



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 02 Deireadh Fómhair 2019

Wednesday, 02 October 2019

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Gnó an tSeanaid - Business of Seanad

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the eligibility criteria for the 2019-20 hardship grant, particularly the rules surrounding off-farm income.

I have also received notice from Senator Paul Coghlan of the following matter:

The need for the Minister for Agriculture, Food and the Marine to provide an update on the provision of a new pier and access road at Cromane, County Kerry.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Tánaiste and Minister for Foreign Affairs and Trade to make a statement on the engagement between the Irish and British Governments on the launch of a fresh inquiry into the death of Micheal Leonard in the light of new evidence in British Ministry of Defence records.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Education and Skills to prioritise the planned building works at St. Finian's community college in Swords, County Dublin.

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

The need for the Minister for Transport, Tourism and Sport to make a statement on the upgrade of the N16 in counties Sligo and Leitrim.

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

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The need for the Minister for Communications, Climate Action and Environment to provide an update on his Department's plans for the regulation of heavy industries such as the Irish Cement site located in Mungret, County Limerick.

The matters raised by Senators Boyhan, Coghlan, Ó Domhnaill, Clifford-Lee and Feighan are suitable for discussion. I have selected the matters raised by Senators Boyhan, Coghlan, Ó Domhnaill and Clifford-Lee and they will be taken now. Senator Feighan may give notice on another day of the matter he wishes to raise. I regret that I have had to rule out of order the matter raised by Senator Kieran O'Donnell on the grounds that the Minister has no official responsibility in the matter.

Nithe i dtosach suíonna - Commencement Matters

Hardship Grant Scheme

An Cathaoirleach: I welcome the Minister of State, Deputy Canney.

Senator Victor Boyhan: I thank the Cathaoirleach for selecting my Commencement matter which is related to the agricultural hardship grant that is available to assist herdowners. While I acknowledge and recognise that the topic is not within his ministerial brief, I thank the Minister of State for coming to take it. As he will be aware, the aim of the hardship grant scheme is to assist herdowners who retain and feed animals during a prolonged period of restrictions following a TB breakdown. Eligibility for the scheme is subject to certain criteria which have been designed to alleviate the additional feed costs incurred while a herd is locked up. I am sure the Minister of State understands the significance of herds being locked up as he comes from an agricultural community and rural constituency. We know that eligibility is not automatic and that herdowners must apply for the grant individually. Clearly, the application must be adjudicated on, while the applicant must fulfil the stringent criteria laid down. That is what I have an issue with. Herdowners cannot be in receipt of any off-farm payment. This presents a difficulty in the case of dairy and suckler cow farmers. While dairy farmers can continue to have their primary supply of milk and receive the associated payments, drystock farmers do not benefit from payments. Income for the supply of milk from restricted holdings is an issue. Farmers have told me, as I am sure they have told the Minister of State in Galway, that the scheme is grossly unfair as a suckler cow farmer cannot avail of funding during the restricted period. Therefore, there is an ambiguity and a need for a levelling. I want to hear what the Minister of State has to say in that regard. I appreciate that this area is not within his brief, but perhaps he will give me an assurance that he will raise this matter with the Minister for Agriculture, Food and the Marine.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): I thank the Cathaoirleach for his words of welcome. I also thank the Senator for raising this issue which is of importance to me also as I come from a rural constituency. I am presenting the reply on behalf of the Minister for Agriculture, Food and the Marine who cannot be here and sends his apologies.

The bovine TB eradication programme has been in place in Ireland since the mid-1950s when TB levels were extremely high in the cattle population. It is estimated that approximately

17% of cattle were infected. Rapid progress was made in the early stages of the programme. However, progress stalled in the 1970s and 1980s. Following a comprehensive programme to tackle wildlife since 2000, there have been significant reductions in TB levels in cattle. Herd incidence, possibly the most accurate reflection of trends, has reduced from 5.88% in 2008 to 3.4% at present. The positive downward trend previously observed in disease incidence has not been evident in the past three to four years, prompting concern among all stakeholders. Getting TB levels to historically low levels was hard earned and a testament to the efforts of all involved in TB eradication, from herdowners and vets to officials in the Department of Agriculture, Food and the Marine.

Recent trends indicate that the current eradication measures have achieved as much as they can and herd incidence rates have stagnated. With a view to reinvigorating the TB programme and moving towards the elimination of the disease, the Minister has set the target to eradicate TB by 2030. The achievement of this objective will require considerable effort and a commitment from all stakeholders to put in place the necessary control measures. In view of this, last year, under Food Wise 2025, the Minister established a TB forum - it represents all stakeholders - with a view to providing strong, co-ordinated leadership in support of the Department's team in achieving the eradication target. The focus is now on the development of a renewed TB eradication strategy. The strategy will take the TB forum's report into account and it will be the roadmap to drive down TB levels in the coming years, protect cattle from infection and farmers and farm families from the stress and difficulty of a TB breakdown. The Minister plans to launch the renewed TB strategy in the coming months.

The direct cost of the TB eradication plan was almost €91 million in 2018. It comprised a contribution of €35 million from herdowners, while a sum of €46 million was funded by the Exchequer, with the balance of €10 million coming from the European Union. These figures further support the case for intensifying our collective endeavours to eliminate the disease. Those unfortunate enough to have their herd infected and restricted at any given time will no longer have to bear that burden once eradication is achieved. The entire population of herds that bear the risk of contracting the disease, the additional supply chain costs resulting from its

presence in the national herd and part of the cost of funding an eradication programme will benefit.

Under the TB programme, there is a comprehensive compensation regime in place for herdowners whose cattle are affected by bovine TB. The measures acknowledge the difficulty and stress of a TB breakdown and are intended to assist herdowners during a period of restrictions. The regime is not intended to compensate a herdowner for all of his or her losses, but it is among the most supportive when compared with schemes in other jurisdictions.

In 2016, the Department concluded a lengthy consultation process on improvements to the compensation regime. A significant majority of the additional costs of those improvements were borne by the taxpayer. The changes included an extension of the hardship grant to dairy herds, the extension of the income supplement threshold to dairy herds that lose at least 10% of dairy cows, the removal of the 100-animal limit for income supplement eligibility, and an increase in the rate of supplement for dairy cows from €25.39 to €55 per cow per month. Following these amendments, expenditure on the supplementary support schemes grew by €1.7 million, an increase of 80% relative to 2015 even though disease levels have remained broadly stable.

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It is clear that additional resources allocated to the TB programme must be focused on measures to reduce the incidence of the disease and the associated burdens on all farmers. The Department intends to invest in additional staff resources, particularly in the area of disease transmission from wildlife, the development of initiatives focusing on areas dealing with high levels of TB and engaging more closely with chronic herds.

Senator Victor Boyhan: I thank the Minister of State for his comprehensive report on this issue. I welcome any effort or renewed effort to eradicate TB, as well as the renewed strategy. We have been talking about eradication of TB for a long time, certainly longer than my time on the planet. The key point I wish to drive home today is that there must be fairness in the operation of the hardship grant scheme as between dairy and suckler herd farmers. I refer, in particular, to off-farm income and how that is calibrated into the grant payments. Suckler farmers have asked me to state their case for a fairer and more balanced approach in regard to compensation and supports. I ask the Department to take into consideration the issues I have raised.

Deputy Seán Canney: I take on board the Senator's points in this regard. The principle the Minister is pursuing is the eradication of the disease once and for all, which would mean no requirement for compensation in the future. It has been a long journey, with plateaus and periods of stagnation. There is a problem at the moment, albeit the rate of incidences is much lower than it was in the past. Our objective is to eliminate the disease for good. I accept the Senator's point regarding the need for fairness and a relative spread of the compensation. I will convey his concerns to the Minister for his consideration.

Harbours and Piers Development

Senator Paul Coghlan: I welcome the Minister of State and thank him for dealing with this matter. Cromane is a wonderful place on the Ring of Kerry, just beyond Killorglin and alongside Dooks, home of the natterjack toad, which is a protected species.

An Cathaoirleach: It may be better known as the home of another Jack, namely, Jack O'Shea.

Senator Paul Coghlan: Dooks is also home to a wonderful 18-hole links course. Cromane overlooks Castlemaine Harbour and is a gateway to the Dingle Peninsula. Close by in this wonderful countryside are Rossbeigh, Kells Bay, Mountain Stage, Cahersiveen and Waterville. It is hard to imagine it in this day and age, but specially equipped tractors are having to enter seawater at Cromane to offload fish from seagoing vessels and trawlers. It is a primitive practice for such a valuable fishing industry, which exports mussels and other seafood to Japan and all over the world. There is a lovely beach as one goes past Cromane church, but the road is not fit for the huge number of visitors the village attracts and greatly requires upgrading. A proper harbour is badly needed, in the interests of health and safety and every other type of consideration. I look forward to the Minister of State's response. I am grateful for the Minister of State's presence in the Chamber in place of the Minister, Deputy Creed.

An Cathaoirleach: I thank Senator Coghlan for that tour of the Ring of Kerry.

Senator Paul Coghlan: The Cathaoirleach is welcome. I am happy to do so at any time.

Deputy Seán Canney: If the Senator were not a Member of this House, he would make a

great tour guide. Kerry's beauty almost matches that of Galway.

I thank the Senator for raising this important issue. Under statute, the Department of Agriculture, Food and the Marine owns, operates and maintains six designated State-owned fishery harbour centres, located at Castletownbere, Dingle, Dunmore East, Howth, Killybegs and Rosaveel. In addition, the Department also has responsibility for the upkeep and maintenance of North Harbour at Cape Clear, as well as the maintenance of a small number of specific piers, lights and beacons throughout Ireland, in accordance with the Marine Works (Ireland) Act 1902, and piers, lights and beacons constructed under the auspices of the former Congested Districts Board.

The fishery harbour and coastal infrastructure development programme is a capital expenditure programme funded from the Department of Agriculture, Food and the Marine's Vote. The programme is administered on an annual basis and any money not spent within the calendar year reverts to the Exchequer. Works funded under the programme include development, construction and maintenance of coastal infrastructure for fish and aquaculture landing sites. The strategic objective of the scheme is to ensure the future viability of the fishing industry, to bring the fishery harbour centres up to best international practice, to reduce congestion at the harbours and to improve safety for the fisheries sector.

Responsibility for the maintenance and development of local authority-owned harbours and piers rests with each individual authority in the first instance and its parent Department, the Department of Housing, Planning and Local Government, thereafter. In the case of Cromane Pier, proposals for a potential future pier development project are a matter for Kerry County Council. While mussel seed fishing in Castlemaine Harbour is regulated by the Department of Agriculture, Food and the Marine, the legislative remit does not extend to possible future capital infrastructure works at Cromane. However, my Department does operate a scheme under its annual fishery harbour and coastal infrastructure development programme to assist local authorities in carrying out small-scale developments and repairs of piers and slipways under their ownership, subject to available Exchequer funding and overall national priorities.

As part of the 2019 capital programme, €2.2 million was allocated for the local authority harbour development scheme and a marine leisure and tourism scheme. A total of 39 projects have been approved across 12 local authorities. In 2019, Kerry County Council was approved for funding for two projects to a total of €127,500. Those projects are located at Dromatoo Pier and Tarbert Pier. No application for funding was received under this year's programme in respect of Cromane Pier. In the period from 2010 to 2018, more than €1.6 million was provided to Kerry County Council under the local authority element of the fishery harbour and coastal infrastructure development programme. Any application submitted by Kerry County Council under any future programme in respect of Cromane Pier will be considered by the Department of Agriculture, Food and the Marine in the context of the programme's criteria, available funding and overall priorities.

Senator Paul Coghlan: I thank the Minister of State for his response, which prompts me to revert to Kerry County Council on this matter. I will not say I was misled but it is news to me that there was no application from the council in this regard. I am grateful to the Minister of State for his courtesy.

An Cathaoirleach: I thank Senator Coghlan for his brevity. The next matter for discussion, in the name of Senator Brian Ó Domhnaill, has been long outstanding.

Senator Brian Ó Domhnaill: I thank the Cathaoirleach for selecting this issue for discussion. It is a sensitive matter that dates back to 17 May 1973, when a young man of 24 years of age, Michael Leonard, was fatally wounded by an RUC officer travelling close to the Border in County Donegal. I thank my friend and colleague, Councillor Michael Naughton, for raising this matter with me. I acknowledge the search for justice by the Leonard family since 1973. They have been trying to unearth the truth since the evening Michael Leonard was shot dead just before 6 p.m. He was travelling alone in a car close to the Border and the RUC opened fire on him. An inquest was held a number of months shortly afterwards but none of the three police officers who was travelling in the Land Rover that evening was present. There was no cross-examination, therefore, of the facts as they were presented. An RUC inspector gave evidence to the coroner. However, the inquest was riddled with holes and the RUC on at least three occasions changed the details of the story concerning the unlawful murder of Michael Leonard.

This is a matter that essentially requires truth in order that the family can finally lay this matter to rest. They are not willing to do that, and rightly so. I fully support them in their endeavour to find truth and justice for the killing of this young man, who was engaged at the time, in 1973. A charity organisation in the North, known as Paper Trail, helped victims of crime, in particular those who were victims of crimes by the security forces during the Troubles. A great man, Mr. Ciarán MacAirt, has carried out research and investigations together with a cousin of Michael Leonard, Fr. Joe McVeigh. Over the years, he has unearthed research from the British authorities that clearly confirms there was collusion at the heart of the case. It is a fact that the RUC changed its story a number of times to make sure that the truth surrounding the murder never made it to the light of day. That is wrong.

I understand the Government intervened in late 1973-early 1974 and thereafter, seeking to have the truth made available. However, that never happened. There were all sorts of allegations that Michael Leonard was connected with the IRA at the time, that his father was a member of the IRA. That was complete rubbish; there was nothing like that. On that evening the RUC deliberately shot this young man. One of the stories afterwards was that there was one shot fired and another was that the shots were fired over the car, but the truth is that there were at least three shots fired on that evening. There is written evidence to back that up.

There are other cases in the North of Ireland as well where truth and reconciliation is needed to allow the truth to emerge and families to move on. It is difficult to move on when the truth is not made available. The current Attorney General for Northern Ireland, Mr. John Larkin, said that the killing was not justified. He referred the matter to the Public Prosecutions Service to review whether the police should be prosecuted before he would consider the request for a new inquest. There is a requirement for a new inquest. There is also a full requirement to call on the British authorities to release some of the information. I call on the Government and, in particular, the Department of Foreign Affairs and Trade, to make a request of the British authorities to execute a fresh and transparent inquiry at which new evidence from the British Ministry of Defence records can be considered in respect of any findings regarding the murder of Michael Leonard; undertake an immediate criminal investigation in conjunction with the British authorities, to be overseen by the Police Ombudsman of Northern Ireland; and ensure at a diplomatic level that the British Government fully co-operates with such an inquiry. This is about finding truth and justice.

The Leonard family, who live in Pettigo, County Donegal deserves to know the truth. While the truth goes unheard, the results of that botched inquest in 1973 remain the word of the British State. That is wrong. This man did nothing wrong. Go raibh míle maith agat.

Deputy Seán Canney: I thank the Senator for raising this important issue. I am pleased to provide a response on behalf of the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Simon Coveney, who is unavoidably detained, as Members can well imagine.

Our thoughts are with Michael Leonard's family at this time. The finding of deeply concerning new information regarding the circumstances of Mr. Leonard's fatal shooting by an RUC officer on the Fermanagh-Donegal border in 1973, can only have compounded the enduring pain of his family at his loss, at the age of just 24 years. His family, more than 46 years later, are left now with the most serious questions as to the circumstances of his death and about the subsequent police investigation and the due process of law, which is their right under Article 2 of the Convention on Human Rights.

The Government understands that the Public Prosecution Service in Northern Ireland is actively considering the case, further to a referral by the Attorney General for Northern Ireland. The Government is also aware that a complaint has been made to the Police Ombudsman for Northern Ireland about the investigation of the fatal shooting of Mr. Leonard and that the ombudsman is assessing whether it is a matter that can be investigated by that office. The PSNI is also seized of this case and has stated that it not in a position to comment at this stage.

It is essential that nothing is said in this House that could prejudice these ongoing processes, which are of the utmost interest for Michael Leonard's family. I thank Senators for their understanding in this respect today.

I commend the work of Mr. Leonard's cousin, Fr. Joe McVeigh, and Mr. Ciarán MacAirt of Paper Trail, who brought to light the deeply concerning information held in the UK Ministry of Defence regarding Mr. Leonard's case, which has prompted the reviews by the Public Prosecution Service and the Police Ombudsman in Northern Ireland.

The Government will continue to closely monitor the progress of this case, and the Department of Foreign Affairs and Trade is available to be in contact with Mr. Leonard's family to discuss with them concerns they may have, as the reviews in Northern Ireland proceed. The Government, of course, expects the British authorities would co-operate fully with any further process of investigation that may follow in the investigation of this case, and, again, will monitor progress closely, in consultation with the family. The Government will also continue to engage with the British Government to seek urgent progress on legislation to implement the framework for dealing with the past provided for under the Stormont House Agreement of 2014.

Victims' families from all communities have had to wait for far too long for appropriate and effective mechanisms to fully investigate outstanding deaths from the Troubles. The framework of the Stormont House Agreement is long overdue and urgently needed in Northern Ireland, and the Government will continue to work to achieve this.

Senator Brian Ó Domhnaill: I thank the Minister of State. I acknowledge the position of the Department of Foreign Affairs and Trade and very much welcome the sentiment expressed in the response. I agree with the Minister of State that, given the political impasse in the North at present, the Stormont House Agreement is an issue that needs to be addressed by all parties in the North. That in itself is a reason for the Executive to come together in the North of Ireland.

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Will he relay to the officials in the Department of Foreign Affairs and Trade a request that they reach out again to Mr. MacAirt and Fr. McVeigh and to extend that point of contact, which would be so useful to victim's families, not just the Leonards but other families? Could there be a dedicated point of contact with the Department where people could follow up directly on issues such as this?

I welcome the Minister of State's comments and look forward to engaging further with him and the Tánaiste and Minister for Foreign Affairs and Trade on this matter until such time as the truth is made available.

Deputy Seán Canney: I have taken into account the points raised by the Senator. I will convey them to the Tánaiste and his Department for further consideration. He has directed that his Department be available to discuss with the family of the late Mr. Leonard, the concerns they may have as the reviews of the case proceed in Northern Ireland, which will be closely monitored by the Government.

11 o'clock

The family of Michael Leonard remain in our thoughts as they await the outcome of these reviews, which will be so difficult and painful to them and compounded by the decades that have passed since his death.

More broadly, comprehensive progress on legacy issues from the Troubles is crucial to meet the legitimate needs and expectations of victims and survivors from all communities and to contribute to broader societal reconciliation as an integral part of the peace process. It is incumbent on the British Government to set out a clear way forward for legislation to establish the legacy framework of the Stormont House Agreement. The Government will continue to engage with the British Government in support of that consistent with our role and responsibilities as a co-guarantor of the Good Friday Agreement.

Schools Building Projects Status

Senator Lorraine Clifford-Lee: I thank the Minister of State, Deputy Halligan, for coming to the Chamber once again to answer my questions about yet another school in Swords that urgently needs explanations from his Department. This week, I am referring to St Finian's community college in Swords and, as I explained to him last week, Swords has a population of approximately 45,000 and is the largest town in Ireland. St. Finian's community college has been in the town for more than 60 years and it has more than 660 pupils and a large teaching population. It also has DEIS status. A project to extend and refurbish the school was initiated in 2010 and, after a few issues were sorted out, planning permission was granted in 2015. It was expected that the work would go to tender and commence shortly thereafter but, without explanation, it was shelved and the school has remained in that position ever since.

The school is in a serious state of disrepair and urgently needs attention. It is overcrowded as there is serious pressure on places for both primary and secondary schools in Swords. There are serious health and safety conditions now in the school. There are classrooms without windows. There are leaking windows, which have damaged the children's work. There are problems with ventilation. Particularly worrying is that there are classrooms without access to fire exits. There is no WiFi, which hinders learning in the modern era. There is vegetation growing

inside the classrooms and I have a photograph of that which I am going to give to the Minister of State. This is what the students, parents and teachers in the community college are putting up with. That is absolutely outrageous. I do not know if the Minister of State can see it from where he is so I will give him the photograph.

This is completely unacceptable. It is disrespectful to the hard-working teachers and pupils and the parents who send their children to the school with the best of intentions and who want them to get the best education they can to reach their full potential. They cannot do so when this chronic situation is allowed to continue. This needs urgent attention. This planning application will expire next year if it is not acted on. That is serious and would set back the entire project. We need urgent answers and, more important, action.

Minister of State at the Department of Education and Skills (Deputy John Halligan):

I thank the Senator for raising this matter, which gives me an opportunity to outline the current position regarding the major building project in St. Finian's community college. I hope my detailed answer will be of some benefit to the Senator and, of course, to all of those involved with the school.

