to contribute to what Europe needs, which is peace building and acting as a bridge. We would have maintained true faith with our UN, European and international role. An opportunity has been lost. I look forward to debating this issue further with the Minister for Foreign Affairs and Trade, Deputy Coveney, who needs to answer on the wider question of how this fits with our foreign policy and peace building role.

Senator Ivana Bacik: I welcome the Minister of State to the House. I apologise for being late but I was watching the debate on the monitor in my office with great interest. I welcome the opportunity to debate PESCO, the permanent structure co-operation arrangement. I commend my colleague, Senator Higgins, on pressing for this debate which is coming rather late, given that the Dáil voted last week by 75 votes to 42 in favour of Ireland joining PESCO. The Labour Party in the Dáil opposed that proposal along with other colleagues on the Opposition benches. Our party leader, Deputy Howlin, said that he could not see why there was such a rush to sign up to the proposals this side of Christmas. He pointed out that we could choose to postpone our signing up until after the event and that we must have a proper debate, with experts invited in and cross-examined. He also pointed out that if the defeat of the first Lisbon treaty referendum has taught us anything, it is that proper debate on such measures is needed. We need to be

clearer about what is going on.

In his statement today, the Minister of State said that he regrets that he cannot yet be specific about what projects Ireland may participate in at this juncture. Therefore, it is very hard for us to be sure that participation in PESCO will, as he suggested, have no implications for our policy of military neutrality, for the triple lock or for the roles we play in peace building and support for international peace and security. Having looked at the documents on PESCO, I was, like Senator Higgins, struck by the absence of references to United Nations peacekeeping initiatives. It is worth taking a moment, as others have done, to recognise and pay tribute to the immensely important contribution that the Defence Forces have played in UN operations. Senator McFadden and others have spoken about the fact that we are all so proud of the work they have done overseas in peacekeeping for the United Nations. During the recent “Late Late Toy Show”, one of the most moving moments involved a UN peacekeeper coming home, having spent some months away from his family and children in Mali. Undoubtedly, the Defence Forces play an immense role in peacekeeping. It is also undoubted that conditions for members of our Defence Forces must be improved and Senator Craughwell has been a powerful advocate in that regard.

I do not wish, in my contribution today, in any way to take away from the role of the Defence Forces but rather to pay tribute to them. I argue that their role in UN peacekeeping is entirely compatible with a speech opposing PESCO. I also echo the words of my colleague, Deputy Brendan Ryan, in the Dáil who pointed out that joining PESCO could fundamentally alter Ireland’s sovereign defence policy and history of neutrality for decades to come. He also argued that it is too important a matter to rush through a vote, as the Government was attempting to do against a false deadline. I reiterate those points and also point out, on the basis of reading the document on PESCO, that there is much in it that is of great concern to those of us who wish to see Ireland’s proud history of neutrality and participation in United Nations peacekeeping operations strengthened and who do not wish to see any undermining of our neutrality.

If one looks at the documents on PESCO, one sees it described as an “ambitious, binding and inclusive European legal framework” for investments in security and defence. Its aim is to enhance the defence capabilities of EU member states. Annex I on the principles of PESCO points out that it will also benefit NATO, which is a matter of real concern to a neutral state such as Ireland that is in no way allied to NATO. The enhanced defence capabilities of EU member states within PESCO will, we are told, “strengthen the European pillar within the alliance”, that is, within NATO, and respond to repeated demands for stronger transatlantic burden sharing. I am reading, by the way, from the Notification on PESCO to the Council and to the High Representative of the Union for Foreign Affairs and Security. That text will set alarm bells ringing for anyone who is concerned about where the Irish Defence Forces might be sent in any PESCO aligned operation and how PESCO will work alongside those EU states that are also members of NATO.

I am also concerned that in the same document, in Annex II, there is a list of ambitious and more binding common commitments in the five areas set out by Article 2 of Protocol No. 10. Participating member states must subscribe to specific commitments, including regularly increasing defence budgets in real terms to reach agreed objectives. There is a real concern that we would be required to expend resources on particular items of defence expenditure as part of the PESCO programme. People have very valid concerns about PESCO for many reasons. There is a concern about a drip, drip undermining of our neutrality through our signing up to documents such as this. I do not think it is scaremongering or falsely alarmist to say that

we need more time to debate this and to consider the possible implications of membership of PESCO for Ireland to make sure that we are not, in some way, undermining our very proud tradition of neutrality.