The project to which the Deputy refers is a major building project to deliver improved accommodation at this community college in Swords, County Dublin. The Department of Education and Skills has approved the construction of a stand-alone extension of just over 4,000 sq. m in an area to include a two-classroom special educational need, SEN, base. Some works to the existing building were also included in this approval.

Responsibility for delivering the project has been devolved to the Dublin and Dún Laoghaire Education and Training Board, DDLETB. A service level agreement, SLA, is in place between the Department and DDLETB in that respect. This agreement outlines the roles and responsibilities of each of the parties in the delivery of education projects. It is a central tenet of devolution that responsibility for the delivery of these projects, within certain agreed parameters as laid down in the SLA, rests with DDLETB. In that respect, the education and training board has appointed a design team to design the accommodation being provided and to bring the project through the tender and construction phases.

It is of the utmost importance that the final outcome for this project be the correct one for both the school authority and the pupils. Equally, neither my Department nor the DDLETB are in any doubt about the critical need for this accommodation for the pupils, staff, parents and community of St. Finian's. Consequently, there has been an intensification of the engagement between senior officials from the Department of Education and Skills and DDLETB in recent months with an on-site meeting taking place in July. Agreement was reached at that meeting on a number of key steps required to resolve these issues at the school. Firstly, the Department will be providing funding to DDLETB to address the most urgent health and safety issues on site. This funding will be provided under the Department's emergency works scheme. DDLETB has already written to the Department on this basis and, once further information is received - and I think it will be received quickly - these works will be progressed as a matter of priority. Some of those works will deal with falling concrete and a pillar collapse. The Department is aware of that and I have been told this morning that money will be made available as a matter of urgency.

Secondly, DDLETB has put forward alternative proposals as to how the major building project for St. Finian's should be progressed. These proposals, which are under active consideration by the Department, were set out in detail at the meeting in July. They are being further

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developed through documentation and a feasibility report is expected to be completed in the coming days. This documentation will be of considerable assistance in determining the next steps to be taken in progressing the project.

I have spoken to officials in the Department last night and this morning and I acknowledge that the delivery of this project has taken longer than was originally envisaged. This was the result of a number of issues that arose with respect to this project and that required time to resolve. These issues included delays in obtaining statutory consents from the local authority and delays in the finalisation of the detailed design process for the project as it was originally approved. I was assured by the Department's officials that the delays were not on the side of the Department.

It may be necessary for officials to take some further time to consider the revised proposals being put forward by DDLETB. However, I assure this House and the Senator that there will be no further delay in making decisions on this. This matter will progress as a matter of urgency, whatever plan for progressing the project is decided upon.

I again thank the Senator for raising this matter and I want to give assurances to her. I have spoken again to the Department and this project is moving forward as quickly as possible. I believe the Department's representatives when they say the delays are certainly not on their end. I can confirm that the necessary funding has been set aside for it. I have seen the legislative funding that is there and the Department will continue to liaise with the DDLETB to progress this critical project. I believe further communications will take place in the next number of days.

I hope I have answered the Senator's questions. There is an acceptance from the Department that there has been an internal delay, as she pointed out. I believe from speaking to officials that, over the next few days and weeks, there will be more progress than there has been in months.

Senator Lorraine Clifford-Lee: There would want to be an awful lot more progress because there has been none at all. I am glad the emergency works scheme application has been granted. The Minister of State mentioned the pillar collapse and there are serious issues at the school. We are very lucky that there has not been an injury or even worse here at the school since. The Minister of State spoke also about the tender and construction phase. Will he let me know when he expects that phase to commence? I also seek an assurance that the project will start before the planning permission expires next year.

Deputy John Halligan: I give the Senator my word on that. I will follow it up for her if she sends me an email or text message in the next few days. It is important to know why the original proposal stalled. The detailed design stage for the original proposal is almost complete. It appears that a lot more was to be considered than had been thought. That does happen with major projects, which this one is. It became apparent as the project was progressing that the extent of the works to the existing building was greater than expected. The Department acknowledged that. At the time it genuinely believed it was a straightforward process and that it would proceed once the planning permission was approved. That is the reason it sought to review the position. I understand that. It would be premature for me to comment any further on how matters will progress while we are waiting for the feasibility study report. If Senator Clifford-Lee contacts me, I will make sure that she gets a weekly update on the project. I have asked the Department to do that.

An Cathaoirleach: Before the Minister of State concludes, coming events cast their shadows before. I note the Minister of State referred in his reply to Senator Clifford-Lee as “Deputy”.

Deputy John Halligan: My apologies. We may very well be referring to her as Deputy next time around. I hope that is the case.

An Cathaoirleach: I could not let it pass.

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

An tOrd Gnó - Order of Business

Senator Jerry Buttimer: The Order of Business is No. 91, motion 8, Private Members’ business, to be taken at 12.45 p.m. with the time allocated to this debate not to exceed two hours; No. 1, Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019 - Order for Second Stage and Second Stage, to be taken on the conclusion of No. 91, motion 8, and to adjourn not later than 4 p.m., if not previously concluded, with the contributions of spokespersons not to exceed ten minutes and those of all other Senators not to exceed six minutes; No. 2, Education (Student and Parent Charter) Bill 2019 - Order for Second Stage and Second Stage, to be taken at 4 p.m. and to adjourn at 5.20 p.m., if not previously concluded, with the contributions of spokespersons not to exceed ten minutes and those of all other Senators not to exceed six minutes; and No. 3, Social Welfare Bill 2019 - Committee Stage (resumed), to be taken at 5.30 p.m.

Senator Lorraine Clifford-Lee: I wish to discuss Brexit first and foremost. We have learned that the UK is putting formal proposals to the negotiators in Europe which are along the lines of the leaks we have heard in recent days, including ten customs posts on each side of the Border and that the North would leave the area by 2025. This House needs to send a clear signal that this proposal is completely unacceptable and a non-runner. We have already got indications that it is not legally operative. I believe some EU capitals have been briefed on this plan, but I know Dublin has not been briefed. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, has said he has not received any formal briefing from the UK Government, which is of concern. I am sure the Tánaiste and everybody from these Houses will tell the UK that this is completely unacceptable.

Irish citizens living in the North of Ireland will not be protected by this proposal. Issues of identity which have been largely settled over the past 20 years will be thrown open once more. The Tories never really understood that the issues surrounding the Border and the Good Friday Agreement related to more than trade and also covered identity. They are crucial to the health, safety and well-being of all people on this island. I want to send a clear signal from this side of the House - I am sure it will be reiterated across the House - that the backstop is not open for negotiation.

I also refer to the lack of Irish Water connections. A considerable amount of construction is going on in my area in north County Dublin and in other areas. The Government has repeated the mantra that it is delivering housing. However, it is not delivering water connection to houses. I have spoken to builders on various housing estates in north County Dublin. They have told me they have been waiting seven, eight or nine months for a connection to houses that

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are already built and lying idle. Last week a man told me he has been waiting 18 months since he first put in a request for a connection into an estate.

This is causing great levels of stress for people. They are waiting for their newly-built house for which they have sacrificed so much. They have given notice to quit in accommodation they are renting or they are living in overcrowded accommodation with family members and hoping their houses will be completed. Water connection is needed alongside the delivery of housing. It is the nuts and bolts of delivery of housing and this needs to be addressed.

I ask for indulgence to allow me to mention the 7,300 people who have been on the waiting list for home help hours, a figure that has risen in recent weeks. The Minister of State, Deputy Daly, has said he is ashamed and embarrassed about it, as he should be because it is completely outrageous. I am sure that many other Fine Gael Senators, Deputies and Ministers are ashamed and embarrassed about this Government's delivery for the most vulnerable people in society. It is no wonder they are leaving election tickets in droves because of the Government's track record.

Senator Jerry Buttimer: The Senator might like to look to her own party.

Senator Lorraine Clifford-Lee: We are fighting to get on a ticket. Fine Gael people are all leaving. They cannot get enough people to run for Fine Gael.

An Cathaoirleach: I call the Senator for the diaspora, Senator Lawless.

Senator Lorraine Clifford-Lee: We have great competition to get on our ticket.

Senator Jerry Buttimer: There is no competition-----

Senator Lorraine Clifford-Lee: Nobody is getting off the pitch where we are.

An Cathaoirleach: There is no by-election inside here.

Senator Jerry Buttimer: Deputy Darragh O'Brien is working hard for her.

Senator Terry Leyden: There actually is a by-election.

An Cathaoirleach: Without interruption, I call Senator Lawless.

Senator Jerry Buttimer: It is good that the Senator is here.

Senator Billy Lawless: Is it okay if I start?

An Cathaoirleach: Yes, if the Leader allows.

Senator Billy Lawless: As we know these are trying times for our nation and our island. In 28 days' time there is the real prospect that the peace we have all grown accustomed to which took decades or, depending on one's interpretation of history, centuries to resolve could be seriously jeopardised through the event of a no-deal Brexit. The closer we get to yet another EU summit on 17 October, the greater the insecurity our fellow Irishmen and women of every religion and none shall feel north of the Border.

Within the borders of this State, we have rightly spent considerable time focusing on the impact a no-deal Brexit would have on our agrifood sector and the security risks on our island, but not enough on the citizens of Northern Ireland. Thanks to the Good Friday Agreement, every

citizen of Northern Ireland can be a citizen of this State and therefore a citizen of the European Union irrespective of what happens in the coming weeks.

However, there is an inevitable social consequence to Northern Ireland being torn away from the European Union against its people's will. While even in the best-case scenario of an orderly Brexit deal, that consequence may only be sensory in that a drive from Dublin to Belfast will become a journey to exit the European Union and yet its citizens remain protected.

Of course, in the current Boris-deal scenario we would have customs checks to navigate on either side of the Border, something that thankfully the Irish Government has roundly rejected. I anticipate the European Union also doing so. No matter what happens, there is a strong likelihood that our two communities, North and South, may drift even further apart. Against this backdrop, an open hand to our friends in the North and overseas, through giving them a say into who is Head of this State and represents this nation, could serve to restore some of those social ties that will be lost through Northern Ireland's departure from the European Union.

I hope and, dare I say, I pray our leaders and the leaders of the European Union continue to act as a bulwark against the jingoistic nationalism and contempt for the rule of law we see from the British Government. While I have faith our people will be defended by their leaders in this State and the European Union, it will be up to us to defend our nation and our Northern citizens to ensure they remain part of our Irish community in word and deed. This requires our Northern friends to have a real say on how we move forward as the broad shouldered global community that modern Ireland represents. I hope these ideals will not be forgotten when we finally have the referendum to allow all Irish people the opportunity to vote in presidential elections.

Senator Aodhán Ó Riordáin: Often we stand in the Chamber and make political charges against each other. We spark off each other and this is the way of political theatre. In light of what the British Government is apparently proposing as a solution to its Brexit problem, the Houses of the Oireachtas must stand firm as a collective. It is deeply upsetting to everybody in Ireland to witness what is happening in the United Kingdom. One can only use words that Boris Johnson has used and describe the proposal as complete humbug. Twenty years ago, the British Government signed a sacred peace agreement after 30 years of violence and more than 3,000 deaths. All of us, Irish, British, Northern Irish, unionist and nationalist, said we would never again return to a scenario that would lead to violence. Less than 20 years later, the British Government has thrown that agreement in the fire and considers English nationalism to be much more important and that a small cabal in the British Tory Party had to be placated. The lack of knowledge among the British commentariat, public and political system and, particularly, the Tory party about the sensitivities of this island and what happened here is quite astonishing. Within all of this, for Boris Johnson to use words of war in his common discourse is deeply offensive. He has used phrases and words such as dying in a ditch, surrender and traitors. It is deeply offensive given what has happened in this country. On behalf of the Labour Party and, I am quite sure, other parties in the Chamber I say we stand firmly behind the Taoiseach and Tánaiste in their absolute rejection of the proposals coming from the British Government. These proposals are coming from an entity that has no interest in a deal. While we spend a huge number of hours disagreeing in this Chamber, on this day of days, as we head towards 31 October and the British Prime Minister addresses his party conference, we must call out this nonsense for what it is. It is a result of narrow-minded xenophobic English nationalism and the Oireachtas will not accept it. It will stand up for the Good Friday Agreement and peace and prosperity on this island and throughout Europe.

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Senator Martin Conway: I thank Senators Ó Ríordáin, Clifford-Lee and others for their support for the Government on Brexit and what we are collectively trying to achieve in terms of the future of the country. This is a critical period in our nation's history. I salute the efforts of our leadership and their backroom civil servants and advisers. I hope we will be able to navigate through this successfully.

We are led to believe by Met Éireann that tomorrow, we will have Storm Lorenzo. At present, it is a hurricane but by the time it reaches us it will have been downgraded to storm status. I remember standing up in the Chamber in 2014 after Lahinch and the entire coast of County Clare had been battered by the January storms and sea conditions. I am happy to report to the House that since then, in my area of Lahinch there has been coastal investment of €10 million on rock armoury and other works. The big test will be tomorrow evening when we see how effective the coastal work has been. Will the Leader facilitate a debate with the Minister of State with responsibility for the Office of Public Works on coastal protection? It would be very timely, given what we will experience tomorrow. I do not believe we are investing sufficiently in coastal protection. We need to spend billions and have a multi-annual plan over the next ten years, comprising €1 billion per year, to try to protect all of our coastal communities, tourist destinations, fishing villages, people farming on the coastline and coastal infrastructure from the rough elements of the sea. While the sea brings much enjoyment to thousands of people in many parts of the country throughout the year, there are times when its ferocity and anger can have a devastating effect. As an island nation, the only way we can protect from this is by investing in coastal protection. We need the solidarity of our European colleagues to come up with the resources needed. What we are spending at present is minuscule compared to what should be spent. This is extremely important. Coming from a fishing village, the Cathaoirleach knows the absolute importance of effective and proper coastal protection. We are living in a different world now and we need this investment. I hope the Leader will facilitate such a debate in early course.

An Cathaoirleach: The Senator neglected to thank Deputies Carey and Breen for their work.

Senator Martin Conway: I assure the Cathaoirleach I did more than the two of them put together.

Senator Lorraine Clifford-Lee: Well done, Senator Conway.

Senator Terry Leyden: I want to raise an issue the Leader may not be able to do much about but I want him to be aware of it. I am more anxious that "Liveline" would note it because it communicates with more people than any other radio programme. This is the issue of the notice on dormant accounts by Banking and Payments Federation Ireland. The advertisement, which mentioned the Dormant Accounts Act 2001, appeared in yesterday's edition of the *Daily Star* and advised people who have may have a dormant account to contact the bank or An Post. If there is no activity on an account for a period of time, the funds are taken by the State and dealt with by the National Treasury Management Agency.

My wife and I have a small rainy day fund of less than €1,000 in An Post. I came across the book recently and went about reactivating it. I went to the GPO, where I was told the money had gone to the Government

Senator Michael McDowell: I thank Senator Leyden very much.

Senator Billy Lawless: As do I.

Senator Terry Leyden: I am sure it will look after it very well but I would prefer to look after it myself. I then endeavoured to reactivate the account because I recommend that people save with An Post. Young people should save with An Post and have a post office savings account. Thousands of young people put their holy communion money into an account but did not check it out and the money is gone.

The Order of Business is a very good opportunity to bring matters of importance to the attention of people. There is a procedure involved in getting the money back and I have been working on it for three weeks. I had to send in a copy of our passports, the account number of the agency or company being dealt with and proof of address. That is all I have heard. I want my money back and I want it back now. We need it for the rainy day fund and facing into Brexit we have a lot of problems. I ask our friends in the media to pick this up. I only saw the advertisement in the *Daily Star*, which is not read by that many people. Someone needs to go on radio and television to inform the public of their right to claim back the funds they own. It is a good, positive step in the right direction. I do not know the exact number but millions of euro are taken by the State every year and people are deprived of their money.

Senator Pádraig Ó Céidigh: Will the Leader invite the Minister for Business, Enterprise and Innovation to discuss the small and medium enterprise, SME, report, which he actively supported and to which he previously committed? A great deal of work has been done to produce the report and it is significant. I appreciate the Seanad Public Consultation Committee's support in activating the report, which involved approximately two years' work. Since the publication of the report, I have met people from a number of Departments, chambers of commerce, IBEC, the Irish Small and Medium Employers, the Small Firms Association and other organisations, all of which have a strong interest in the report. I have had between 20 and 30 meetings with the industry, which is keen for us to progress with it. I would value the Leader's support in that regard. If he could arrange for the Minister to come to the House as soon as possible, it would be much appreciated. All members of the committee, including our Chairman, Senator Coghlan, would very much welcome it happening as soon as possible. The report was published in May and is approximately five months old.

Approximately 90% of all the passengers at Irish airports use Dublin Airport. Shannon, Cork and the other regional airports are suffering significantly, although that is not Dublin Airport's fault, given that people want to fly into and out of there. We need to create a regional strategy for places such as Cork, Shannon, Waterford and, in particular, Knock to develop a co-ordinated approach. A definite Government policy is needed to create the opportunity. Passenger numbers at Shannon Airport this year will reduce by approximately 120,000, while I imagine there might also be, unfortunately, a reduction at Knock. The airports are essential to our regions and regional development. I urge everybody, but especially the Leader, to push the matter with the Government. As Senator Ó Ríordáin noted earlier in respect of Brexit, we are all together. Let us work actively to try to make such a strategy happen and to create opportunities for our regional airports.

Senator Paul Coghlan: I strongly support what Senator Ó Céidigh stated. The report is an important body of work, to which we referred previously. I hope the Leader will meet the Senator's request in early course and that the Minister will appear before the House to debate and discuss it further.

On Brexit, we should not get too upset. Everything we are hearing is based on leaks. The papers, non-papers, proposals or whatever they are could be part of an opening or ongoing gambit. We should not concern ourselves too much because it will be a matter for the EU. The British Prime Minister is playing to his own audience, as we well know, and he has his own agenda in Manchester. We all know, and will not forget, that our protection and that of the EU, through the backstop and the Good Friday Agreement, is solid. Let us not play-act or respond too much to what happens over there. The British Prime Minister must realise what he must do at the heel of the hunt. He is probably playing down the clock. He knows he will have to obey the Benn Act and the law of the land over there. He will doubtless have to seek an extension, although whether it will be granted remains to be seen. For our sake, I hope that when he is faced with the prospect, it will be granted. The EU, as much as we, will need the transition period of two years or more to get matters sorted and to have them carry on as they are. We should not jump up and down about what they are doing over there. Let us hold our whisht a while and see what, if anything, emerges concretely.

Senator Michael McDowell: I express my sympathy to the Leader for the incredible pressure he is under in the House. Senator Conway seeks €1 billion a year, while Senator Leyden wants his savings back. How can the country survive such ceaseless demands on the Exchequer? I do not know where we will go with all that.

We had a debate yesterday on what was the latest Brexit development, but overnight, what is happening has become clearer. Unlike Senator Coghlan, I take the view it is becoming abundantly clear that Downing Street is aiming towards a no-deal exit, that the take it or leave it offer, which the British Prime Minister, Mr. Johnson, will apparently ventilate at his Manchester rally today, is intended to be rejected, that he intends to go to the British people making the untrue point that Europe is being unreasonable and he is being reasonable, and that he intends to leave the EU one way or another by 31 October.

Senator Paul Coghlan: What about the law?

Senator Michael McDowell: The funny thing is that the *The Guardian* today reminds us that under the existing law in the UK, namely, section 10(2) of the exit Act, nothing in various sections of the Act authorises regulations that diminish in any form the North-South co-operation provided for by the Belfast Agreement, or the creation or facilitation of border arrangements between Northern Ireland and the Republic of Ireland after exit day that feature physical infrastructure, including border posts, or checks and controls, that did not exist before exit day and are not in accordance with an agreement between the UK and the EU.

Senator Paul Coghlan: What about the Benn Act?

Senator Michael McDowell: There is now a proposal to break the UK's own law or, one presumes, to change it in the utmost bad faith. I accept that the Irish Government must play a careful game of not being seen to be unreasonable and of keeping its language polite, respectful and so on, and that the EU, too, is playing a careful game not to run into the trap of being seen to be aggressive towards the UK and, in particular, the Johnson Administration. I do not believe, however, that the Johnson Administration is being truthful. It is deliberately engaging in misinformation and distortion of the truth, and misleading its own public. I do not believe that it will obey the terms of the Benn Act but that it will instead try to wriggle out of it and create a political crisis by 31 October. It seems to be intent on doing that. Although I fully support the Irish Government in everything it does on the matter - I do not want to take away from that in

any way - we have to be realistic now. It is clear what is happening. Bully tactics, and bandit tactics in respect of international policy and the Good Friday Agreement, are being organised by Mr. Cummings and Mr. Johnson. I guarantee the House that if we wait a few weeks, we will find out the extent of the untruth and bullying being put on as a show with a view to garnering support for a November election to seek a majority for the Tory Party, which has never been a friend to Ireland in respect of Northern Ireland.