Senator Grace O’Sullivan: I concur with most of my colleagues that there really has been a lack of proper debate on the signing up to PESCO. It was almost forced on us last week. Senator McFadden said that we are opposed to peace and Europe in our statements but, in fact, I am for peace and justice, and I am all for Europe. I want to be very clear about this.

The Green Party campaigned in favour of the Lisbon treaty in 2009 on the basis that structured co-operation on defence issues as laid out in the treaty would be a matter for national opt-in. That was the entire purpose of creating enhanced and structured co-operation in the treaty, that countries that wanted to could forge ahead in areas they wanted, leaving
6 o’clock other members to opt out. What particularly concerns me is that the Minister of State said we can decide on a case-by-case basis. This is very open-ended and ambiguous, and causes me great fear. Look at what happened in the past week with pushing through this signing up to PESCO and the lack of debate. Now we will be told on a case-by-case basis that we will partake in all types of potential possibilities that will push against neutrality.

Considering the constitutional and political constraints, it is safe to say most of the Irish electorate would not have considered it likely that future Irish Governments would join up to any such scheme that seems so opposed to our tradition of neutrality. They could now be forgiven for feeling betrayed, particularly at the speed this decision has been made, and with such little consultation. The Government said this decision had to be made before the meeting of EU Defence Ministers on 11 December. Did it not know this in advance? Had it mislaid the agenda for the meeting? I imagine our hard working Brussels-based civil servants would have been quick to highlight an issue of this level of importance. Why did this decision have to be taken at such speed and without proper debate and consultation?

In his defence of our signing up last week, the Taoiseach stressed the need for Europe to take over its own defence from an America that seems increasingly unreliable as a strategic partner. This is a convincing argument on the face of it, but if we are to worry about the efficiency of our defence spending we need to assess where our resources are most effective. This is not a big country. We are certainly wealthy on a per person basis, but our size makes us small in the world of defence spending. Where we are significant and where our currency matters most is as diplomatic and neutral arbiter, an independent voice that can speak to others from a European perspective without being compromised by involvement in binding defence alliances.

What we are speaking about, namely, participation in common defence procurement, some shared command and control and joint military training, sounds just like a defence alliance to me. The President of the European Commission, Jean-Claude Juncker, acknowledged as much this week when he tweeted that he welcomed the steps taken by member states to lay the foundations of a European defence union. We are at risk of frittering away our greatest asset, which is our ability to engage at European, UN and peacekeeping levels as an independent, neutral and fair diplomatic presence.

There is a very mixed record of shared defence procurement in Europe to date. We all might remember the ill-fated Eurofighter Typhoon, a project with huge costs and time overruns, which saw the French Government’s withdrawal before completion. I have been sceptical of the tendencies that shape anything as large as the national defence procurement systems we see

today. Like an aircraft carrier, they are slow to change, deadly when one gets in their way and incredibly expensive.

This has been rushed and there has not been proper debate. It will fly back in the face of the Minister of State because the public is not satisfied with this decision.

Senator Frances Black: I welcome the Minister of State to the House. I am very concerned about this issue and completely agree with the concerns raised here today, particularly by Senator Higgins. I firmly believe in Ireland's neutrality, and state in the strongest possible terms that I do not want to see Ireland participating in military schemes such as PESCO. I have listened to the Minister of State, but this scheme calls for permanent structured co-operation in the areas of security and defence with other EU member states. Many of these states are not neutral, and have very different military interests and histories from Ireland's.

We are told we can opt in and opt out, but I cannot see how this respects our constitutional provision on neutrality. There are commitments to spend a bigger share of our budget, the money that pays for hospitals, education and housing, on defence. It has been greeted by other EU leaders as a step towards a European defence union.

Signing up to PESCO would tie Ireland into a relentless long-term spiral of increasing military spending, which would not necessarily go towards much-needed improvements in the terms and conditions of service members nor towards purchasing the best quality equipment available in the open market. These could have been done in this year's budget at a fraction of the cost of joining PESCO.

Another concern about joint procurement is that Ireland's historic freedom from military industrial interest has contributed, along with our neutrality, to our very effective and necessary work on disarmament, from the nuclear non-proliferation treaty to the global ban on cluster munitions. These are medals of honour for Ireland, of which we should be proud.