Senator Tim Lombard: I follow on from Senator Conway's theme by raising the matter of the impending storm coming towards us. I ask for the Leader's indulgence to inform and work with me on a practical issue. Applications for the targeted agricultural modernisation scheme, TAMS, which is important, will close on Friday.

12 o'clock

Teagasc has informed everyone who has made appointments on Thursday and Friday in the six counties in which there is an orange storm warning that the appointments have been cancelled. It will create a problem in the agricultural community. A Department of Agriculture, Food and the Marine scheme is closing for the receipt of applications on Friday and the knock-on effect is that farmers will not be able to make the required applications because appointments made three or four months in advance for Thursday and Friday have been cancelled because of the bad weather. Will the Leader ask the Minister to postpone the closing date for the receipt of applications under the scheme for one week to provide the agricultural community with a chance to breathe and get through the storm? It is a practical solution. The agricultural community has a basic right and needs to apply under the scheme. However, farmers will not have the opportunity to do so because of weather conditions. I ask the Leader to use his office to contact the Minister for Agriculture, Food and the Marine to ensure there will be an extension of at least seven days to sort out the issue. It would be a practical way of dealing with the unusual weather conditions.

Senator Rose Conway-Walsh: I support Senator Lombard and second his proposal that the Department of Agriculture, Food and the Marine be contacted and that the Minister provide at least an extra week to allow for weather conditions.

I wish to discuss the value of family resource centres, of which there are 121 across the State. We have heard from them about the funding cuts made since 2008. In 2008 funding for the centres was €18.84 million, whereas now it is €17.37 million. However, they require €19.3 million to resource their services properly, as matters stand. Like community development projects, family resource centres experienced savage cuts in 2008 and during the years of austerity. While some of the cuts have been made up, not all of the decrease has been addressed. Family resource centres engage in at least 500,000 child and adult interactions annually. They leverage 2.9 times their annual Government funding by sourcing other funding to be used in communities. They have a proven and successful model to meet the needs of at-risk families, provide counselling, engage in community work, provide advice and training and address domestic violence and many of the other issues which cause social exclusion and isolation in communities. They help to reduce poverty and address social inclusion. We speak a great deal about crime prevention and the cost of crime, but if we fail to value the work of family resource centres, we are failing economically as well as socially. If the problems facing individuals, families and communities are not addressed, it can cause many problems down the line by way of anti-social behaviour, addiction and crime. The value of applying extra funding to family resource centres would be huge.

The family resource centre national forum also needs approximately €145,000 to keep going as a national co-ordinator. The forum is important to facilitate the exchange of learning across the family resource centres nationally, which builds capacity for the future.

We have a particular and absolute need for a family resource centre in Erris. An assessment has been made and an application was made last year, but we fell just short, albeit Tusla recognised the need. Erris is a huge distance away from any other family resource centre. Community projects have been cut and it is an area of high disadvantage. The value of having a family resource centre in Erris needs to be recognised in the budget. I look forward to seeing that happen.

Senator Robbie Gallagher: I raise the issue of the North-South interconnector, a 400 kV line running from County Meath to County Tyrone and passing through counties Monaghan and Cavan. It is 138 km in length. Will the Leader ask the Minister for Communications, Climate Action and Environment to come to the House at the earliest opportunity to discuss comments which appeared last week in the *Irish Independent* and attributed to EirGrid? EirGrid stated there was no legal onus on it or the ESB regarding access to land owned by farmers along the route. These comments have angered and further frustrated farmers and landowners along the entire route, as the Leader can well imagine. There are approximately 504 access points along the interconnector route. Clearly, access to lands will be required if the project is to succeed.

The other issue that emerged from the newspaper article involved the ESB ploughing on with the procurement of pylons for the project, notwithstanding the fact that planning permission has yet to be granted in Northern Ireland. What does that say about the planning process in this country? What message does it send for the State to carry on in this way? I ask the Minister to come to the House at the earliest opportunity to update Members on where the project is at, to explain to law-abiding people in counties Meath, Cavan and Monaghan what the State is doing and to react to the comments attributed to EirGrid in the *Irish Independent* last week.

Senator Michelle Mulherin: I highlight the plight of 12 graduate nurses working in Mayo University Hospital who have been let down by the HSE. They were promised permanent contracts in their place of work, but they have not been delivered. This is notwithstanding the fact that in March 2017 the INMO and SIPTU agreed with the HSE that from then on graduate nurses and midwives would be offered permanent contracts. It was for the very reason that we were finding it hard to retain nurses and other health professionals. We have invested a great deal in the education of these healthcare professionals and would like to retain them. Nurses and other healthcare professionals need permanent contracts to establish obtain mortgages and themselves and their families. The nurses in County Mayo were likewise promised contracts. As far back as 2017, the HSE's national director of human resources confirmed that all graduating nurses and midwives in the Saolta group would be offered permanent contracts, but that has proved not to be true. There is a serious question about commitments being made in public and the experience of the nurses. It speaks to issues of trust, truth and honesty and has led to disillusionment among those working in the health system. The Minister for Health, Deputy Harris, was told that these permanent contracts would issue, but they did not. I ask that he be invited to the House to allow us to shine a light on the behaviour of the HSE in delivering on this public, on-the-record commitment which it has failed to fulfil. Let us avoid losing these graduate nurses. Their colleagues in the class of 2017 have left and we do not want and cannot afford to lose them too. It is ironic that there are 29 nursing posts vacant in Mayo University Hospital, but these nurses cannot get the permanent contracts they need.

Senator Gerard P. Craughwell: Yesterday I attended the PDFORRA conference. The Leader will agree with me that it is regrettable that a number of members representing Naval Service personnel were refused permission to attend the conference. It flies in the face of any notion of decent working relationships. Later this afternoon, a group of parents in Cork will hold a press conference on the misappropriation of Exchequer funds in education. It is a serious case that has been ongoing for some time. The Leader, as a former teacher, will have some concerns himself on the matter. Anecdotally, we are aware that restrictions on promotional posts and appointments in education mean principals, with whom I have some sympathy, have been put to the pins of their collars trying to manage their schools. Unfortunately, in trying to do so, pupils with special education needs who have been allocated, say, four hours of one-to-one teaching a week have been put together in a single class. Principals have been amalgamating the hours so that they can be used elsewhere for management purposes and so on. The Teachers' Union of Ireland, TUI, my former union, spent much time at its conference complaining about the lack of resources and management structures in schools. The Cork parents have documentary evidence with names, students, times, places and schools, where hours allocated by the Department of Education and Skills were taken from the students and misused. The Minister for Education and Skills should come before the House as a matter of urgency to discuss this and the protocols are in place.

I do not want a witch hunt of principals around the country who may have been involved in this practice. It is deeply regrettable that it is coming to light as it will later but we need to take action on it.

Senator Paddy Burke: We can all be critical of RTÉ from time to time but I congratulate the station on its programme on Brendan Grace broadcast on Monday night. It was a fantastic show and goes to show that RTÉ can make great programmes. It brought people as well as Brendan Grace centre stage who were suffering from dementia, and made them the centrepiece at the Olympia Theatre. It was a fantastic programme with a huge audience. RTÉ can do magnificent work and I congratulate it on this occasion.

Great work has been done on the restoration of Leinster House. However, I wonder about some pieces that were hanging in various places around the house. Will they be returned or will they be placed in other areas of the House? I refer in particular to the American flag, presented by the late President John F. Kennedy in 1963 which appears to be missing, or at least, is not in the place where it was. A painting of Countess Markievicz hung on the stairway -----

Senator Terry Leyden: It was moved to outside the Dáil Chamber. She has been elevated, or whatever.

Senator Paddy Burke: I see.

Senator Terry Leyden: The flag will go into the Seanad's old anteroom.

Senator Paddy Burke: The American flag was a centre piece for tours in Leinster House. People, including teachers, tourists and Americans, who visited the House enjoyed hearing the history of it.

Finally, I congratulate Commissioner Phil Hogan on the way he got through his interview with flying colours. I wish him well with the trade portfolio for the next five years. No better man could have that portfolio representing both Ireland and the EU.

An Cathaoirleach: The flag presented by the late President John F. Kennedy is being taken for essential repairs or restoration but it will be brought back.

Senator Brian Ó Domhnaill: I refer to the point made by Senator Paddy Burke and raise a different issue regarding RTÉ. While praise can be levelled in its direction sometimes, I wish to be more critical here. RTÉ sport has decided not to broadcast the World Athletics Championships this year. It is a retrograde step, especially when we read that some 10 or 12 senior RTÉ officials had chosen to travel to the Rugby World Cup in Japan. Irish athletes are competing in the championships. Our best result to date has been secured by a friend of mine, a fellow club member from Donegal, Brendan Boyce, who obtained a magnificent sixth place in the most gruelling sporting event on earth, the 50 km walk, last Saturday night. I want to extend congratulations to Brendan. He trains mostly in Ireland, with Robbie Heffernan in Cork.

I refer to the Departments of Agriculture, Food and Marine and the Culture, Heritage and the Gaeltacht, and the awarding and processing of foreshore licences in special areas of conservation, SACs, and special protection areas, SPAs. There is an issue in Donegal where foreshore licence applications with the combined geographical footprint of 70 times the size of Croke Park for commercial oyster fishing. There has been no public consultation whatever with the local community, which is now up in arms against the proposal. It might be an issue more relevant to a Commencement debate and I will table a question on the matter. However, I would like both Ministers come to the House to describe in detail the process, or lack thereof, of public consultation at local level. I am also interested in what the Minister with responsibility for protecting SPAs and SACs has to say about such proposals. To date, that Department has made no input whatever on this application, one of the largest ever in the country.

Senator Jerry Buttimer: I thank the 15 Members for their contributions to the Order of Business. Senators Clifford-Lee, Lawless, Ó Ríordán, Conway, Coghlan and McDowell raised Brexit. As we speak, the British Prime Minister is on his feet at the Tory party conference. He is saying he does not want to see any customs checks in Ireland and that he wants to protect the existing regulatory arrangements for Ireland. The contributions of Members recognise and reinforce the need for us to stand together. Yesterday, we had a very good debate on Brexit. The Tánaiste's contribution was illuminating. Senator Lawless, in his very fine contribution, crystallised the importance of the EU summit and the need to put the Good Friday Agreement at the forefront of the thinking of EU leaders and what they are discussing. Its dividend has been quite extraordinary. We all know that there is no such thing as a good Brexit outcome. The Good Friday Agreement has been a great positive for our country and for the people of the North and South. Anything that diminishes that is not good. The Government made it clear that customs checks are out. The Tánaiste said that yesterday, and repeated it this morning, as did the Taoiseach. According to my information, the Government has not seen any proposal from the British Government, but we have made our position clear. It is about ensuring an orderly Brexit. I will be happy to facilitate the Tánaiste or the Minister for State, Deputy McEntee, in coming to the House in due course.

Senator Clifford-Lee raised the issue of home help hours. I assure her that the Government is committed to improving access to home supports. It is a priority for it. There has been an investment of €446 million this year, which represents an increase from €140 million. There are challenges because demand is high and increasing, demographics are changing, people are living longer and want to stay at home more. In the HSE's service plan for 2019, 18 million home support hours have been allocated to 53,000 people. The aim of the Government and all of us who meet families every day is to have people remain at home and live with dignity

and confidence. In spite of the Senator's comments, the Minister of State, Deputy Jim Daly, is very much engaged in creating a new, stand-alone statutory scheme which will bring about regulation of home support services and their financing and regulation. I remind her - she might include it in one of her leaflets - that more than €8 million per week is being spent by the State. If one compares the position this time last year to the position today-----

Senator Lorraine Clifford-Lee: Waiting lists are increasing.

Senator Jerry Buttimer: The Senator might do me the courtesy of listening.

Senator Lorraine Clifford-Lee: I am listening.

Senator Jerry Buttimer: I know that the Senator will be fighting a by-election, but she might do me the courtesy of listening.

Senator Lorraine Clifford-Lee: This has nothing to do with the by-election.

Senator Jerry Buttimer: It has.

Senator Lorraine Clifford-Lee: I am deputy leader of the Opposition.

Senator Jerry Buttimer: I listened to the Senator.

Senator Lorraine Clifford-Lee: I am listening.

Senator Diarmuid Wilson: The writ has not yet been moved.

Senator Jerry Buttimer: I thank the Senator. There are fewer people waiting for home help hours now than there were this time last year. All of us, in our offices, deal with people and recognise that there are challenges, but €8 million per week, giving a total in excess of €400 million per year, is being allocated to people for home care supports. I do not need the Senator to tell me what is and is not happening.

On the question about Irish Water, if the Senator has a particular matter to raise about Irish Water connections, I suggest she go to Irish Water directly if she is familiar with the matter she wishes to raise and which is serious for the people on whose behalf she wishes to raise it. I assume she has gone to Irish Water, but, if she has not, perhaps she might put a Commencement matter before us. It is a matter of considerable importance to the people for whom she speaks. I suggest, if she has not gone to Irish Water, she table a Commencement matter about the issue.

Last week and again today, Senator Lawless raised the issue of presidential voting rights. It is a very important referendum which deserves time and space. The Senator made a considered and measured contribution last week about the delay in holding the referendum. It is important that we receive more information and that there be engagement with the wider population and beyond because there is a polarising view emerging that I hope will not lead, or form part of, the campaign.

Senator Conway raised the issue of coastal erosion. It might be best dealt with by way of a Commencement matter. We will have the Minister of State, Deputy Moran, in the House in due course.

I am not sure if Senator Leyden was giving an advertisement for "Liveline" or the dormant accounts fund, but I wish him well in his endeavours. He has the support of the House, as Sena-

tor McDowell said. We all stand with him on the matter. The point he makes is very informative. I have seen that this week a number of credit unions have written to their customers, in particular older people who have not accessed their accounts, to tell them that they have been frozen. People have been alarmed at the letters that have appeared in the post telling that their account has been frozen because, in some cases, the customers have not used it. I am not saying that is the case in the Senator's case.

Senator Diarmuid Wilson: If this is about accounts that are not used, the current account has to be checked.

Senator Jerry Buttimer: I am sure Senator Leyden is well able to manage his own financial affairs. With the indulgence of the Cathaoirleach, I wish the Senator a belated birthday. It was his birthday yesterday, but he did not tell us.

Senator Diarmuid Wilson: I wish Senator Leyden a happy birthday.

Senator Jerry Buttimer: I was happy that we were able to participate in part of the celebration last night.

An Cathaoirleach: Senator Leyden has reached the great age of 60 years.

Senator Diarmuid Wilson: Is it 60 years he has been in the House?

Senator Jerry Buttimer: Senator Ó Céidigh is the author of a very fine report from the Seanad Public Consultation Committee which was chaired ably by the Leas-Chathaoirleach. It is a very important report and I intend to have the Minister come before the House in the coming weeks to discuss it.

Senators Coghlan and Ó Céidigh raised the issue of aviation. The Copenhagen Economics report has today been given to the relevant Minister, Deputy Ross. The report was commissioned by a number of airports and sponsored by the Limerick Chamber of Commerce. There is an issue about the dominance of Dublin Airport in the aviation market. I will be happy to have the Minister come to the House to discuss the matter.

Senators Lombard and Conway-Walsh raised the issue of targeted agricultural modernisation schemes, TAMS. The point Senator Lombard made about the impact of Storm Lorenzo on the cancellation of appointments is one to which I hope the Department will give consideration. I hope existing applicants' interviews will be rescheduled and the scheme can be kept open.

Senator Conway-Walsh also raised the issue of family resource centres. We are all aware of and appreciate the significant work being done in such centres. The Senator is well aware that this year the Minister for Children and Youth Affairs, Deputy Zappone, increased by €1.5 million the allocation of funding for family resource centres. The €18 million given by the Government this year is the largest allocation in a decade and will allow for an increase in core funding of 5% and the employment of 17 additional family support workers. It will also allow for the investment in young people and families. As we all know, the earlier one invests, the better the results in all outcomes. I am not familiar with the case in Erris raised by the Senator but, if she tables a Commencement matter, she may receive a more expeditious reply. It is important that we support and continue to build on and communicate the importance of family resource centres. The work they do in all parts of the country is incredible.

I have not read the article about the North-South interconnector to which Senator Gallagher

referred, but I will be happy for the Minister responsible to come to the House to discuss the issue. As the Senator knows, it is an important project.

Senator Mulherin raised the issue of permanent contracts being awarded to 12 nurses. As it is predominantly a HSE matter, I do not have the answer. The Senator might receive a quicker reply if she were to table a Commencement matter, but it is extraordinary that the HSE has not yet allocated permanent contracts. They must be expedited.

I am not familiar with the issue of the Naval Service being refused permission to attend the PDFORRA conference, as mentioned by Senator Craughwell. He also mentioned the matter of the misappropriation of special needs education resources in some cases. I am aware that there are over 50 cases of alleged misuse of teaching and other resources being investigated by the Department. The inappropriate use, or misuse, of special needs education resources is something none of us will stand over. The investigation is ongoing and I am sure that when it is concluded, the Minister, Deputy McHugh, can come to the House to discuss the matter.

Senator Paddy Burke paid tribute to RTÉ for its programme to mark the memory of Brendan Grace, “Thank You for the Memories”, and the work the programme has done with the Forget-Me-Not choir in highlighting the devastating effect dementia has and also the joy and support surrounding people affected by it. I pay tribute to all those involved in the programme and the late Brendan Grace for his generosity before his death. I thank everybody for being involved in the programme.

The Cathaoirleach answered the issue raised by Senator Paddy Burke about flags and different paraphernalia. On my own behalf and I am sure that of the House, I join the Senator in congratulating Commissioner Hogan, first, on his reappointment and his robust and sterling performance in the European Parliament this week. We wish him well in his new, onerous position. As the Senator said, there is no better man to lead the European Commission’s trade department.

I concur with Senator Ó Domhnaill that it is regrettable that RTÉ has not carried live coverage of the World Athletics Championships. I remember when Eamon Coughlan won the 5,000 m championship and racing past another athlete. It was a graphic image on our television screens. Equally, I commend and congratulate Brendan Boyce who has been well trained by Rob Heffernan in Cork. I am not sure what the reason for RTÉ’s decision was for not covering the World Athletics Championship live.

I do not have the information sought on foreshore licences in County Donegal. I am not trying to give Senator Ó Domhnaill a short answer, but perhaps a Commencement matter might be a more appropriate means to deal with the matter. There are issues with foreshore licences that need to be addressed, not just in County Donegal because I am also aware of a number.

Order of Business agreed to.

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

Crime Policy: Motion

Senator Robbie Gallagher: I move

“That Seanad Éireann:

notes:

- the increased presence of organised criminal gangs operating throughout the State;
- the fear that exists in local communities as a result of the increased prevalence of organised crime and criminal gangs in the State;
- the increased prevalence of drug use and drug related crime across the country;
- the impact of increased drug use and drug related crime on communities;
- the terrible legacy and continued existence of criminality in the border region;
- the continued existence of illicit trade between border counties and Northern Ireland;
- the prolonged thuggery that was allowed to carry on in County Cavan;
- the fear that exists in communities in border counties as a result of increased criminal activity;
- the unprecedented increase in the requirement to deploy armed Gardaí to different communities that would never previously have had a need for armed Gardaí;
- the absence of any garda stations in large areas of rural communities and the impact these closures have had on communities;
- the failure of the Government to respond adequately and in a timely manner to the need for extra and more visible gardaí on the ground;

recognises:

- the support that exists for An Garda Síochána and the fight against crime;
- the success of An Garda Síochána in fighting certain types of crime provided they are given political priority by Government;
- the work of the Armed Support Units;
- the work of the Criminal Assets Bureau; and

calls for:

- the establishment of a statutory cross-border multidisciplinary agency to target criminal activity at the border region;
- the formulation of an effective strategy to combat the worsening drugs crises;
- increased surveillance of drug distribution networks and legislative changes to facilitate action against those who are using children as part of those networks;
- the provision of increased numbers of Drugs Task Forces;

- budget provision that will enable the Gardaí to implement targeted intelligence driven operations against organised crime, gangland murders, drug trafficking and other criminal activity;

- the promotion of a community-based policing strategy to address the underlying causes of crime and to provide reassurance to communities experiencing the fear of crime, particularly in rural communities.”

I welcome the Minister to the House. I acknowledge the presence of Councillor John O’Leary along with his friend from Waterford, and welcome them to the Chamber.

There is an escalating crime problem with gangs of organised criminals, once the preserve of the cities, now operating in towns never before affected by such criminality. Increased drug use and drug-related crime is impacting on every town. Armed support units are now being deployed with increased frequency. People and communities are living in fear.