This issue has been rushed through the Houses and it has not had the level of public debate needed for something as important. If we had that debate, I believe the Irish people would be clear, as they were during the debate on the Lisbon treaty, that they do not want to participate in military schemes such as this. They understand the value of our neutrality and stand against militarisation. They know Ireland has made an enormous contribution to peacebuilding around the world, most recently in the area of nuclear non-proliferation and that our neutrality is vital to this.

We hear constantly about a crisis of migration, and I am worried that this is the backdrop here. The real crisis is desperate people drowning in the Mediterranean. With growing instability around the world, I do not think the answer is increased militarism. Now, more than ever, Ireland must be clear on its commitment to peace and neutrality.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank all Members for their contributions and I will try to answer all the questions. I welcome the opportunity once again to reaffirm Ireland's strong support for the development of a common security and defence policy and the EU's capacity to respond to international crises in support of the UN. Senator Bacik spoke about the soldier on "The Late Late Show". As a matter of fact, he was participating in a common security and defence policy mission in Mali, in which PESCO will play a very important role. I have no doubt the mission in which he is participating will be of huge benefit to him and his colleagues, not only from Ireland but from all member states.

Just as we have since the common security and defence policy was established, we will continue to participate in all aspects of it. Ireland has been one of the leading contributors to common security and defence policy operations deployed under UN mandates or with the support of the UN. Ireland cannot ignore or consider itself immune to the ever-changing, complex and intertwined nature of threats to individual states and to international peace and security. We cannot simply ignore the horrific attacks close to home, in places such as London, Manchester, Paris and Berlin and further afield, in places such as Beirut and Mogadishu. We must not lose sight of the fact our citizens are living in, working in or are visiting these places every day of every week of every year, and our ongoing responsibility to help protect and support them, wherever they may be in the world.

No country acting alone can address these challenges and Ireland has a responsibility to show flexibility and deliver the support and modernisation needed to respond to the complex and changing environment at home and overseas. While defence and security in the EU is generally seen as a collective and shared responsibility, it is accepted that each sovereign state has the right to choose its own defence policy, which in Ireland's case is one of military neutrality. However, the adoption of such a policy is not a policy of isolation, but of freedom to participate and contribute to international peace and security in accordance with nationally determined values and principles.

A key challenge to the EU's capacity to mount crisis management operations remains a lack of essential capabilities and the political will from member states to commit the required capabilities for common security and defence policy, CSDP, operations. PESCO has been designed to address this challenge, enhancing the political commitment of member states to develop and deliver capabilities in support of CSDP. In that regard, I reaffirm and remain fully satisfied that Ireland's participation in PESCO will contribute to the enhancement of capabilities for UN-mandated missions engaged in peacekeeping, conflict prevention or the strengthening of international security in accordance with the principles of the Charter of the United Nations. PESCO's importance was welcomed at the UN peacekeeping conference in Vancouver.

I have heard the concerns expressed by many Senators and a number of key points are worth repeating. Participation in any PESCO project is entirely voluntary and a matter for each member state to decide on a case-by-case basis. PESCO is a further initiative in strengthening the capacity of the Union and member states to support international peace and security. PESCO is also a means of enhancing interoperability and, working with EU partners, ensuring that our Defence Forces are equipped with the latest and best equipment and training.

PESCO's participation criteria expressly stipulate that PESCO will be undertaken in full compliance with the Treaty on European Union and the associated protocols, and will respect member states' constitutional provisions. Participation in PESCO, which is entirely voluntary, has no implications for Ireland's policy of military neutrality, the triple lock or the crucial roles we play in crisis management and peacekeeping operations. It is important that I read a piece of the final document: "Participating Member States will meet their binding commitments, confirming that the establishment and implementation of Permanent Structured Cooperation will be undertaken in full compliance with the provisions of the TEU and the protocols attached thereto and respecting constitutional provisions of the member States." That includes Ireland and is something that we got stitched into the final document.

PESCO was specifically referenced in the Lisbon treaty protocol to address the concerns of the Irish people. Ireland's declaration and the legislation setting down Ireland's approval

process for PESCO was published in advance of the vote and, in the case of the latter, enacted in November 2009. If the Senator checks the legislation-----

Senator Alice-Mary Higgins: The legislation was-----

Deputy Paul Kehoe: -----she will see that this was binding and a matter for Ireland and its Parliament. That is why I have brought this matter to the Government and the Parliament, as it is a decision for them.

Senator Alice-Mary Higgins: Yes, but it was not agreed to at that time.

Acting Chairman (Deputy Gerard P. Craughwell): Will the Senator, please, allow the Minister of State to reply?

Deputy Paul Kehoe: PESCO has nothing to do with the creation of an EU army. Some have mentioned the views of President Juncker and the European Parliament on the future of EU defence policy. I assure this House, as I assured the Lower House and committee members last week, that PESCO has nothing to do with the creation of a European army. As stated in the Lisbon treaty's protocols, that treaty does not provide for the creation of a European army. Nothing that President Juncker says can change that. If we are to have a European army, it will be a matter for the Senator and every other citizen in this country to decide. It will not be a matter for me. It would have to go to a referendum.

The world in which we live is a different place compared with ten or even five years ago. Every Senator has to recognise that. The threats that we face today are different than those faced five, ten, 15 or 20 years ago. Now that PESCO has been formally launched, it is crucial that Ireland moves forward in tandem with our fellow EU member states and plays its part in helping address the complex challenges facing the Union and its citizens.

I welcome this debate. One of the Senators who contributed asked whether we had sought legal advice on Ireland's participation in PESCO. We sought it from the Attorney General. It was found that there was no legal impediment to Ireland participating once Government approval and a Dáil resolution were obtained in accordance with section 1 of the Defence (Miscellaneous Provisions) Act 2009.

People also asked why we had to join before Monday, 11 December. The reason is clear - we would become a part of the decision-making process. Had we not joined on Monday, Ireland would not be a decision maker, as only those who have signed up before 11 December can make decisions.

PESCO has been around for some time. I answered written and oral questions on this matter and discussed it in the Oireachtas as far back as June and July 2016. I answered oral questions on it in May, July and November 2017. I have spoken about it in Topical Issue debates in the Dáil and in a Commencement debate in this House with Senator Higgins. The Taoiseach spoke about it during statements on European Council meetings on 8 March, 21 March, 18 October and 25 October. He has answered oral questions in the Dáil. The Minister of State with responsibility for European affairs, Deputy McEntee, has discussed PESCO a number of times at committee level and during statements on European Council meetings. In early November, there was an article in *The Irish Times* on PESCO specifically.

This decision was approved at the European Council meeting on 13 October. It was brought

to the Cabinet on 13 November. The Government decision was made on 21 November. This matter was on the Dáil Order Paper on 22 and 23 November. As such, to say this fell out of the sky and the Senator only heard of it last week is total nonsense.

Senator Alice-Mary Higgins: Yet last week-----

Deputy Paul Kehoe: Had you been following what happened at the European Council-----

Senator Alice-Mary Higgins: I am sorry, but I must make a correction.

Acting Chairman (Deputy Gerard P. Craughwell): Let the Minister of State finish.

Deputy Paul Kehoe: Had Members taken an interest in what has been happening in the past 18 months at Council meetings of defence and foreign Ministers-----

Senator Alice-Mary Higgins: Last week the Minister of State said no Member had raised it with him.

Acting Chairman (Deputy Gerard P. Craughwell): Please, Senator.

Deputy Paul Kehoe: -----they would have seen exactly what was on the agenda, but, no, you did not see that, so you blame the Government for trying to rush this motion through the Dáil last week, which is an untruth. Some Members kicked up a kerfuffle in the Dáil last week.

Senator Alice-Mary Higgins: This is outrageous.

Deputy Paul Kehoe: I spent an hour and a half before a committee last Wednesday evening. None of them was interested in coming down to the committee room and asking direct questions of me.

Senator Alice-Mary Higgins: The Minister of State has acknowledged that I raised it with him.

Deputy Paul Kehoe: But, no, it was good enough-----

Acting Chairman (Deputy Gerard P. Craughwell): Colleagues-----

Senator Alice-Mary Higgins: I am sorry, but this is misleading and unfair.

Acting Chairman (Deputy Gerard P. Craughwell): Through the Chair, colleagues, please.