Fianna Fáil recognises the success of An Garda Síochána in fighting certain types of crime, provided they are given political priority by Government. The Government has become complacent and we hope this motion and the ensuing debate will help to counteract it. The increased presence of organised criminal gangs operating throughout the county is concerning. Organised crime and gangland violence were once the preserve of the cities but this is no longer the case. Longford, Drogheda and, most recently, my constituency of Cavan-Monaghan were all affected. While many of these gangs have links to the drugs community in which they are carrying out these attacks, they do not fear law enforcement. The use of guns is sending shock waves through communities and many attacks taking place in settled residential areas often happen in broad daylight. Too many lives have been lost.

A study from the European monitoring centre for drugs and drug addiction reported at the beginning of the summer that cocaine use in Ireland is now the third highest in Europe. According to the most recent statistics from the Central Statistics Office, CSO, there has been a 16.5% increase in recorded incidence of drug offences compared with the same period last year. Fianna Fáil is calling on Government to establish a national drugs education and awareness campaign. It is vitally important that happens immediately. People taking drugs must understand the connection between their actions and organised crime.

The prolonged thuggery that was allowed in County Cavan also highlights the need for increased resources for An Garda Síochána, particularly in the Border region. This is all the more pressing as we face the prospect of a hard Brexit. Policing in the Border area has particular challenges that require a collaborative approach between An Garda Síochána and the PSNI. We are assured an armed support unit has been set up in the Border region, albeit it took a long time to do it and I understand that those members are being taken from elsewhere. We are also assured that a task force is in place to deal with cross-Border crime.

In 2015, Fianna Fáil brought forward legislation seeking to establish a statutory cross-Border multidisciplinary agency to root out cross-Border criminality. Now, more than ever, such a body is needed. The Government must resource the Garda Síochána to ensure that they can implement targeted intelligence-driven operations against organised crime, drug trafficking and other related crimes. It will take one simple action to address the issues, that is, resources. Without resources we are going nowhere. We need Garda on the beat. As I observe criminality currently, our policing seems to be reactionary. Following the recent deaths that occurred

in Drogheda, the reaction was to flood the area immediately with gardaí. The same happened in Dublin and in Limerick in years gone by. This clearly illustrates that there are insufficient gardaí on the beat. If we had enough on the beat, these incidents would not happen at the frequency they are. I refer to preventative rather than reactionary policy.

I can give examples of what I am talking about in County Monaghan. Some 15 years ago in Clones Garda station, there were 16 gardaí, four sergeants, and one detective. Today there are only two gardaí and one sergeant. In Monaghan, the numbers have been depleted to a point where they are struggling to get gardaí out to respond to incidents as they happen. Clearly, this is having an adverse effect not just on our community but on the gardaí themselves. Garda morale is very low.

Recently to add insult to all of that, at a time we are less than 30 days away from Brexit, the Cavan-Monaghan divisional headquarters, which are located in Monaghan, have been downgraded and are being relocated to Drogheda. If one looks at the three counties concerned, Cavan, Monaghan and Louth, Monaghan is in the centre. Surely from an operational perspective, it would make more sense to have Monaghan designated as a divisional headquarters. Our fear of what will happen is that large towns such as Dundalk and Drogheda, where there is the most activity is where most gardaí will be located. That will be at the expense of counties Cavan and Monaghan. I sincerely hope this new plan works but I have grave concerns that it will not. We clearly need more resources. We need more gardaí on the beat. Preventative policing is the way forward. What disappoints me from talking to people in the community and in the Garda Síochána is that there has been little consultation with those who work at the coalface day in, day out. They have had no input into this plan whatsoever and that is very disappointing because some members of the Garda have served in the Cavan-Monaghan division for more than 30 years. When a plan is being devised, surely those on the ground who deal with the issues day in, day out should have been consulted. From that point of view, it is time that the Government took crime more seriously and properly resourced the Garda by way of personnel, vehicles and IT. Unless we do that, this upward trend of criminality will continue.

Senator Ned O’Sullivan: I second the motion, which was moved very eloquently by my colleague, Senator Gallagher who has a great deal of experience in law enforcement. I welcome the Minister to the House and wish him well in his important job, which in fairness he is performing in a very even-handed manner.

I wish to be constructive. We have an escalating crime problem in rural Ireland. Incidents are happening in rural towns all over the country that ten or 20 years ago we would have associated with major urban centres. What was common in Dublin is now common in Kerry, Limerick or Donegal. That is lamentable.

Many people in isolated rural areas are living in fear. We have experienced some tragic events involving elderly people trying to defend themselves, as best they can. Many of them are living in fear and that is no way for people to live. The greatest scourge of all is the expansion of the drugs trade. Most people get their information about drugs from reading newspapers and watching television. We form an image of the typical drug dealer. Members will be aware that I have some personal experience of addiction issues, although not drugs, but through that, I encounter many people recovering from drug addiction.

1 o'clock

The stories I heard in group sessions or therapy opened my eyes. One reads in the paper about people being apprehended by the Garda with large amounts of class A drugs while travelling, who are then put away for ten years, and one thinks they are the worst type of criminal. I have learned that those people come from respectable homes. They are decent individuals who have become addicted. The people who prey on such addicts will give them latitude in the early days, in order to establish and confirm that addiction by giving them unlimited access to drugs. They will then start upping the price. People using class A drugs require a lot of money which they do not have. Some people have sold their cars or even their houses to pay for drugs. Their parents have been threatened. People's cars have been burned out in their driveways because these serious crime operators will always get their money, and always follow through on their threats. If they threaten to beat up someone's daughter or burn one's father's car, they will do it. They will eventually get paid, at which point they will go away. The Minister knows better than do I how many lives they have wrecked. We must deal with the people at the top, rather than the victims or addicts who are caught every day of the week carrying small or large amounts of drugs. Most of them are addicts and few are professional criminals. The professional criminals are living in the style of princes and kings long ago. They must be rooted out because they are destroying the whole fabric of society in city, town, and country.

There also has been an upsurge of paramilitary activity lately, which was referred to in yesterday's debate on Brexit. I will not repeat what I said then. With the danger of a hard Brexit, these paramilitary thugs are setting up to come out of their caves or holes and will make their presence felt. It gives me no pleasure to be a harbinger of doom, but any type of hard border is going to be a serious factor for our Defence Forces, the Army and the Garda. We should spare no expense to ensure the Good Friday Agreement is upheld, and if we have to be geared up on a strong crime attack basis, then so be it.

I refer to the statistics on crime, which are not great. The recorded instances of drug offences have risen by 15% nationally in the last two years, while attempted murders are up 20%, weapon and explosives offences are up 14%, and kidnapping and related offences are up 22%. Many of these increases are due the ongoing feuds in places like Longford and Drogheda, to which my colleague has referred.

I revert to the drugs problem, although I acknowledge crime is not all about one issue. We need to raise education and awareness, as we are still a long way from where we should be. Because of my situation, I have some insight into how the whole thing operates, which was a big surprise to me. The Minister and the Garda have pulled off some great achievements in targeting and preventing crimes and assassinations, on which I congratulate them. The Minister must keep funding and supporting the Garda. I was never a man for law and order but the older one gets, the more one appreciates the quiet life. The Garda Representative Association, GRA, is a great organisation, which my colleague Senator Gallagher and I know well through our nomination to the Labour Panel. We know the members of the Defence Forces as well and they are all wonderful people. I have full admiration for them and ask that they are given full support.

Senator Martin Conway: I move amendment No. 1:

To delete all words after "Seanad Éireann" and substitute the following:

"notes:

- that tackling organised crime is a key priority for the Government and An Garda

Síochána;

- that An Garda Síochána has the necessary resources, intelligence and determination to successfully combat organised criminal activity in the State;

- that An Garda Síochána is carefully monitoring the activities of criminal groups, and is implementing strong policing measures to disrupt and dismantle all organised crime networks;

- that multi-disciplinary approaches are used by An Garda Síochána to ensure the activities of individuals and groups involved in criminality are effectively targeted and that such approaches include the use of money-laundering legislation and focused intelligence-led operations by Garda specialist units, including the Drugs and Organised Crime Bureau, the National Economic Crime Bureau, the National Bureau of Criminal Investigations, with support as required from the Security and Intelligence section and close cooperation with the Criminal Assets Bureau (CAB);

- the ongoing cooperation between An Garda Síochána and other law enforcement agencies on this island and in other jurisdictions in the fight against organised crime;

- the work of the Joint Agency Task Force, which is a multi-agency coordination structure, in tackling organised and cross-jurisdictional crime;

- that the latest crime statistics released by the Central Statistics Office show that there was a decrease of over 40% in the number of recorded homicide incidents in the second quarter of 2019 compared to the same period in 2018;

- that since the Regency Hotel incident in 2016, An Garda Síochána believe that their intelligence-led approach to policing has saved at least 64 lives, in operations resulting in more than 651 arrests, seizures of over 100 firearms as well as 3,300 rounds of ammunition and €9.8 million in cash;

- that Garda activity to tackle burglary and property-related crime has, up to May 2019, led to approximately 10,000 arrests and over 11,500 criminal charges, covering offences including burglary, handling stolen property, possession of firearms and drugs offences;

- that in 2018 CAB brought 30 new Proceeds of Crime proceedings before the High Court, up from 28 in 2017 and 13 in 2016, and that this is the largest number of new cases ever commenced by the Bureau in a single year;

- that the money returned to the State as a result of CAB actions was in excess of €5.6 million in 2018, up from €4.3 million in 2017 and €3.8 million in 2016;

- that CAB is supported in its work by a nationwide network of about 400 trained Asset Profilers who work hand-in-hand with local Garda Management and communities towards the objective of identifying suspected criminally derived wealth and denying and depriving criminals of assets;

- the ongoing and close cooperation between An Garda Síochána and the Police Service of Northern Ireland (PSNI) in the investigation of the abduction and vicious

assault perpetrated on Kevin Lunney, Chief Operating Officer at Quinn Industrial Holdings (QIH);

- that QIH is a major employer in the area and it is abundantly clear that the criminals who carried out the attack against Kevin Lunney are not supported by communities in the region;

- that in response to previous incidents against employees and property of QIH, a joint Garda/PSNI operation was put in place, with a dedicated Senior Investigating Officer on both sides of the border assigned to deal with incidents as they arise;

- that a number of arrests have been made by Gardaí in relation to previous incidents relating to employees and property of QIH and that in some cases files have been forwarded to the DPP and while no charges have been directed at this time, investigations of these prior incidents are ongoing;

- the commitment in the Programme for a Partnership Government to close engagement between An Garda Síochána and local communities;

recognises:

- the record investment in An Garda Síochána with €1.76 billion allocated to the Garda vote for 2019, as well as capital investment amounting to €92 million this year;

- that policing in the border region has always presented particular challenges that necessitate a collaborative approach to policing with law enforcement agencies north and south of the border;

- that there is close and ongoing cooperation between An Garda Síochána and the PSNI in respect of all aspects of policing not only in countering the ongoing threat posed by paramilitary groups, but also in combating organised crime;

- that the Joint Agency Task Force has made significant progress in tackling cross-border criminal activity across a range of crime areas, not just in the traditional smuggling activities, but also rural and farm crime, organised burglary and drug crime;

- the joint response by An Garda Síochána and the PSNI to the spate of ATM thefts this year on both sides of the border and both services' recent success in securing arrests on foot of these crimes;

- that the recent passage of the Criminal Justice (International Co-Operation) Act 2019 will allow An Garda Síochána to participate in Joint Investigation Teams outside the State;

- that measures have been put in place by An Garda Síochána and the PSNI to mitigate the threat of further attacks against directors and employees of QIH;

- that recent intelligence-led operations have resulted in significant drugs seizures by An Garda Síochána, including a seizure of heroin with an estimated value of €1 million (subject to analysis) in Dublin and Meath on Sunday, 1st September, 2019

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and that this seizure was part of a joint operation involving members of the Garda National Drugs and Organised Crime Bureau and the United Kingdom National Crime Agency;

- that major drug seizures represent a significant blow to criminal gangs and that the success of recent operations demonstrates the effectiveness of the various law enforcement bodies within this State working together with their international counterparts;

that the Drug Related Intimidation Reporting Programme, developed by An Garda Síochána and the National Family Support Network (NFSN), responds to the needs of drug users and family members experiencing drug-related intimidation;

- that Ireland's National Drug Strategy (NDS), Reducing Harm, Supporting Recovery – A health-led response to drug and alcohol use in Ireland 2017-2025, is unique among national drugs strategies of EU Member States in recognising the need to address drug-related debt intimidation at a community level;

- the important work of local Joint Policing Committees (JPCs) in promoting community safety and acting as vital fora for exchanging information in the fight against local crime; and

supports:

- the work of the Joint Agency Task Force, led by senior officers from An Garda Síochána, the PSNI, the Revenue Commissioners and Her Majesty's Revenue and Customs and with the operational support of CAB and the National Crime Agency, which seeks to increase the effectiveness of operational law enforcement actions in tackling organised and cross-jurisdictional crime and enhance the safety of all communities on the island of Ireland;

- the increased Garda resources which have been allocated by the Garda Commissioner to the Louth Division and the Dublin Metropolitan Region as part of the strategy to address organised criminality arising from the supply of illegal drugs;

- the decision of the Garda Commissioner to base an Armed Support Unit in Cavan and the steps he has recently taken to make it operational;

- the Government's plans to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians;

- the Government's four-year, high-level plan to implement the Report of the Commission on the Future of Policing in Ireland, A Policing Service for the Future, which will help maintain and enhance more visible policing and greater community engagement, address current challenges and enable An Garda Síochána to meet future challenges;

- the emphasis in the Garda Modernisation and Renewal Programme 2016 – 2021 on further developing and supporting the policing ethos of the organisation so that Gardaí spend more time in the community, gaining public confidence and trust and providing a greater sense of security;

- the rollout of the new operating model of An Garda Síochána, meeting a key commitment in A Policing Service for the Future, which will increase the number and visibility of front-line Gardaí and deliver a more localised service based on community needs;

- the joint Cross Border Policing Strategy, launched by An Garda Síochána and the PSNI in 2010 and renewed in 2016, which aims to improve public safety and disrupt criminal activity and enhance the policing capability of both police services on the island of Ireland;

- the key objectives of the National Rural Safety Forum, launched recently by the Minister, co-chaired by An Garda Síochána and the Irish Farmers Association, to provide community reassurance, to develop and utilize a nation-wide communications network for the distribution of crime prevention advice, to increase engagement within communities and to prevent crime and to reduce the opportunity for crime;

- the commitment to a health-led response to drugs as contained in the Programme for a Partnership Government;

- the implementation of the whole-of-Government strategy to address drug and alcohol misuse, Reducing Harm, Supporting Recovery, a health-led response to drug and alcohol use in Ireland 2017-2025, and the active engagement with all stakeholders, especially at the community level;

- the Government's commitment to implement and report on progress on the 50 strategic actions in the National Drugs Strategy on an annual basis through the national oversight structures and to develop an evaluation framework for a mid-term review of the strategy in 2020;

- the Minister for Justice and Equality's intention to examine the possibility of introducing a specific offence of grooming children, through inducements such as the provision of drugs or by other means, for the commission of drug-related crime, with a view to combatting any potential exploitation of children by organised criminal groups."

It is always good to debate these issues and have a discussion on them in the House. I welcome the Minister back to the House. He is a frequent visitor here, though we are now back in our old refurbished Chamber.

I acknowledge Senator O'Sullivan in particular. We all admire the way he has spoken out about addiction and the help he has given people who have found themselves in that situation. If we had more brave people like him, who are prepared to share their stories, society would be a better and far more understanding place for all the people who are struggling to live.

An Cathaoirleach: Well said.

Senator Martin Conway: He is right about making assumptions when one reads something in the newspaper about people who are caught with class A drugs and sentenced. They are the victims, to a large extent. The dangerous people, who prey on and destroy the lives of vulnerable people, are further up the food chain. The kingpins and bosses live on yachts, often out of the country, totally removing themselves from any responsibility. I ask middle-class Irish

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people who use recreational drugs to think before they buy, because they are fuelling this type of menace in society. Just because someone takes cocaine at a party does not mean he or she is not doing anyone any harm. Besides the harm such people are doing to themselves, they are also harming society by fuelling and funding organised crime.

I recently engaged with the “Think Before You Buy Campaign”, which I was introduced to through my colleague Councillor Ted Leddy. It is run by Safer Blanchardstown, which is a great organisation. I spoke at one of its events a few years ago as a substitute for the Minister, and was honoured to do so. The organisation has run advertisement campaigns to enlighten people as to the damage they are doing by purchasing recreational drugs. Such a campaign should be rolled out on a national basis. Safer Blanchardstown is arranging to meet the Garda Commissioner in the coming weeks. Perhaps when the Minister gets an opportunity, he might also sit down with the organisation to hear about the research and work it is doing, and what an awareness campaign can achieve.

Things have calmed down since Deputy Flanagan became the Minister for Justice and Equality. The new Commissioner of An Garda Síochána, Mr. Drew Harris, has hit the ground running over the past 12 months. He is a no-nonsense Commissioner, and is going about his business in a professional way. No one is protected. He is doing a straightforward and simple job, which is reorganising An Garda Síochána, bringing it into the 21st century, and implementing the recommendations of the report on the future of policing in Ireland that was launched a year or so ago. He is doing what Deputy Jim O’Callaghan, those on the other side, and all of us have been calling for for some time, which is making An Garda Síochána fit for purpose. We do not want a top-heavy management structure in An Garda Síochána. There are some regional concerns such as in my own area, where the divisional headquarters will be in Ennis, but that does not mean the people of Tipperary will be any less well served. We all want to see more boots on the ground, and more police and gardaí dealing with crime, as opposed to more superintendents and chief superintendents.

The Commissioner might not get everything right, but he is making a fair stab at it. On each of the three occasions on which he has attended meetings of the Joint Committee on Justice and Equality there has been a full and frank engagement with members. He has been completely open on the manner in which he is going about his business. He is working to instil confidence among the public in An Garda Síochána by ensuring the force lives up to its responsibilities and that gardaí live up to the oath of office they took when they became members of that prestigious organisation. Unfortunately, there have been instances in the past where some gardaí did not serve the public in the manner in which they should have and were not fair minded in their dealings with people. We are now moving into a new era in policing. The 2018 behaviour and attitudes survey, a survey that is conducted annually, found that well in excess of 80% of the public had confidence in the force. That is almost a world best in citizens having confidence in their police force. This achievement is to be commended and the result of members of the Garda working hard in the communities in which they serve.

It is regrettable that the Garda College in Templemore was closed for a time, but difficult decisions had to be made. I welcome its reopening, with some 800 new recruits undergoing training there last year. These young and enthusiastic recruits reflect modern Ireland and will go on to give distinctive service in communities.

The Criminal Assets Bureau, CAB, was set up by the then Minister for Justice, Nora Owen, in the wake of the murder of Veronica Guerin in 1996. It continues to enjoy particular success

in fighting organised crime. Last year alone, it returned €5.4 million to the Exchequer via seizures of the proceeds of such crime. The return the previous year was more than €4 million, with €3.8 million recouped in 2016. Year on year, it is becoming more successful in its activities. That success is due in no small part to the law change we introduced last year to reduce the threshold of the assets value CAB could seize.

Since the shooting at the Regency Hotel in Dublin, we have seen a determined effort by An Garda Síochána to deal with organised crime in Dublin. The force has had enormous success in dismantling the Kinahan crime gang, with dozens of arrests. In Limerick, likewise, gardaí have been successful in destroying the crime gangs that blighted the city for years and gave it its reputation as “stab city”. That label was totally unfair, given that the vast majority of people living there are decent, honest and hard-working. The small group of thugs who were holding the city to ransom are now mostly behind bars, leading to a significant reduction in crime and making Limerick a safe place in which to live. I agree with Senator Gallagher that when gardaí have the money and resources they need, their efforts in combating organised crime are working. Limerick is one example and we are seeing the same happen in Dublin. There are other pockets of organised criminal activity, Drogheda being a case in point. What is happening in counties Cavan and Monaghan recently is totally unacceptable and has been condemned by everybody. Resources must be provided to enable gardaí to dismantle such pockets of criminality.

The Government is committed to resourcing and modernising An Garda Síochána. In the course of his tenure the Minister for Justice and Equality has had significant success in that regard. In the process he has restored confidence within the Department in its stewardship on justice issues, something that was needed. He is implementing incrementally the reforms and recommendations set out in the various reports on the workings of the Department. That is not an easy job when one is dealing with a structure that has been in existence for many decades. It speaks volumes about the quiet, determined way in which the Minister, supported by the Government, is doing his job that An Garda Síochána, the Department and the Garda Commissioner are no longer in the headlines.

I welcome the motion as affording us an opportunity to discuss the issue of crime. We must all make a greater effort to achieve better outcomes. As good as the achievements of the Government are in this area, there is a great deal more that needs to and will be done. The issue of the threat posed by Brexit is for another day. I commend the Government amendment to the House.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire. Tá a fhios agam go bhfuil sé tiomanta ó thaobh na ceisteanna seo. It is important when talking about communities under a heading like this to remember that they are made up of the people who live, suffer and endure in them. I am sure nobody in this House or elsewhere would intend to do so, but we must be careful not to blanket everybody in these areas together or paint them all in a particular way. It is precisely because they are strong communities made up of good people that they need the type of investment in community safety that will prevent criminals from preying on them. Sometimes we throw out terms like “Border communities” and the “lawlessness” in the same sentence. I am not questioning that there are severe issues to tackle, but we should always remember that at the heart of these communities, stories and debates are many good people.

Deputy Charles Flanagan: I agree fully.

Senator Niall Ó Donnghaile: Sinn Féin has been consistently clear and firm on the need

for the Garda and the PSNI to be adequately resourced to deal robustly with the threat posed to people throughout the country by organised criminals and opportunistic criminals. Our members live in the communities most affected by criminal gangs and see at first hand the impact of their activities on people in going about their everyday business and trying to provide a safe and secure life for themselves, their children and families. The criminals preying on communities are a scourge on society, especially in areas already experiencing high levels of deprivation. They operate through a reign of fear and intimidation.

The motion tabled by Fianna Fáil and the amendment tabled by Fine Gael both reflect the gravity of the threat posed by criminals and the measures required to face it. It would not have been too difficult for both parties to have agreed to a motion which all of us in this House could support. It would have allowed us to present a united message to the people we represent that the Garda will not tolerate the activities of these gangs. A united position would have assured people that politicians are fully behind them as they encounter the gangs on the streets of their towns and villages. However, in the absence of an agreed proposal, Sinn Féin will support Fianna Fáil's motion.

My party supported the establishment of a joint agency task force under the Fresh Start agreement. The Minister played a role in securing that agreement between the Government, the Northern Ireland Executive and the main parties in the North. The purpose of the task force was to target organised criminals, North and South. It was led by senior officers from An Garda Síochána and the PSNI and officials of the Revenue Commissioners in this state and HM Revenue and Customs in the North. The task force incorporated a strategic oversight group to identify strategic priorities and an operations co-ordination group to organise and oversee joint policing operations tackling criminals and direct resources to that purpose. Is the Minister content that the task force has been effective in meeting the challenges, particularly in Border communities? I do not ask this in an adversarial way. I am asking the Minister to give us a considered view on that, and if there is anything we in the Seanad and those of us who sit on the Oireachtas Joint Committee on Justice and Equality can do to look at the task force and try to assist in enabling it in a way that delivers greater community safety and protection for those communities most impacted. In the current context, as has been outlined very ably by Senators Gallagher and Conway, if we asked those communities whether the task force was making a practical and tangible difference to them at this time, they would probably say it was not, but it could and it should. This is where we need to get to in the course of our work.

What lessons can be learned from the task force operation in tackling the gangs more effectively? We need more officers recruited into the Garda and into the PSNI. We also need to be assured that the additional personnel will be put to good use to combat the criminals effectively and not to police checkpoints along the Border. Additional resources will be needed to complement the intelligence gathering and investigative capacity of both organisations. We have raised any number of times the closure of Garda stations, especially in rural areas. There is a slight irony in the lamenting of the absence of Garda resources in rural areas by the very same people who were responsible for closing so many of those stations, but we are where we are.

Sinn Féin is a strong advocate for community and neighbourhood policing teams and for the promotion of strong and genuine policing with a community ethos and practice, and with human rights compliance at its heart. This involves a genuine partnership between the community, the key agencies and the police. For it to be effective requires a joint identification of policing priorities aligned to joint problem solving and an attempt to deal effectively with these matters at a grassroots community level.

Senator Jerry Buttimer: Sinn Féin is going back to its roots.

Senator Niall Ó Donnghaile: On rural crime and community policing-----

Senator Jerry Buttimer: That did not take long.

Senator Niall Ó Donnghaile: -----I commend our recent report from the Oireachtas Joint Committee on Justice and Equality. I believe that Senator Conway is the only other member of that committee currently in the Chamber. We carried out a comprehensive series of hearings into community policing and rural crime.

Senator Martin Conway: It is an excellent report.

Senator Niall Ó Donnghaile: It is an excellent report and I commend it to Members. I am sure the Minister is familiar with it. In some ways we have already done that work, so let it be a guide and a tool for gardaí and for the Department of Justice and Equality in policing rural areas more effectively and for listening to the needs of people on the ground.

Many of my colleagues have raised the issue of the Garda armed response unit and the scourge of drugs and armed gangs. Probably one of the commonest experiences of criminal activity is the issue of illegal moneylending and threats to people as a result, which has also been raised by Deputy Martin Ferris in the other House. When we speak of vulnerable communities being victims of these criminals, it is precisely that vulnerability the criminals prey on. They lend to mothers because in many cases it is women who head the families and they are preyed upon by these criminals who lend money and then demand extortionate rates back. They threaten violence and intimidation and, in some cases, carry the violence through. It is another issue that will relate to many people outside these Houses. While we have the Minister in the House, perhaps he could address this issue.

The Garda and the PSNI must appreciate the central role the community can play in helping to tackle criminality. This will only happen if the communities feel confident and empowered to assist the police in every way. This very much depends on the police investing resources and personnel into well-organised and planned community-based policing. It also means investing in community-led safety initiatives that come from the grassroots, such as Neighbourhood Watch schemes, text alert programmes and, crucially, in our urban centres and increasingly in rural areas, restorative justice projects.

Progress in defeating armed criminal gangs is slow, but nonetheless I concede that some progress has been made. Evidence from the public is crucial in this operation. In this context we need to look at possible measures to protect witnesses as one method of ensuring these guys are in prison and taken off the streets. A united front of politicians, police and community is one sure way of eradicating the scourge of criminality and restoring peace to the streets and peace of mind for the communities that are targeted.

I assure the Leader of the House that had the amendment come in the form of a stand-alone motion, I am sure it would have gained our full support. We had to make a call on this. Given what we are facing and the expectation from the community, the original Fianna Fáil motion holds the greater weight and this is why Sinn Féin supports that motion. I would love to have been able to support both.

Minister for Justice and Equality (Deputy Charles Flanagan): I welcome the opportu-

nity to be in the Seanad to listen to the Senators' views. I acknowledge the importance of the motion. I very much value the contributions of the Senators who have spoken. Having read the motion, I believe the issue is further strengthened by the countermotion proposed by Senator Conway, which speaks for itself. In the time available to me I do not intend to speak on every aspect of the countermotion, but I acknowledge what Senator Conway has said in that regard.

The countermotion highlights better the scope of An Garda Síochána's response to crime in the State, underpinned by the provision of unprecedented resources to An Garda Síochána by the Government. As Senator Ó Donnghaile said in his contribution, while we might differ today in some of our opinions on these issues, we are all working towards achieving the same goal, which is safer communities for our citizens. I am pleased, therefore, to participate in what is a wholly constructive debate.

Senators will be aware that the programme for Government underlines the need for close engagement between An Garda Síochána and local communities, and this is an essential feature of the strong community policing ethos that has long been central to policing in this jurisdiction.

The recommendations of the Commission on the Future of Policing in Ireland, as developed in the Government's four-year implementation plan, includes a primary focus on community policing, with a range of actions set out to increase further the extent of An Garda Síochána's direct involvement with and in the community. This includes the roll-out of the new operating model of An Garda Síochána, which will increase the number and visibility of front-line gardaí and will undoubtedly deliver a more localised service based on community needs. I will discuss this in more detail later in my contribution. I must note, however, that Senator Gallagher, who proposed the motion, has left the Chamber. I am sure that Senator Murnane O'Connor will pass on my comments with regard to Senator Gallagher's submission.

It is also worth noting in our contributions that the perception of crime generally is often very different from actual levels of crime.

Senator Jerry Buttimer: Hear, hear.

Deputy Charles Flanagan: In the Garda public attitudes survey for the first quarter of 2019, when respondents were asked about crime nationally, 71% perceived crime nationally as a very serious or serious problem, compared with only 16% who considered local crime to be a very serious or serious problem. It is important that we are all conscious about the impact that fear of crime can have on people's lives and, in that sense, it is essential that our public utterances at all times reflect the facts. That was the opening comment of Senator Ó Donnghaile's contribution, and I agree with him.

This brings me to cross Border co-operation, and I acknowledge the interest of Senator Ó Donnghaile and other Senators in this area. Senators will be aware that policing in the Border region has always presented particular challenges that necessitate a collaborative approach to policing with law enforcement agencies north and south of the Border. Many Senators will remember the time when co-operation between police forces in the North and the South was practically non-existent. A huge gain from our peace process and the related police reform that occurred in Northern Ireland is that we are now living in a golden age of co-operation between An Garda Síochána and the PSNI. That co-operation is saving lives, preventing crimes and ensuring that criminals face justice. The importance of this co-operation has been particularly emphasised in recent weeks by the abhorrent attack on Mr. Kevin Lunney, who is a business-

man in the Border region. I was in Cavan and Fermanagh last week and I met the Chief Constable of the PSNI, Mr. Simon Byrne, and the Garda Commissioner, Drew Harris, for discussions on cross-Border crime issues. I also met the local chief superintendent, John O'Reilly in Cavan. I addressed a case conference involving An Garda Síochána national units and the PSNI that was under way in Cavan town. A joint operation has been in place for some time arising from a number of incidents that have taken place in the area and the horrific attack on Mr. Lunney, whom I also met. That is being addressed through a joint investigation and the sharing of information and evidence between An Garda Síochána and the Police Service of Northern Ireland, PSNI.

The regrettable absence of an Executive in Northern Ireland means that the work of the task force is less visible than it might have been. I was asked what Senators might do. They should continue to engage with their colleagues north of the Border to ensure that every effort can be made to restore the Executive and Assembly in Northern Ireland. Last week, when a joint press conference was arranged I was on my own because I did not have a colleague from north of the Border; there is no Minister for justice with whom I can liaise on a regular basis. I regret that as working together in a collaborative forum is the key to success, particularly in areas that straddle jurisdictions. The task was designed to report to justice ministers, North and South, and it is my hope that the restoration of power sharing in Northern Ireland will allow the task force to reach its full potential.

I acknowledge Senator Robbie Gallagher's comments about Border communities. He knows about them as he was born and lives there. He is there on a daily basis.

Senator Martin Conway: Hear, hear.

Deputy Charles Flanagan: Senator Ned O'Sullivan was correct when he referred to the importance of the integrity of Good Friday Agreement in all its parts. I welcome the support of Senators on a cross-party basis in that regard, as we must ensure we continue to amplify our twin objectives in the context of Brexit, irrespective of what happens. We need to acknowledge and maintain the integrity of the Good Friday Agreement in all its parts and protect our Single Market as members of the European Union.

Last week, I attended the cross-Border conference on organised crime, held this year in County Cavan. This annual event is aimed at enhancing co-operation between law enforcement agencies on both sides of the Border, particularly in with respect to cross-Border organised criminality and related issues. This conference gave members of the task force the opportunity to consider in detail the necessary improvements and innovations, including international co-operation, which can be taken to strengthen the effectiveness of the task force. I am not opposed in principle to the establishment of a CAB-style cross-Border agency but I am satisfied that the existing co-operative arrangements are effective in the main. Advancing any new proposal would require detailed negotiation and engagement with the British Government, which has responsibility for some of the key agencies involved. It would be party to any new international agreement that is concluded. It is something we cannot do of our own volition because it will involve the signing of an international treaty and the active engagement of the British Government on the one hand and the Northern Ireland Executive as well. We sadly know it currently is not functioning.

The creation of a new multi-agency body must require the support of the political institutions in the North to succeed. We know this from the Good Friday Agreement and all sub-

sequent agreements, be it Weston Park, St. Andrew's, Stormont or Fresh Start. These agreements will only proceed to be implemented if they have the full support of everybody involved, particularly the parties in Northern Ireland. The absence of political institutions in Northern Ireland de facto renders the new proposal practically impossible to advance. I urge Fianna Fáil Senators to acknowledge this fact. The proposal would need to be discussed in detail with the Garda Commissioner and his counterparts in Northern Ireland and Great Britain. It would need careful consideration also in the context of the withdrawal of the UK from the EU.

The Garda Commissioner made a decision to establish an additional armed support unit in Cavan that became operational on Monday. I acknowledge the support of Senators, and Senator Gallagher in particular, in this regard. That work will complement the work of those based in Ballyshannon and Dundalk in the northern region. The decision is an operational matter for the Garda Commissioner but it is one we can all welcome. Senators will be aware there are a number of successful Garda operations in place to disrupt the activities of criminal gangs throughout the State. It should be noted that the most recent crime statistics released by the CSO indicate a decrease of more than 40% in the number of recorded homicide incidents in the second quarter of 2019 when compared with the same period in 2018. The CSO figures also identify a decrease of almost 10% in burglary and related offences nationally at the end of the second quarter of 2019 when compared with the same period last year. It is only right that we continue to acknowledge the fine work of An Garda Síochána in helping to achieve these reductions.

Since November 2015, there has been a targeted response by An Garda Síochána to burglary and burglary-related crime. The scale of Garda activity as of 23 May has produced in the region of 1,879 arrests and 2,188 charges, covering a range of offences which, in addition to burglary, have included the handling of stolen property, possession of firearms and drug offences. Recent crime statistics also identified a decrease of 9.8% in burglary and related offences nationally at the end of the second quarter of 2019 when compared with last year. These statistics also indicate that incidence of theft from person has decreased by in excess of 10% and I welcome this positive news. However, there is no question of anybody sitting on any laurels.

Senators will also be familiar with the Garda operations Hybrid and Stratus, which have been deployed by the Garda Commissioner in response to organised crime and feud-related violence in Dublin and Drogheda, respectively. These operations have resulted in a significant number of arrests and individuals being brought before the courts. With respect to the new operating model announced by the Commissioner recently, management and co-ordination of services in this new model will be transferred from the current district superintendent level to a divisional model. This will assist in freeing Garda resources nationwide. In practical terms, it will mean less duplication and bureaucracy at senior levels while chief superintendents will be given greater decision-making power. The new model will streamline administrative services and reduce bureaucracy; provide more sergeants and inspectors on the ground, protecting and supporting our communities; shift more power and decision making from Garda headquarters to chief superintendents closer to the communities they serve; and thereby ensure we have a more localised and responsive police service reflecting local needs.

I reject what Senator Gallagher said about downgrades and a lack of consultation. I take his comments as being a direct and express criticism of the Garda Commissioner, although it was not his intention. I am concerned about suggestions that the merging of divisions will result in diminished policing services on the ground. The Senator said he is hearing of this from communities. I suggest to him and his colleagues that they might deploy a bit of leadership in communities by explaining the new divisional model to their constituents rather than immediately

adopting words like “downgrade” or “retrograde”, leading to further speculation.

Senator Robbie Gallagher: I have a point of information.

Senator Jennifer Murnane O'Connor: That is wrong.

An Leas-Chathaoirleach: Senators, please. There is no such-----

Senator Robbie Gallagher: Perhaps the Minister should listen to what the representative bodies are saying.

An Leas-Chathaoirleach: Senator Gallagher, there is no such thing as a point of information.

Deputy Charles Flanagan: In fact-----

Senator Jerry Buttimer: The Senator can give it, but he cannot take it.

An Leas-Chathaoirleach: I am sorry, Leader, but the Minister to continue, without interruption.

Deputy Charles Flanagan: In fact, the opposite will be the case, as there will be more gardaí than ever on the front line.

Senator Martin Conway: Hear, hear.

Deputy Charles Flanagan: We will have more sergeants than ever. We will have more inspectors.

Senator Jennifer Murnane O'Connor: Who will go to the Border?

Senator Martin Conway: Does Carlow not need more gardaí?

Deputy Charles Flanagan: The Senators do not like hearing this because it means there will be more gardaí-----

Senator Jennifer Murnane O'Connor: We are telling the truth.

Deputy Charles Flanagan: -----in Carlow as well as in Monaghan and Cavan.

Senator Jerry Buttimer: She wants no gardaí in Carlow.

Senator Máire Devine: None.

An Leas-Chathaoirleach: Everyone will be called in due course. The Minister, without interruption, please.

Deputy Charles Flanagan: I hear Senators and, in the Lower House, Deputies talking about the merging of areas as though no two counties can be under the same chief superintendent. There are already divisions with more than one county in several locations around the State. I represent the constituency of Laois-Offaly. Since the foundation of the State, both counties have been policed from a Garda headquarters in Portlaoise. Did anyone ever tell me when Mr. Brian Cowen from Tullamore was Taoiseach that Tullamore was suffering because the chief superintendent was situated in an office in Portlaoise? It was never mentioned. I ask

Senator Gallagher and others to look through the Dáil record of debates on policing and crime. It was never said in the “downgrade” terms that I am now hearing. That term feeds nicely into the political climate-----

Senator Jerry Buttimer: Hear, hear.

Deputy Charles Flanagan: -----and into informing constituents of what the Senators believe they would like to hear.

Senator Jerry Buttimer: The Gospel of Micheál.

Senator Jennifer Murnane O'Connor: This is very disappointing.

An Leas-Chathaoirleach: Senators, please.

Deputy Charles Flanagan: In actual fact-----

Senator Jerry Buttimer: We know what Deputy Micheál Martin was like when he was in government.

Deputy Charles Flanagan: -----the Garda plan drawn up by the Garda Commissioner, Mr. Drew Harris, and his team has the full support of independent bodies like the Policing Authority and the Garda Síochána Inspectorate. It represents an integral part of the reform proposals as outlined in the report of the Commission on the Future of Policing in Ireland, chaired by the expert, Ms Kathleen O'Toole.

I do not believe that there is evidence to suggest that the location of a divisional headquarters in one county is diminishing of policing in another. The operating model will enhance the investigation of crime by delivering a greater range of specialised services in local areas such as the investigation of sexual crime, domestic violence related crimes, and new forms of crime that we have not prosecuted previously, including cybercrime and economic crime. I do not subscribe to the view that this is a downgrade of policing in Cavan and Monaghan, in Carlow and Kilkenny, or in other parts of the country.

Senator Jennifer Murnane O'Connor: Waterford.

Deputy Charles Flanagan: I will refer briefly to the national drugs strategy. I acknowledge the work that Senator Ned O'Sullivan has done over a number of years, quietly and without the glare of publicity, on the issue of national drugs policy and the scourge that drugs present in society. Recent intelligence-led operations have resulted in significant drug seizures by the Garda, including in the Ballyfermot and Park West area last Friday where the Garda made a seizure of approximately €3.5 million worth of drugs and a number of arrests were made. Another recent successful operation resulted in a seizure of heroin with an estimated value of €1 million in Dublin and Meath on Sunday, 1 September. This seizure was part of a joint operation involving members of the Garda National Drugs and Organised Crime Bureau and the UK National Crime Agency.

Unfortunately, drug related intimidation within what are often our most vulnerable communities exists and is a serious issue that must be addressed by our criminal justice system. Community policing initiatives and building trust with communities are integral to tackling this issue successfully. The Garda remains resolute in its determination to act against those within society who pose a significant threat to the welfare and well-being of our citizens and the com-

munities they serve. The continued disruption of the supply of all illicit drugs remains a priority for all of the agencies involved. Ireland's national drugs strategy, Reducing Harm, Supporting Recovery: A health-led response to drug and alcohol use in Ireland 2017-2025, is unique among national drugs strategies across EU member states and recognises the need to address drug related debt intimidation at community level.

The Garda is involved in a variety of activities at local level, including the local and regional drug and alcohol task forces; Garda youth diversion projects, which support the operation of the statutory diversion programme; the Garda schools programme; and proactive operations designed to address drug supply in communities.

Senator Ned O'Sullivan made particular reference to rural crime. I agree with him. I acknowledge the recent launch at the National Ploughing Championships of the national rural safety forum. Through it, we can see the hallmark of policing activity in a community-engaged, collaborative approach with such bodies as the GAA, Macra na Feirme, Muintir na Tíre, the IFA and rural bodies, which have come together to form a task force to promote rural safety, particularly as we head into the winter months. Where communities experience intimidation, joint policing committees have an important role in facilitating consultation, co-operation and synergy on policing and crime issues. Senator Gallagher spoke of a downgrade of Garda activity in County Monaghan, but I assure him and other Senators that the Garda Commissioner or a senior member of his team will attend the local joint policing committee at the earliest opportunity between now and Christmas to explain fully the new innovative strategy. Active engagement and leadership by elected members on joint policing committees is important.

Senator Martin Conway: Correct.