Deputy Paul Kehoe: Through the Chair, it was good enough-----

Senator Alice-Mary Higgins: It has been directly-----

Acting Chairman (Deputy Gerard P. Craughwell): Please, Senator.

Senator Alice-Mary Higgins: Excuse me but, through the Chair-----

Acting Chairman (Deputy Gerard P. Craughwell): The Senator has had her chance.

Senator Alice-Mary Higgins: Excuse me. I have had statements very clearly directed at me that are inaccurate-----

Deputy Paul Kehoe: It was good enough for them to grandstand in the Dáil last week.

Senator Alice-Mary Higgins: -----and I need to have them corrected.

Deputy Paul Kehoe: It was not good enough for them to come to the committee.

Acting Chairman (Senator Gerard P. Craughwell): One moment, please.

Senator Alice-Mary Higgins: Excuse me, but I have had statements addressed directly at me. The Minister of State has been staring straight at me and saying, “You did not.” Let me be clear - I did raise this issue. I raised it well in advance. I raised it by way of a Commencement matter. The problem is that it was not brought to the Dáil Business Committee until the week in which it was pushed to a vote.

Acting Chairman (Senator Gerard P. Craughwell): The Senator has made her point.

Senator Alice-Mary Higgins: Please do not attempt to distract attention from that error.

Acting Chairman (Senator Gerard P. Craughwell): I also ask the Minister of State to, please, address his remarks through the Chair.

Deputy Paul Kehoe: I did address the Senator directly. Perhaps she wants me to repeat it again. I did say you actually raised this issue. Perhaps you did not listen to me on the first occasion, but I will repeat it again for you. You raised this issue in the Commencement debate on 21 November.

Acting Chairman (Senator Gerard P. Craughwell): Will the Minister of State, please, address his remarks through the Chair?

Deputy Paul Kehoe: I came and answered questions and absolutely had no problem whatsoever in doing so. It has been stated the issue was not on the agenda for the Business Committee. I was the Chief Whip for five years. As I am no longer the Chief Whip, I do not run the business of Seanad Éireann or Dáil Éireann. If the Senator wants to take up the matter, I suggest she go and ask the members of the Business Committee or the Chief Whip about it. There was absolutely no hidden agenda whatsoever since 13 November when the Council made the decision and other nations signed up to participate in PESCO. The Government made a decision on 21 November and the matter was on the Dáil Order Paper on 22 and 23 November. To say it fell out of the sky in the past week and a half and that Senators did not know what was going on is a total untruth.

I very much welcome the debate and have no issue whatsoever in appearing before the Dáil, Seanad Éireann or committees for a debate on defence matters. This is a very important issue which does not affect just me; it also affects every citizen of the country. We live in a democracy and last week the House voted for Ireland to become a full member of PESCO. Each and every citizen will respect democracy as exercised through the Dáil by the people.

Senator Alice-Mary Higgins: Excuse me, but I had one very direct question which was not answered.

Acting Chairman (Senator Gerard P. Craughwell): I am sorry, but the debate is over.

Senator Alice-Mary Higgins: Will procurement contracts be subject to the triple lock mechanism?

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Acting Chairman (Senator Gerard P. Craughwell): As I said, the debate is over.

Senator Alice-Mary Higgins: I asked only one question in my contribution.

Acting Chairman (Senator Gerard P. Craughwell): The debate is over.

Senator Alice-Mary Higgins: I know-----

Acting Chairman (Senator Gerard P. Craughwell): The Senator may take up the issue with the Minister of State outside the Chamber.

Senator Alice-Mary Higgins: I note that the Minister of State did not answer the very simple question I put to him as to whether joint procurement contracts would be subject to the triple lock mechanism. I am sure he will have to answer parliamentary questions on the subject. It was the single question I put to him. As it has been not been answered, we can perhaps assume that they will not.

Acting Chairman (Senator Gerard P. Craughwell): The Minister of State has an opportunity to reply, if he so wishes.

Deputy Paul Kehoe: I will answer any question asked in the Dáil. We have had a good debate in this House.

Senator Alice-Mary Higgins: It is a pity the question was not answered here.

Acting Chairman (Senator Gerard P. Craughwell): When is it proposed to sit again?

Senator Gabrielle McFadden: Ar 10.30 maidin amárach.

The Seanad adjourned at 6.25 p.m. until 10.30 a.m. on Thursday, 14 December 2017.