Deputy Charles Flanagan: I acknowledge what Senators Ó Donnghaile, Conway and others have done on the Joint Committee on Justice and Equality. I assure the Senators that I take seriously the reports of that committee and am happy to engage further with it on the important and valuable report that was published earlier this year and that we had an opportunity of debating at plenary level in the Dáil before the recess.

I will close by acknowledging the importance of this motion. I thank the Fianna Fáil Members for raising this most important issue. Of course, I acknowledge that there is more work to do in this area. Organised crime is an ongoing challenge in all jurisdictions and the ever-evolving nature of criminal activity and the increasingly sophisticated avenues of pursuing organised crime are such that the response by law enforcement agencies must continue to evolve, deepen and intensify over time. The Garda Commissioner is wholeheartedly committed to harnessing the new Garda model. I am disappointed by criticism in the Seanad of the Garda Commissioner, since I know that he is committed to bringing out the best of the new model of policing and to tackling organised crime on the front line. The Government is committed to continuing with its priority of supporting the Garda Commissioner to that end. In that regard, unprecedented funding of €1.76 billion has been allocated by the Government to the Garda Vote for this year as well as capital investment amounting to €92 million, which is a 50% increase on the 2018 figure. The Government remains committed to achieving a Garda workforce of 21,000 personnel by 2021. The ongoing programme of recruitment will provide the Commissioner with the resources needed to deploy increasing numbers of gardaí to deliver a visible, effective and responsive policing service throughout the country. These requirements will be kept under ongoing review by Garda management with a view towards addressing any policing requirement that may arise from time to time. I am confident that this continuing investment

in Garda resources by the Government, together with the ongoing reform process within the Garda, will result in an improved policing service for all of our communities, irrespective of where they are, urban or rural.

Senator Jerry Buttimer: Hear, hear.

Acting Chairman (Senator John O'Mahony): I thank the Minister. I understand that Senators Nash and Ó Ríordáin are next and are sharing time. Is that agreed? Agreed.

Senator Gerald Nash: I would appreciate it if the Acting Chairman indicated to me when the end of my four minutes was approaching. This is a timely debate. I thank our Fianna Fáil colleagues for the motion. Gangland crime is not restricted only to Dublin and areas that are considered to be cities. The nature of the drugs trade in Ireland and elsewhere means that gang crime and all that goes with it has seeped out to my own home town of Drogheda. Drogheda has been beset by a drugs war in the last year, precipitated by a shooting in the town last summer. The Minister knows this. He has visited Drogheda on many occasions. Up to 100 gang-related incidents have been recorded by An Garda Síochana locally in the past year or so. This includes shootings, alleged kidnappings, pipe bomb attacks, and drug debt intimidation. August saw our first fatality. Drug debt intimidation has destroyed the fabric of some of Drogheda's communities. It has created an environment of unprecedented tension, where people are looking over their shoulders and everyone is under suspicion. Local gardaí have done all they can with limited resources. We have to wait, as the Minister knows too well, for a brazen shooting in broad daylight in the Hardmans Gardens area of Drogheda in April for the Commissioner and the Department to commit to deploying badly needed additional Garda resources in the form of 25 additional personnel in the town.

The dogs on the street know who is running these gangs and who is involved, yet it seems that the powers the Oireachtas provides to the system in the context of the Criminal Justice Act 2009 are not being used to properly manage and prosecute individuals who are responsible for directing organised crime. The people of Drogheda demand action. They demand that the people responsible for these concerted actions, and for the organisation and operation of these crime gangs be taken off the streets and brought to justice. This is a failure of the system. I would appreciate if the Minister could elaborate on his views about the Criminal Justice Act's efficacy. He is required under law to present a report to this House. It is in black and white that not a single person has been brought before the Special Criminal Court charged with the crime of directing a criminal gang. I understand that individuals who are involved in organised crime are often convicted of lesser offences and taken off the street and deprived of their liberty. However, the law was introduced in 2009 for good reason. The Minister will be reluctant to comment on an independent agency, which I understand, but there appears to be a reluctance on the part of the Director of Public Prosecutions, DPP, to use the legislation there. That suggests that there is a weakness in the legislation. Because of that reluctance, ordinary people in Drogheda and other communities across the country beset by the effects of organised crime are suffering. That should not be the case, and I hope the Minister agrees. Is it the case that our anti-gang crime legislation needs to be reviewed?

Senator Aodhán Ó Ríordáin: The Minister will be aware of the situation on the north side of Dublin, which I have raised here constantly and consistently over the last year. It has spiralled out of control when murders, gun crime, pipe bombs, shootings outside shopping centres in daylight or murders outside primary schools are part of a list of incidents that have taken place in the Dublin 17, 13 and 5 in the past 12 months. I have consistently tried to be construc-

tive and I have asked the Minister and his Cabinet colleagues to replicate what they did in the north inner city. He has consistently refused. The Mulvey report was produced in respect of the north inner city, and a sit-down initiative was taken by the Government to get every agency, political representative and stakeholder to come up with a set of proposals that would not only police away the problem but understand the reasons for the problem.

What I have been asking for, in an effort to be constructive, is for a Mulvey-style report to engage agencies such as Northside Partnership, Preparing for Life in Darndale, local schools and community groups and residents' associations to come up with the reasons such as gangland crime, violence and murder are happening and come up with constructive solutions so we can police our way out of it.

Having said that, on my initiative and that of the Clongriffin community association, there has been a campaign for a new Garda station in the Dublin 13 and 17 areas. I am pleased this has been agreed to and this station will be *in situ* in a number of years. However, the Minister must agree that it cannot be normalised for children to grow up seeing Garda tape in their area because of another shooting. It cannot be normal for a child to go to a primary school having to step around a crime scene or a murder. In my community, which I try to represent to the best of my ability, this is happening far too often. I do not accept that if it happened in any other part of the country, it would be considered acceptable, but for some reason on the north side of Dublin, it is almost coming to be accepted that this is the way it is. However, that is not the way it is. It is a proud part of the country and the city and it deserves answers. I appeal to the Minister and Government to set aside party political divisions, conclude that there is a problem here and commission a report over a period of months, bringing together every stakeholder who cares about the area in a room to come up with a set of proposals that might educate, lift and empower the community out of the situation. Policing is part of the solution, but not alone. Once again, I plead with the Minister to replicate what he did in the north east inner city on this part of the north side as then we might get solutions and a community that feels that the State is working on its behalf. Young people are making decisions. I am sure there is a young person making a decision today regarding whether he or she goes down the route of gangland crime or involve himself or herself in the mainstream economy and society. Those decisions are made every day. It is empowering for a person to get a gun in his or her hand so we must ask how we get to a point where communities find better solutions and choices for young people. We can do that together but every time I raise this, I do not get an answer. I find that desperately disappointing when the Government found the energy to do it in one part of the city. I implore the Minister to please do the same in the Dublin 17, Dublin 13 and Dublin 5 areas.

Senator Jerry Buttimer: I was going to begin from a different perspective but I will pick up on Senator Ó Ríordáin's point. This is something that I have considered. A model is already in vogue called the community safety and policing forum and the joint policing committees which I believe can be revamped and rethought to accommodate some of the things Senator Ó Ríordáin has spoken about and giving meaningful roles to people along with An Garda Síochána rather than just going through the usual reports from city manager to county manager to the garda crime figures. I ask that the Minister examine this with the Garda Commissioner. There is a need to bring in community involvement and stakeholders, although I do not like using that word, such as community organisations, education bodies, sporting clubs and civic leaders and bodies to tackle some of the issues we discuss each week at our policing forums and committees.

We are lucky that we have a Minister for Justice and Equality who understands and recog-

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nises the importance of policing and of community. What we are trying to put together, and what we are doing, is to have a response to crime. None of the Members opposite mentioned the success rate of An Garda Síochána in detection and combating crime.

2 o'clock

While we have a number of issues in my own city of Cork, God knows, if one listened to local radio stations over the past two weeks, one would swear Cork was at a standstill, when in fact it is the opposite. This week, in Douglas, two new community gardaí will be put in place, which I welcome. I also welcome the reopening of the Garda stations in Douglas and Bishopstown. These announcements are significant movements and demonstrate positivity. We also have, in tandem with the Government and An Garda Síochána, personal and societal responsibilities. People spoke about criminality and whatever, but many people know who these people, the perpetrators of crimes, are.

In welcoming the new model of community policing and the policing model announced by the Garda Commissioner, Mr. Harris, the Minister is right to say that localised policing is based on community needs. That is why in my contribution I have spoken about the aspect of the joint policing committees and the community safety fora. It is the localised aspect and those in the community who know the answer and who want to bring about change and enhance their societies and communities.

The Members opposite come to the House every day and ask for more gardaí, cars, equipment, resources - the list goes on. I remind Senators Gallagher and Murnane O'Connor that the taxpayers pay €3 million a week on the interest on the money borrowed to bail out the banks because of their Government's recklessness. That is their legacy.

Senator Robbie Gallagher: To broaden the debate, what about the overspend on the national children's hospital?

Senator Jennifer Murnane O'Connor: What about broadband?

Senator Robbie Gallagher: We hear the same broken record every day.

Senator Jennifer Murnane O'Connor: The Government side never mentions the children's hospital and broadband.

Senator Jerry Buttimer: Those opposite come to the House, as they have done for the first six months of this year, and promise €24 million every day.

Senator Robbie Gallagher: Rubbish.

Senator Jennifer Murnane O'Connor: The Government side promised the sun, moon and stars but delivered nothing.

Acting Chairman (Senator John O'Mahony): Senator Buttimer has the floor.

Senator Jerry Buttimer: I can tell Senator Murnane O'Connor that we have the highest ever number of people at work and Templemore is being reopened.

Senator Jennifer Murnane O'Connor: What about the homeless people and people on trolleys?

Senator Jerry Buttimer: We have more gardaí on the streets and a new community policing model unfurled. The legacy of Fianna Fáil was bust and it robbed the country of its future.

Acting Chairman (Senator John O'Mahony): I ask the Leader to stick to discussing the motion.

Senator Jerry Buttimer: As much as €167 million per week or €725 million per month is the promised spend by those opposite. They bankrupted this country once and I assure them that we will not let them bankrupt it again.

I welcome the specialisation of An Garda Síochána in many cities and areas around the issues of sexual and domestic violence, crime, drugs and criminality. Creating specialised units to tackle crime is the way to go.

Senator Ó Donnghaile asked for a message about law and order. We, on this side of the House, are the party of law and order. We have always stood up for the Garda. In fact, we founded An Garda Síochána. We have been the party that has always stood by the State and we will continue to do so.

Community policing is critical to the work of An Garda Síochána. It is very important that we continue to invest in community policing. I understand that there is uncertainty surrounding Brexit and that there are pressing issues in many parts of the country. The Minister mentioned the issues concerning Drogheda and Cavan. There is a need, however, in the next allocation for An Garda Síochána to recognise the importance of the second city of our country.

I welcome the closer involvement and engagement between An Garda Síochána and PSNI. It is very important that that work continues. In addition, the work that the Minister of State, Deputy Catherine Byrne, is doing with the Minister for Justice and Equality on the national drugs strategy to reduce harm, is something on which we need to see a greater and continuing emphasis. We must never become lax about drugs misuse and tackling the drugs related issues in urban and rural communities. The Minister, in his countermotion, spoke about the need to take on intimidatory behaviour, and I agree with that absolutely.

The delivery of more front-line gardaí with a higher visible presence, along with responsive community policing in communities, is what people want. The Minister is right when he says that people do not want to know who the Garda chief superintendent is or where the divisional headquarters are. They want to see community policing and a policing presence on the streets like we have seen regularly. They also want to see An Garda Síochána continuing to apprehend criminals, to detect crime and to put people behind bars. In addition, there is an obligation on society to adopt a different perspective on prison in terms of providing rehabilitation, custodial sentences and so on.

This Minister, during his tenure, has overseen the reopening of the Garda College in Templemore, recruitment to An Garda Síochána, a level of civilianisation of Garda stations that has not been done before that allows for more gardaí and resources, and more resources being given to An Garda Síochána. That is his legacy. We need collaboratively to send the message that crime does not pay, that we stand with our members of An Garda Síochána throughout this country, and that we will continue to work with PSNI in the North of this country. I urge the Minister to continue his good work. We have reopened Templemore and there are more gardaí on our streets. The highest ever Garda budget in the history of the State, achieved in the past two years, is the Minister's legacy.

Senator Jennifer Murnane O'Connor: All of us must work together. This is not the blame game here. To start that now after being in power for nearly a decade worries me. It worries me that this keeps coming up all the time. All of us working together is the only way we will solve our problems.

Crime impacts all of us. Just because it happens in another town or street does not mean we are immune to its ramifications. When criminal gangs roam the country, burgling and causing damage, we all live in fear. When we watch the news and see and hear horrific stories, we all live in fear. In the past decade we have seen the stretching of the resources of our police force. There are good men and women in the force, and they can only what they can. They cannot do it all.

Rural crime has affected all of us, directly or indirectly, and we cannot continue to let thugs and bandits run this country. As homes are burgled, machinery and tools are stolen and people are assaulted and killed, we are all living in fear and we need to take back control of our towns and villages, motorways and streets. A visible Garda presence is vital for all small rural villages and towns - a strong show of action, joined-up thinking and all of us working together to condemn criminality wherever it occurs. That is the only way forward.

Senator Buttimer spoke about the joint policing committees. I am on one of them and have been for years. I see how hard gardaí and communities work. I am part of a community group that works and promotes co-operation and would only praise the Garda. I see that the biggest issue coming from the meetings of the joint policing committees is resources. It is resources, resources, resources.

Senator Jerry Buttimer: It is not.

Senator Jennifer Murnane O'Connor: It is. If the Leader cannot see that, then there is a problem. He should talk to anyone who goes to the meetings. I never miss a meeting. I go to them all to make sure that I am there for the community and I am there to help to help gardaí in any way that I can.

While I appreciate that gardaí do a great job, and that is not even in question, and while the new location of superintendents and other management may make sense, gardaí themselves may not have fully known this in their own areas, so I believe that one of the biggest issues is communication. It is not about the blame game. I know the Minister is doing his best, and I can say that, being from a neighbouring county. It is all of us working together that will solve this, not the blame game. It is sad that every time I come to the House, all I hear from Senator Buttimer is blame, blame, blame. I can tell the Minister that we in Fianna Fáil will work with him to try to sort out the issues to give people what they want, namely, the confidence to know that they are safe. It is a case of all of us working together to make sure that people feel safe in their homes. I guarantee him that I will work with him on that and so will the Fianna Fáil Party.

Acting Chairman (Senator John O'Mahony): It is good to see consensus breaking out at the end of the debate. As nobody else is offering, I ask Senator Gallagher to sum up.

Senator Robbie Gallagher: I thank the Minister for his contribution. The reality is that no one should resist change as change is good in any organisation. Anyone who resists change for the sake of it is doing that organisation a disservice. When it comes to this plan, the proof of the pudding will be in the eating. The jury is very much out in that regard. The Minister noted in his contribution that the Garda Commissioner will now brief joint policing committees, JPCs,

on the plan. It would have been a good idea if he had visited all the JPCs before he announced his plan.

I can only listen to the information out there. I listen to the criticism from the Garda Representative Association, the Association of Garda Sergeants and Inspectors and the Association of Garda Superintendents. All of these people work on the ground in the Border area, day in, day out. As I said in my earlier contribution, some of them have done so for periods of more than 30 years. It is disappointing to listen to their comments and hear their frustration with the lack of consultation.

I will throw out a small piece of information regarding resources. As I said earlier, 15 years ago four sergeants, 16 gardaí and one detective were stationed in Clones Garda station. Today there are three gardaí and one sergeant in that station. Emyvale and Scotstown Garda stations have one patrol car to share between them. In Monaghan district, which covers Monaghan town and the surrounding area, there are two uniform vehicles, one Garda patrol car and one Garda van. I understand that only 2% or 3% of the personnel at the local station are legally qualified to drive that van. There have been no driving courses for more than 12 months. These are the basics. I will add another statistic. In the north Monaghan area on any given weeknight there is one patrol car covering the area from Scotshouse on the Cavan border to Annyalla in north County Monaghan. That covers three northern counties; Tyrone, Armagh and Fermanagh.

We are less than a month away from Brexit and we are talking about resources. Someone needs to get real. It is great to have a plan, but to implement that plan the Minister will need resources. He will need gardaí on the ground. Those resources are not currently there. That is not my opinion - that is fact. I hope the plan succeeds. I am very nervous that it will not.

There is a feeling among the community in Cavan and Monaghan that the Cavan-Monaghan Garda division will now be the poor relation. The chief superintendent will be in Drogheda and we in Monaghan, who share a divisional headquarters with County Cavan, will be the poor relation. Resources will always go to the area that needs them the most. The squeaky wheel always gets more grease. They are the concerns of the people. I certainly hope we are all wrong and that this plan will be a success, but I have grave concerns.

Amendment put:

The Seanad divided: Tá, 18; Níl, 15.	
Tá	Níl
Burke, Colm.	Bacik, Ivana.
Burke, Paddy.	Clifford-Lee, Lorraine.
Buttimer, Jerry.	Conway-Walsh, Rose.
Byrne, Maria.	Daly, Paul.
Coffey, Paudie.	Davitt, Aidan.
Conway, Martin.	Devine, Máire.
Feighan, Frank.	Gallagher, Robbie.
Hopkins, Maura.	Kelleher, Colette
Lawless, Billy.	Leyden, Terry.
Lombard, Tim.	Mac Lochlainn, Pádraig.
Marshall, Ian.	Murnane O'Connor, Jennifer.

McFadden, Gabrielle.	Nash, Gerald.
Mulherin, Michelle.	Ó Donnghaile, Niall.
Noone, Catherine.	O'Sullivan, Ned.
O'Donnell, Kieran.	Wilson, Diarmuid.
O'Mahony, John.	
Reilly, James.	
Richmond, Neale.	

Tellers: Tá, Senators Gabrielle McFadden and John O'Mahony; Níl, Senators Robbie Gallagher and Jennifer Murnane O'Connor.

Amendment declared carried.

Question, "That the motion, as amended, be agreed to," put and declared carried.

Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019: Order for Second Stage

Bill entitled an Act to give effect to Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention; and to provide for related matters.

Senator Martin Conway: I move: "That Second Stage be taken today."

Question put and agreed to.

Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019: Second Stage

Question proposed: That the Bill be now read a Second Time."

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am very pleased to introduce this Bill to the House. This is a detailed and technical Bill. It is, however, a straightforward and faithful transposition of EU Council Framework Decision 2009/829/JHA on the cross-border recognition of decisions on supervision measures as an alternative to provisional detention. This Bill has been a long time coming and, at this stage, is well overdue. The necessary provisions to transpose the obligations imposed under the framework decision into Irish law should already have been finalised by 2012. Any further delay on our part is likely to result in referral to the European Court of Justice, so there is a certain urgency to the passing of this legislation through the House. I do not wish to anticipate the approval of Senators but I hope that it will receive general support here.

This legislation has a simple objective, namely, to enable someone who is the subject of a supervision decision in one EU member state but lives in another to return home and continue his or her supervision there. These measures recognise the paramount importance of the presumption of innocence in our criminal justice system and aim to ensure that a person who is charged with an offence in another member state will not suffer a disproportionate interference in his or her life before facing trial on those charges. This Bill constructs the legal framework to facilitate the return of a supervised person to his or her home country while ensuring that the necessary supervision measures continue and also that the legal consequences for failing to engage with that supervision can be enforced if need be. This ensures that the necessary protections for the public are in place.

The Bill applies to individuals who are charged with an offence while temporarily in another member state, for example on holiday, or working or studying abroad. For instance, if a person living in Ireland goes on holiday to another member state and becomes subject to criminal proceedings and subsequently to obligations or supervision while awaiting trial, he or she would have to stay in the trial state, potentially for months, to see through the supervision. The consequences could be quite considerable for the supervised person, even where an alleged offence is relatively minor. He or she could be separated from family, or perhaps lose a job, college place or accommodation. Under the provisions of the Bill, a person could have his or her supervision transferred to Ireland. The person could return to the State, carry on working and living with family, and be subject to supervision, monitored by An Garda Síochána. If a person fails to comply with the supervision measures, the Garda Síochána can enforce the order endorsing the supervision decision through the Irish courts, so the protection of the public is ensured. The Bill also provides for the reverse scenario. Supervision decisions imposed by the Irish courts on individuals who are not normally resident in the State can be transferred back to that person's home state if he or she wishes to return. The Bill cannot be used to remove someone from one state to another if he or she is unwilling. Such an arrangement has obvious benefits and is likely to encourage compliance with the supervision decision. Ultimately, the public is safer when supervision is successful.

I will now turn to the provisions of the Bill and outline what is proposed in more detail. This legislation consists of 38 sections. The Bill is highly prescriptive: it sets out in great detail the step-by-step procedures by which transfers of supervision measures can be executed. I will outline some of the most pertinent sections of the Bill. Section 5 specifies that the Minister for Justice and Equality will be designated as the central authority in the State for the purposes of this Bill, but also states that the functions of the central authority can be delegated by order.

Sections 8 to 22, inclusive, set out the rules and procedures that will apply where Ireland is the issuing State, meaning that it is an Irish court making a decision on supervision measures, in other words, a decision to grant bail subject to conditions, to a resident of another member state, the executing state. These procedures include obligations and provisions such as obliging the Irish central authority to consult with the executing state on various aspects of the supervision decision. This can include if the supervised person commits a serious breach of the decision. Section 10 also compels the central authority to bring to the attention of the court any risk to the public, giving the court the power, in section 11, to make a supervision decision in certain circumstances. This section does not impede the court's power to refuse the accused person bail on any existing ground.

Sections 12 to 18, inclusive, detail the various procedures and processes that the issuing state and the executing state must adhere to or can rely on such as: outlining, at section 12, the

application process for a supervision decision for a person who has already been granted bail in the state and wishes to return to another member state pending trial; providing, at section 15, for the potential responses from the executing state to a forwarded supervision decision, for example, rejecting the supervision measures, delaying the decision-making process or adapting a supervision measure, notifications that must be given, in sections 16 and 17; and dates of expiry and extension of supervision decisions, in section 18.

Sections 19 to 21, inclusive, give powers to the court to make decisions on revoking and renewing supervision decisions and issuing arrest warrants where the supervision measures have been breached. Section 22 makes provision for the supervised person in the other member state to appear before the court at certain hearings via live television link.

Part 3 comprises sections 23 to 38, and sets out the rules and procedures that will pertain where Ireland is the executing state, in other words, where a decision on supervision measures is issued in another member state and forwarded to Ireland to be recognised here. This includes consultation with the issuing state on various issues around the supervision decision, in sections 25, 28 and 29, obligations on reporting regarding supervision measures and their conditions, in section 27, as well as outlining the definitions of what constitutes an offence under Irish law, in sections 26 and 30.

Sections 31 to 34, inclusive, and 37 and 38 set out the Irish courts and central authority's obligations and powers regarding supervision decisions from other member states. Sections 35 and 36 state that the other member state will retain competence to renew, modify or revoke the supervision decision and provide for the extension of the monitoring of the supervision decision if necessary and requested by the other member state. We will of course have the opportunity to discuss all sections of the Bill in more detail on Committee Stage. However, as I have already stated, this legislation is long overdue. The European Commission is currently reviewing the implementation of the Council framework decision and failure to enact the necessary legislative provisions would likely result in referral to the European Court of Justice. I ask Senators therefore to support the passage of this Bill through the House.

As Members can see, this Bill is detailed, technical and prescriptive, but its aims are straightforward. The Bill establishes a system and sets out step-by-step procedures for returning non-resident persons, subject to supervision measures, to their home country. It does that in order to prevent an unreasonable interference in the life of the accused before trial and it guarantees that the necessary enforcement options are available to national authorities to safeguard the public. It is difficult to estimate the number of people who may wish to transfer their supervision measures under an instrument such as this but it is likely to be minimal. However, for those individuals who find themselves abroad, away from family and community supports, it will be a valuable tool with the ultimate goal of ensuring safer societies. I commend this Bill to the House and I hope Senators will support it.

Senator Aidan Davitt: I have been well briefed on the Bill by my colleague opposite, Senator Conway. It is an important piece of legislation. As the Minister of State outlined, the purpose is to transpose Council Framework Decision 2009/829/JHA, which we have been slow in implementing. Fianna Fáil has discussed the Bill and we are happy to support it. I will not delay the House today on the matter.

Senator Martin Conway: This is a largely technical piece of legislation to fulfil our obligations under EU law. It transposes a directive into law. It is good and it is very important for

families who find themselves in such a situation. I thank the Minister of State for his comprehensive explanation. I am delighted that my colleagues are supporting the Bill.

Senator Máire Devine: We welcome the Bill. We have no objection to it. It will have the effect of allowing an Irish resident who is sentenced to a period of probation while temporarily in another member state to be supervised by the Probation Service. It is important that the right of accused persons charged with offences abroad are protected. It is just as important the victims be protected by ensuring that the non-resident accused person fulfils the bail conditions. It is also preferable to reduce the detention of a person before his or her trial in this jurisdiction. Accordingly, we will support and welcome the Bill.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I am delighted the Senator will support the Bill and I thank her for her consideration of this relatively technical, albeit practical, legislation. As I stated, its primary purpose is to give effect to the provisions of EU Framework Directive 2009/299/JHA on the application among member states of the EU of the principle of mutual recognition of the decisions on supervision measures as an alternative to provisional detention.

While the Bill's drafting was complex, its purpose is simple, namely, to enable a person who is the subject of a supervision decision in one member state but lives in another to return home and continue his or her supervision there. The proposals in the Bill will protect the rights of accused persons who face charges in other member states while ensuring that victims and communities are protected through the enforcement of supervision measures. This will allow the supervised person to maintain ties with family and to continue employment or education while awaiting trial. The Bill is based on consent. A person cannot be transferred from one country to another without his or her consent.

The legislation will not affect many people but it will have a great impact on the lives of those it does affect. For that reason, it is important legislation and I thank Senators for supporting it. I look forward to debating their proposals in more detail during its passage through the House.

Question put and agreed to.

Acting Chairman (Senator Maria Byrne): When is it proposed to take Committee Stage?

Senator Martin Conway: Next Tuesday.

Committee Stage ordered for Tuesday, 8 October 2019.

Sitting suspended at 2.50 p.m. and resumed at 4 p.m.

4 o'clock

Message from Joint Committee

Acting Chairman (Senator Diarmuid Wilson): The Joint Committee on Justice and Equality has completed its consideration of the following motion:

2 October 2019

That Seanad Éireann, noting that the Government agreed on 1st October, 2019, to propose, for the approval of Seanad Éireann, the re-appointment of the persons concerned to be members of the Legal Services Regulatory Authority, and pursuant to sections 9 and 10 of the Legal Services Regulation Act 2015, approves the re-appointment, with effect from 1st October, 2019, by the Government of the following persons to be members of the Legal Services Regulatory Authority, who shall hold office for a further period not exceeding three years from the date of his or her appointment in accordance with that Act: Sara Moorhead, Geraldine Clarke, Stephen Fitzpatrick, Dermott Jewell and Deirdre McHugh.

Education (Student and Parent Charter) Bill 2019: Order for Second Stage

Bill entitled an Act to require the boards of management of schools to prepare, publish and implement charters for students and parents; to provide for the Minister for Education and Skills to make guidelines in accordance with which charters shall be prepared, published and implemented; to provide for the giving of directions, in relation to charters, by the Minister for Education and Skills to a board of management and for the publication of such directions; for those purposes to amend the Education Act 1998, the Teaching Council Act 2001 and the Ombudsman for Children Act 2002; and to provide for related matters.

Senator Maria Byrne: I move: “That Second Stage be taken today.”

Question put and agreed to.

Education (Student and Parent Charter) Bill 2019: Second Stage

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

Minister for Education and Skills (Deputy Joe McHugh): Tá áthas orm a bheith sa Teach Uachtarach chun an píosa reachtaíocht thábhachtach nua seo, sé sin an Bille Oideachais (Cairt Mac Léinn agus Tuismitheoirí) 2019, a thabhairt go dtí an Dara Céim.

It is nice to be back here. While this is normally not done until the end of a debate, when a Bill is successful, I thank the teams of officials in both my Department and the Attorney General’s office for the work, effort and industry that has gone into bringing this Bill to Second Stage.

The Government’s aim is to use our economic success to build a fair and compassionate society. Few areas are more important to this vision than education. It is therefore critical that the experience of our schools is positive, responsive and as supportive as possible for both students and their parents. I am therefore pleased to introduce this Bill, which will constitute an important step towards improving the experience of both students and parents in their engagement with schools. The fundamental aim of this legislation is to improve the level of engagement between schools, students and their parents by inviting feedback, comment and observations from students and parents and by developing a listening culture in schools. As members of this House will know, many schools already do this very well and can attest to the benefits for all of such positive engagement with students and their parents. For these schools, the legislation will help underpin and build on this work. It will also help schools that have not been as strong in this area by providing a clear framework to guide them in establishing and implementing good practice. It will do so by amending the Education Act 1998.

The Education Act 1998 was and still is hugely significant legislation in the education sector and sets out a clear framework for the operation and management of schools in Ireland. While the 1998 Act includes some provisions that can guide and influence the relationship between a school and its students and parents, it does not currently provide any cohesive or strategic approach to enhance how schools engage with students and their parents. Section 28 of the 1998 Act recognises that student and parental grievances do arise. However, that section is narrowly focused on creating procedures to process grievances or appeals once they have arisen. It is concerned with managing the process of responding to a complaint as distinct from contributing in any way to managing issues in a school differently before they give rise to grievances. The alternative approach I am taking in this Bill is to shift away from concentrating on reacting to problems in schools after they give rise to grievances, to an approach which aims to improve the day-to-day experience students and their parents can expect from schools. This will be done by setting out in law a framework that schools will apply in their engagement with students and parents. Under this framework, every school must prepare, publish and implement a student and parent charter and each school's charter must adhere to national charter guidelines developed and published by the Minister, after consultation with the education partners, including organisations representing students and their parents.

The Bill has 11 sections, which I will now outline for the House.

Section 1 of the Bill is a standard definitions section.

Section 2 is the largest section of the Bill as it inserts four new sections, namely, sections 27A to 27D, inclusive, into the Education Act 1998. I will now outline these four important new sections in more detail. A new section 27A provides that a school board of management must prepare, publish and implement a student and parent charter in accordance with the Minister's charter guidelines. In preparing its charter, the board must consult with the patron, school principal, school staff, students, parents, the student council and the parents' association and must prepare the charter in accordance with the charter guidelines. Each school charter must contain a statement that the charter has been prepared by the board in accordance and compliance with the charter guidelines. Section 27A prohibits a school board from including content in its charter that is not in accordance with, provided for or by, the charter guidelines. It also provides that the board must review and amend its charter as required by the Minister's national charter guidelines.

The new section 27B requires the Minister to develop and put in place national charter guidelines. The guidelines must address, *inter alia*, the following: the content of school charters; the process by which a school board will prepare, publish and implement its charter, including procedures for consultation with stakeholders at school level; the implementation of school charters; the procedures for reviewing and amending a charter; and such other matters as are necessary or appropriate for the purposes of the guidelines. In developing the charter guidelines, the Minister must consult with the education partners, including bodies representing students and their parents, as well as the Ombudsman and the Ombudsman for Children. I acknowledge the role of the Ombudsman for Children in that regard.

Section 27B also provides that the charter guidelines in respect of the content of charters in school may relate to the following matters: the procedures for consulting with students and their parents on such matters relating to the school as may be specified in the charter guidelines, including by inviting, and responding to, comments and suggestions from students and their parents on any such matter; information on school plans and policies of the school, other

than the admission policy, and activities of the school. As the Admissions Act 2018 sets out a separate and comprehensive legal framework for the development, publication and implementation of schools' admission policy, the admission policy is excluded from this provision and similar provisions in the Bill. The section also provides: the procedures, including consultation procedures, for the preparation, review and updating of school plans and policies of the school, other than the admission policy, and the development, review and updating of the activities of the school; the procedures for informing students and their parents of matters relating to the operation and performance of the school; and the procedures for informing students and their parents of the activities of the school.

Other charter content set out in this section include: information on the structures and systems for the management of the school; the information to be provided to students and their parents relating to moneys that the school receives, including voluntary contributions made by parents, and the expenditure of those moneys by the school, and of the form and manner in which that information is to be provided; the information to be provided to students and their parents relating to the school calendar, closures and timetables and of the form and manner in which that information is to be provided; and the procedures for dealing with grievances of students or their parents relating to the school, and details of aggregated and anonymised information to be provided to students and their parents relating to grievances dealt with by the school, which may include the number or type of such grievances and related outcomes, and the form and manner in which that information is to be provided. Section 27B also provides that the guidelines may, where the Minister considers it necessary, include model charters for different categories of schools and contain different provisions for different categories of schools or different categories of students.

The new section 27C provides that the Minister, in preparing the charter guidelines, must have regard to certain matters that are specified in this section. These matters align with the core principles that were set out in the general scheme of the Bill. There are ten such matters listed from (a) to (j). These are the need for a school to: (a) seek to achieve, as far as practicable and subject to the resources available, the best possible outcomes for students in relation to their education and personal development; (b) foster and promote the relationship and a spirit of partnership between the school and students and their parents; (c) foster and promote mutual respect in communications between the school and students and their parents; (d) ensure, as appropriate, confidentiality in communications between the school and students and their parents; (e) promote the role and participation of parents in the education and personal development of students; (f) consult with, and encourage the participation and engagement of students, to the extent appropriate to their age and experience, and their parents, and respond as appropriate, to comments and suggestions made by students and their parents, in respect of the development, review and updating of school plans and policies of the school, other than the admission policy and the activities of the school; (g) monitor and review the provision of education by the school to students, including by consulting with, and responding, as appropriate, to comments and suggestions made by students, to the extent appropriate to their age and experience, and their parents, for the purposes of assessing and improving such provision on an ongoing basis; (h) foster and promote equality of access for students to, and participation by students in, education by seeking, as far as practicable, to reduce the costs to parents and students of such participation; (i) address and resolve concerns of students or their parents relating to the school, as far as possible, at an early stage, and; (j) ensure that grievances of students or their parents relating to the school are dealt with efficiently, effectively and fairly and, as far as possible, in an informal manner consistent with the principles of fair procedures.

The fourth new section, 27D, provides the Minister with a discretionary power to give a board of management a direction where he or she is of the opinion that the board has failed or is failing in whole or in part, to comply with its obligation to prepare, publish and implement a charter. Before issuing a direction, the Minister must give the board and school patron notice of his or her intention to give a direction, setting out the reasons and the proposed remedial action. The notice must offer the board and the patron, or both, an opportunity to make representations on the proposed direction and provide the board and patron at least 14 days to do so. The board and the patron therefore have an opportunity to rectify the matter before a direction issues or to make representations on the proposed direction.

The Minister must, in deciding whether or not to give a direction, consider any representations. Where the Minister proceeds to issue a direction, the board must comply with that direction. The Minister is also required to publish the direction on the Department's website not later than 14 days from the date of issue. The board must confirm in writing to the Minister when it has complied with the direction and the Minister, on being satisfied that a direction has been complied with, must publish a notice to that effect on the Department's website. The Minister must also give notice in writing to the board and the patron that the Minister is satisfied that the direction has been complied with.

I will move now to the other sections of the Bill. Section 3 provides for the amendment of section 2 of the Act of 1998 by inserting definitions for "charter" and "charter guidelines". Section 4 provides for the amendment of section 9 of the Act of 1998. Section 9 of the Act of 1998 sets out the various statutory functions of a school. In line with the purpose and aims of this Bill, two new important functions of a school are being inserted by section 4. These are to promote the involvement of students and their parents in the provision of education to students, and to ensure the implementation of the charter.

Section 5 provides for the amendment of section 20 of the Act of 1998. Section 20 currently refers to procedures for informing parents, but not students, of matters relating to the operation and performance of the school. It is being amended to link those procedures to the charter guidelines and to provide that both students and parents are referred to in section 20.

Similar to section 5, section 6 provides for the amendment of section 21 of the Act of 1998. Section 21 of the Education Act 1998 concerns the school plan and is being amended to ensure that the arrangements for the preparation of a school plan referred to in that section must comply with any applicable charter guidelines in respect of same.

Section 7 provides for the amendment of section 27 of the Act of 1998. Section 27(1) requires schools to have procedures for informing students about the activities of the school. It is being amended to ensure those procedures comply with any charter guidelines in respect of same and to provide that both students and parents are referred to in this provision. Section 27(1) currently refers to procedures for informing students, but not parents, about activities of the school.

Section 7 also amends section 27(4) which concerns the role of a student council. The amendment changes the requirement on a student council from one of promoting the interest of the school to a requirement to promote the interest of the students of the school having regard to the characteristic spirit and policies of the school and the charter.

Section 8 provides for replacement of the existing section 28 of the Act of 1998. The existing

section 28 of the Education Act 1998 is replaced with a new section 28. The new section 28 is designed to work in tandem with the other charter-related provisions in the Bill. Together, these provisions will ensure that all schools will be required to have and to implement standardised grievance procedures that will be set out in the national charter guidelines following consultation with the education partners. This new section 28 provides that these grievance procedures must provide for matters such as: the requirements to be complied with by the school and the student or parent concerned in relation to the grievance process; the investigation of grievances in a manner appropriate to the nature of the grievance, whether by informal or formal means or both; the resolution of grievances, formally or informally; the giving of reasons for its decisions on grievances; and the implementation of decisions and any remedial action required.

Section 9 is a technical amendment and provides for the amendment of section 42 of the Teaching Council Act 2001 to update an existing cross reference in that Act to section 28 of the Education Act 1998, replacing it with reference to the grievance procedures provided for under this Bill.

Similar to section 9, section 10 provides for a technical amendment of section 9 of the Ombudsman for Children Act 2002 to update an existing cross reference in that Act to section 28 of the Education Act 1998. The final section of the Bill, section 11, is a standard provision to provide for the Short Title, commencement and collective citation of the Education Acts. The Bill is important legislation to improve radically the experiences of students and parents in their engagement with schools. I look forward to hearing the views of Members on this important Bill, which I commend to the House.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire go dtí an Teach seo tráthnóna. The Minister is welcome back to the House. Fianna Fáil is glad to support the Education (Student and Parent Charter) Bill 2019, which proposes to require every school to prepare, publish and implement a student and parent charter. Each school's charter will adhere to national guidelines and be a valuable tool to ensure clear procedures are in place, that parents and pupils assume a greater role within schools, and that there is transparency in schools' decision-making. While trust in Irish schools and their management bodies is rightfully high, the current complaints system is unclear in some circumstances and may lead to some individuals being unable to find an avenue to have their complaints addressed. While such circumstances appear rare, thankfully, the formalisation of structures through charters is a necessary development. By allowing more complaints to be dealt with at school level by way of clear procedures to ensure consistent responses, the legislation should result in fewer complaints having to be dealt with overall. It is to be hoped the legislation will improve the enforcement and standardisation of responses to emerging challenges in the education sector in the years to come. Fianna Fáil has consistently raised the need to safeguard children from the negative impact of using digital devices. While the Government has issued circulars on the issue, evidence collected by education and training board, ETB, schools indicates that some schools are moving very slowly and are not keeping their policies up to date in this area. It is something to which the Minister might give some attention.

Fianna Fáil is in broad agreement with the Bill and is happy to support it. It provides guidelines for all stakeholders as to what the proper procedures should be. Happily, complaints are generally dealt with at local level and successful resolutions are found. That is the ideal situation. However, in a situation where that is not possible, we must provide a clear pathway for all involved as to what avenues can be pursued to find a resolution. There is currently no central data collection for complaints. It is to be hoped that will no longer be the case once this legisla-

tion is implemented.

My one concern, which I ask the Minister to consider, is that I am conscious that when new legislation and guidelines are introduced for schools, they add an additional burden on them and teachers. Our teachers work very hard and, by and large, do an excellent job. I am conscious, however, that from time to time we place additional burdens on them. New procedures are thrown at them and they are expected to get on with it. There will be additional responsibility and additional workloads for teachers and boards of management, of whose role I am also conscious, arising from this legislation. I hope the Minister will provide me with some assurance this afternoon that with this increased workload, additional resources will be provided to schools by the Department to allow them to embrace the provisions as intended by the Legislature. Will the Minister assure the House that schools will be given the resources to meet any additional workload or time required to implement the legislation?

Senator Maria Byrne: The Minister is welcome to the House and I thank him for bringing forward this important legislation. The Joint Committee on Education and Skills considered the general scheme over a period of time and had an input into it. It is important that the same process is in place across all schools and it is most welcome that this is what the Bill proposes. Guidelines are needed because the important person in all of this is the student. It is very important that students and their families feel included in any process. It is also the case that it makes life easier for boards of management when the same principles apply to all schools and the same guidelines must be complied with. It is very important that if there are issues, a proper process is in place to receive complaints and address them and that people feel their complaints will be listened to. The Bill is welcome at a time when so many issues face not only students but parents. When there is an issue with a student, it brings a great deal of stress into a household as well as placing stress on teachers, staff and boards of management. A process is being proposed to allow everything to run in a smooth manner. I wish the Bill a safe passage through the House.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire, atá anseo chun an t-ábhar seo a phlé linn inniu. Is ábhar thar a bheith tábhachtach é. Beidh an tAire sásta a chluinstin go mbeidh muidne ag tacú leis an mBille ag an bpointe seo. On the whole, Sinn Féin supports the Bill. It is right to create uniformity in this area and to set out in clear terms the relationship of schools to parents and students. Providing a framework in the form of a charter for parents and students will surely have a positive impact on engagement between parties. However, our party has some issues with the Bill, which could be improved in some areas. We will work collaboratively with the Minister and his officials in that regard.

One of the standard proposals for school charters is that they shall contain information on voluntary contributions. Sinn Féin's long-term view, which I am sure is shared by many Members, is that voluntary contributions should be abolished and that capitation funding must be increased. It is not right that these costs should fall on parents on top of all of the other back-to-school costs they face. Children are constitutionally guaranteed free education, but these contributions are voluntary in name only, with parents feeling obliged to pay them. This is unjust. Many families, especially single-parent households, are forced into debt as a result. The so-called voluntary contribution adds to their misery. The cost of secondary school is €1,735 per child per year, which is an increase of €300 on last year. Over the six-year course of a second level education, the so-called voluntary contribution constitutes a regressive tax which robs parents of an average of €700 per child. That is a failing on the part of the State and we should act to give workers and families a break. Sinn Féin will table an amendment in this regard in the hope of standardising the regulation and collation of data on voluntary contributions.

It is proposed in the Bill that review of the ministerial guidelines shall be at the discretion of the Minister. Experience tells us this is a case of whenever suits as opposed to when there is evidence of systemic flaws. We cannot allow lethargy to weigh down this fundamental relationship between schools and parents, and we will seek to amend this aspect of the Bill. Sinn Féin considers that reviews should be conducted with predictable regularity at intervals of three to five years.

Sinn Féin also considers that section 8 should provide some focus on grievances between parents, students and schools. Section 8(2) appears to Sinn Féin to be open to interpretation and to provide schools with too much discretion in dealing with complaints. Where a complaint is made against a school, it will have the power to dismiss it if it deems it not to be in its interest to investigate it. While such a provision does not appear to me to be appropriate, any solution in this regard should not unduly burden teachers. There may be scope, therefore, to provide that schools must provide in writing their reasons for dismissing complaints. The Bill runs a risk also of making schools feel excluded. Charters are not just about parents and students. They are also about protecting schools and staff. As such, we must ensure the process is inclusive of all key stakeholders. That said, Sinn Féin supports the Bill in principle and will approach amendments in good faith and with an open mind about working with the Minister and Seanad colleagues.

Senator Lynn Ruane: I thank the Minister for coming to the Seanad. I welcome the Bill, which I support. It seeks to secure, through student and parent charters, the greater involvement of all stakeholders in school communities in the collaborative setting of rules and procedures for the running of schools. This is a good thing and is welcome. I strongly believe that students and parents need to feel part of setting the agenda and direction of this area, as they will be most impacted by the final product.

I welcome the requirements placed on boards of management for individual schools to consult with groups such as staff, students and parents when developing the charter and that the Minister must consult with a wide group of education stakeholders as he or she develops the guidelines for the charter. It is also welcome that the grievances within schools, if not resolved at school level, can be taken to the Minister and that he or she has the power to compel and give directions to schools to resolve the issues.

These provisions are welcome but it is an extraordinary shame that although the Minister for Education and Skills has had powers under section 28 of the Education Act to prescribe procedures to resolve grievances in schools for more than 20 years, they have never been used. It does not bode well that the only relevant statutory provisions in this area have never been used by successive Governments. Can the Minister assure the House that his Government and Department will not adopt a similar approach to the provisions of this Bill, which put a national structure on the resolution of issues and grievances? I hope that he will be more proactive in using his powers under the proposed Act and I ask him to give me such an assurance.

It has taken a long time for today's Bill to reach this Stage. Over time, the Bill has been altered arising from a commitment in the programme for Government. The then Minister for Education and Skills, Deputy Bruton, published a draft scheme of the Bill in December 2016, at which point it was sent for pre-legislative scrutiny to the Oireachtas Joint Committee on Education and Skills, of which I am a member. In June 2016, the then Deputy but now Minister of State, Deputy Jim Daly, introduced a Private Members' Bill called the Education (Amendment) Bill 2015, which sought to establish an office of ombudsman for education to deal with com-

plaints and grievances. As a result of the similarity between the two Bills, the committee agreed to scrutinise them simultaneously and held hearings that were attended by various stakeholders to hear their views on both Bills.

As a result of the structure of the process, we chose to deal with the two Bills. We then decided that it would be appropriate to recommend our preferred Bill. As a committee, we recognised the merits of both approaches, that is, a student and parent charter that is supported by a national statutory guidelines, as well as the setting up of a new ombudsman for education that would deal with these issues professionally and on a full-time basis. We ended up recommending that the Government legislation was our preferred option. I must say that I agreed to support the Government legislation at the time because heads 6 and 7 of the draft scheme contained quite a significant proposal to expand the powers and investigation capacity of the Ombudsman for Children. Under head 6, a board of management would be required to consider any recommendations or observations for the ombudsman. Furthermore, the ombudsman would have been able to forward any recommendations to the Minister, who could then direct the board to comply with the ombudsman's recommendation. This is a very considerable expansion of the powers envisaged for the Ombudsman for Children, who has often complained about the lack of engagement by schools in terms of queries from the office, and it was very welcome to see.

Head 7 of the draft scheme proposed an amendment to the Ombudsman for Children Act 2002, which would have changed the legislation quite significantly in two ways. The first was with a provision that is mirrored in section 10 of the Bill before Members, namely, a change of the investigative procedures to reflect the changes made in this Act. However, there was a second part of the 2016 version, which is notably absent from this Bill. The current position in the 2002 Act is that the ombudsman can only investigate a school once the procedures set out to deal with the complaints and grievances have been dealt with. That means a student or parent must have exhausted every avenue before an ombudsman can step in. The 2016 draft deleted the provision that required this to happen, which would have allowed the ombudsman to step in much earlier in the process and to play a far more active and proactive role in resolving complaints and grievances. The second part from the 2016 draft clearly and notably has been omitted from the Bill before us. I am sure the Minister can see the problem. In 2017, I was a member of the Joint Committee on Education and Skills. At that time I was happy to vote against a legislative route that would have started a new ombudsman for education because in the Education (Student and Parent Charter) Bill that we also considered, there were two strong provisions that proposed a more active and robust role for the existing Ombudsman for Children. Two years have elapsed since the provisions were proposed. They were the main deciding factor in my lending my support to the charter Bill but they have disappeared without a proper explanation. It is deeply unfair to ask a committee to make a judgment on the Bill when it contained significant and strong provisions to achieve its policy aims only to then drop them when the Bill is introduced to the House, especially when it was those absent provisions that garnered my support in the first place.

I strongly feel that the Ombudsman for Children needs to play a strong and proactive oversight and regulatory role in this area. Without the two exceptions from the 2016 draft scheme, that is impossible under this Bill. The current section 10 simply changes a legislative reference in the 2002 Act. It proposes no new role for the Ombudsman for Children, a fact which was explicitly set out in the briefing that the Department circulated to Senators this week. Why have these useful and worthwhile sections that expanded the role of the ombudsman been dropped over the past two years?

I read the Bill's digest that was prepared by the Oireachtas Library and Research Service, which provides the departmental response to the absence of these two sections, one of which is wholly inadequate. The Department claimed that there were concerns about head 7 being inconsistent with the existing 2002 Act. Of course it is inconsistent, as the Government proposed a deliberate expansion of the role. This cannot have been a surprise. There was no explanation offered in respect of head 7, merely a statement that an alternative approach was taken, which is not good enough. Why have the sections been dropped? They were the heart of the oversight mechanism of the 2016 draft heads. I need a proper explanation and if that is not forthcoming, I will table an amendment on Committee Stage to reinstate them.

Students and parents need the option of recourse. If not the board of management, then the Minister, with the Ombudsman for Children, is an obvious choice. The Bill has been significantly watered down.

We also noticed the acknowledgement of voluntary contributions as an element within the legislation. We are in agreement with Sinn Féin in terms of amendments on that area too. I urge the Minister to consider the points that I have set out.

Senator Aodhán Ó Ríordáin: I welcome the Minister to the House. Again, my party supports the Bill, in principle. We will work with the Minister and his officials in as constructive a manner as we possibly can as this Bill makes it way through the House.

I have an issue with the Bill in that, as has been outlined by other speakers, the relationship many students and parents have with schools is a financial one. A disproportionate number of conversations that principals have with parents and that teachers have with parents and students are about money. If that is the basis of a conversation one has with a school because of a voluntary contribution, book money or any other moneys that are perceived to be owing, be it at primary or secondary level and notwithstanding the fact that free education is reputedly a constitutional right, this impinges on one's capacity to have a proper, full or empowering conversation about one's child and his or her development in the school. Regrettably, asking for a voluntary contribution is in the Bill. We should be working our way towards there being no voluntary contributions because the State should properly finance our school system. In other jurisdictions in the European Union and across Europe, such voluntary contributions are banned. The Labour Party has a Bill that proposes to ban voluntary contributions that will come towards the House next week.

If one's conversation as a parent is constantly a reminder, subtle or otherwise, about the necessity for a voluntary contribution or book money to be paid, is one more or less likely to find oneself at the school gates? Is one more or less likely to put oneself forward to become a member of the parents' association? Is one more or less likely to stand for a position on the board of management? Is one more or less likely to attend parent-teacher meetings? I suggest, and most people will agree with me, that if money is an issue or if this transactional relationship one has with a school is disproportionately large, then one is less likely to engage and less likely to discuss one's child in terms of development and education, how to help one's child at home, how to read to one's child at home, how one can improve a child's oral language skills, improve literacy or how to engage with the system when one's child has a diagnosis about which one has concerns. Unfortunately, the conversation comes back to the book money or the voluntary contribution etc.

It is far too expensive, in a society that calls itself a republic and one that has a Constitution

that underpins the right to free education, to send one's child to school. We have spoken about uniforms. County Derry is close to the Minister's constituency. In the Six Counties, school books are free because a determination was made once upon a time that school books should be free and no parent of a child in the North of Ireland pays for books. It would cost the Exchequer €20 million to provide that at primary level in the Republic. I believe it is not just a financial issue; I believe the Department is horrified at the suggestion that it would engage itself in the day-to-day management of schools. That is the real reason because it wants to allow the patron bodies to maintain the power and autonomy. This Bill comes from a good place. What the Minister is trying to achieve is that parents and students feel more empowered and greater partners in the education system and in their school life. That is to be congratulated and supported. That is what we want to do.

There is a wider issue about whether we tinker with the system or radically overhaul and improve it. Based on my experience as a school teacher and a principal, I was having too many conversations with parents about money. In the context of a DEIS school in an acutely disadvantaged area, even when the book rental scheme was available for all children and it was much cheaper for them to avail of school books than for any other child, having to ask for €60 impinged on my capacity to talk to that parent about other issues that I should have been talking about. Where a parents' association believes that it is fundamentally a fundraising association, it cannot deal with matters of policy and procedure that it should be promoting and thinking progressively about how the school is managing itself, thinking long-term about the school community. How anyone can feel that they are playing on a level playing pitch in the school community if they do not have the ability to make a voluntary contribution, regardless of whether the school has a progressive and open-minded view as to who can afford and who cannot? If one feels as if one cannot afford to contribute, that will impinge on the way that one will engage. This could be the beginning of a conversation on how we fund our schools, how our schools are managed, and the way we view education as a public good, and not something to be purchased. We should not have an expectation that parents' associations fundraise, that voluntary contributions are collected and that books are paid for. Other societies have made different value judgments about education and they have cleared the conversation about finance to one side because it has nothing to do with education and they have maximised this beautiful relationship between the teacher, child and parents and the school and money has no place in this conversation. If this is the beginning of a road to achieve that, we are all for it and the Labour Party will support it, but it is worthy of us to have the conversation. I cannot expect the Minister to say he totally agrees with me, and has a bag of cash to change the way we have always done things overnight. I accept that, but if we are enshrining in legislation an understanding that there will always be a voluntary contribution, that is a failing.

If we are empowering on one level but accepting this transactional relationship on another, we are not achieving as much as we could have. I appreciate the good place that this is coming from. The power imbalance has been there in the past and the legislation is trying to address that but, as other speakers have rightly said, there is a bigger conversation to be had about how the school system is funded, the way the Department is willing or unwilling to engage in the day-to-day management of schools, the way the system is organised in the North of Ireland and how we could replicate that in the South and having a deeper and more profound vision of how education can lift up, set free and liberate every child in the land. It should never be relegated by a conversation about money.

Senator Rónán Mullen: Cuirim fáilte arís roimh an Aire. It is important to recognise that

to most schools a student charter is nothing new and the substance of what is being proposed is happening in practice without any State intervention. There is certainly something to be said for codifying the practice across all schools to ensure best practice. We need to ensure that we are doing this in a way that respects the rights of students and parents while not impinging on the independence of schools and their ability to administer their own affairs as well. It is reasonable to seek that balance in any measure coming from the State at this time.

The Long Title makes it clear on whom the Bill places obligations and who is to benefit when it states: “An Act to require the boards of management of schools to prepare, publish and implement charters for students and parents”. The Bill gives the Minister the power to direct school boards to comply with the guidelines issued by him. It is important to acknowledge a number of aspects of boards of management. I am an interested party, because I am chairman of a board of management at a primary school in Galway, where I live. These are entirely voluntary bodies that engage in tremendous work across the country. In the Catholic school sector, at least 20,000 people serve on boards of management alone and these people receive no pay or expenses of any kind and their only interest is that the school operates efficiently for the benefit of children and the community. They deserve credit for the work they are doing and the public service they are involved in delivering. We need to acknowledge as well the excellent job that schools and teachers do generally and the fact that the vast majority of parents are happy with their performance. We always need to be sensitive to any suggestion that this Bill is needed because boards of management are somehow being negligent in the way they currently do their business. That is not true in the vast majority of cases.

I have spoken many times in the House about rights and responsibilities and how they should go together where there is a *quid pro quo*, and that mutuality should always guide policymakers and those who shape and frame legislation. One of my concerns about this Bill is that it seems keen to impose significant obligations on boards of management, without also having expectations or expressing expectations of student, parents and the wider school community. It confers significant rights on students and parents in respect of access to information and so forth from school authorities. What responsibilities does it attempt to confer on parents or students or does it attempt to reference? What additional buy-in is expected of parents, in particular, in return for this? The Minister might usefully address this and I would be grateful if he would because it was not evident to me from reading the Bill.

Aspects of the general scheme cause me some concern but appear to have been addressed in the drafting of the Bill itself. For example, the scheme states charters will include details of the service the school will provide. I know I used the phrase “public service” earlier but it is inappropriate to refer to schools providing a service, as if it were a business of some kind, and I am glad that sort of language has not made it through to the Bill. Schools are not businesses or service providers, although a service is involved and service to others is involved, but they are community institutions, which are a partnership between students, parents, teachers, boards of management, patrons, and finally in supporting and backing it up, the State. We need to be conscious that there is no suggestion that boards of management or teachers should be singled out or held to account for problems that may not necessarily exist. We are all aware of schools in our communities where a small number of parents engage in behaviours which are not respectful and they are constantly critical of schools and teachers. We have heard of stories of young teachers being abused and insulted by parents, vexatious complaints being made and so on. Only last evening a good friend of mine - who is a second level deputy school principal and a very enlightened person very much focused on the empowerment and welfare of students

- described a situation where a parent was tearing strips out of her in the context of the child, who has challenging behaviour and was threatening to make complaints against her. Her only answer was cheerfully to offer the parent a form and show the parent how to fill it out. We need to acknowledge that is part of the reality in sections of our community that make the teaching life difficult at times.

Regarding charters, it is important, as I have always said, that we do not just talk about rights, as important as they are, as there has to be a mutuality. We need to find ways to talk about responsibilities as well and alert people to their responsibilities. They are a tiny minority, but we need to ensure that teachers and school management do not feel we are ignoring these cases and taking a stance that gives students and parents new rights at their expense. We should remember at all times that the primary role of the educator of children falls to parents. Research demonstrates consistently that the greater the involvement and interest of parents in their children's education, the better the outcomes for the children. Beyond this, the Education Act 1998 provides that the Minister has a responsibility to set national education policy and ensure adequate provision is made for all children to be educated according to the wishes of their parents and "the practices and traditions relating to the organisation of schools [...] and the right of schools to manage their own affairs in accordance with [...] any charters [...] or other such instruments relating to their establishment". Section 15 of the 1998 Act also makes it clear that boards of management owe their duties to the patrons of schools for the benefit of students and their parents, not to the State or the Minister for Education and Skills. The idea is boards of management should be unhindered in how they operate schools as long as they observe the objects of national education policy. That, of course, is always the rub. What should come under national education policy? One person's necessary and desirable extension of national education policy and the requirements it places on schools is another's mission creep. The State must always be conscious that it is in a partnership, rather than a domination, role.

The Bill involves the setting of prescriptive standards by way of legislation and guidelines for what the proposed charters should contain. It will allow the Minister, in effect, to prescribe the content of such charters as section 27A states a board of management shall not include in a charter any content that is not in accordance with or as provided for by the charter guidelines. That causes me concern. I wonder what mischief it is meant to address. As a provision, it appears exclusivist in its language, albeit I acknowledge freely that the Minister may have a very good answer to the question. If so, I would like to hear it.

The Minister for Education and Skills will also be allowed to intervene directly under the provisions of section 27D where he or she believes the new standards are being inadequately followed or not at all. This may be justifiable where there are widespread problems in the way schools are administering their affairs. However, we must be honest too about the extent to which such problems actually arise. I have no objection to student and parent charters in principle. However, there is an important principle of mutuality, of which we must not lose sight. That is the main point in what I have had to say.

I will refer briefly to what Senator Ó Ríordáin has been saying about money and voluntary contributions. I sympathise with his perspective and recognise his experience in education. None of us would be happy with a situation in which a parent's ability to engage with a school as an equal and respected person within that relationship would be compromised by issues connected with the ability to make a contribution of one kind or another. That is certainly not where we want the education system to be. However, I will make two points and they are not to seek to trump in any way what Senator Ó Ríordáin says. I do not think they do. However, they

are points that should always be taken into consideration in this context. The first is expressed in the old Irish saying “an rud a fhaightear go bog caitear go bog é,” the thing that is easily acquired is easily thrown away. While contributions should always be according to people’s means, part of me sympathises with the view that at some level there should not be an expectation that the State will provide everything and that something is expected from families. We point, rightly, to gaps in the health service which cause the vulnerable to suffer and angrily and righteously seek to address them. It is the same with the education system. However, that does not mean that we should not promote and propose a mentality of participation, contribution and sacrifice. I would not like that sense of public expectation that there would be an attempt to make a contribution, having regard to the means of the individual, disappear. Too often, we hear in public debates a certain mentality expressed as follows: what about me and what about my rights? A society cannot survive and remain healthy for long if that is the dominant narrative. As such and while recognising the complete validity of what Senator Ó Ríordáin says, there has to be space in the conversation to inculcate publicly a sense that a contribution is expected. That should apply not only to voluntary schools but to State-funded schools also.

The bigger point perhaps is as follows. We can talk about voluntary contributions and how iniquitous and involuntary they may, in fact, be, which is certainly true. However, the long running debate about the unequal funding of schools, having regard to whether they are ETB or voluntary schools, has not been resolved. We have heard recently from school secretaries, for example, who receive very low pay and have very poor employment or earnings prospects in the voluntary sector. People working in the State system, however, enjoy a completely different level of remuneration and security. If we are to be honest and fair in this debate, the issue of unequal contributions and State support for schools must be addressed as well as and no later than the issue of voluntary contributions. The State has a duty to support schooling of whatever kind parents and families choose. There was a time when there was religious staffing of schools, which meant that there were, in effect, free, non-salaried contributions to the effort or service, if I can use that word, those schools provided. To some degree that let the State off the hook as to how it funded those schools. As I understand it, these inequalities continue to this day and they must be addressed. One cannot simply talk about the problem with voluntary contributions without accepting that there is an inequality which must be addressed at the same time. Otherwise, one would unfairly deprive schools of the chance to avail of the voluntary contributions necessary to make up the shortfall which stems from unequal State funding.

Minister for Education and Skills (Deputy Joe McHugh): My reply to the debate may be brief as I am due to be in the Dáil at 5 p.m. If the Minister of State, Deputy Canney, appears, I will disappear. Rather than read the prepared concluding speech, I will take the time to make a few points.

First, I welcome greatly the tone and approach of the House to the Bill, on which we will work together. There are areas where we can try to meet, if not all of the way, at least on some of it. It was noteworthy to hear Senators say in their contributions that, in the main, the legislation was good. I will refer to some of the areas in which there may be concern, taking the last speaker first.

Senator Mullen referred to the national guidelines and how they fit in with the local question of protecting the individuality and authenticity of particular schools. The consultation process with education stakeholders will be very important in that regard. It will include boards of management. A number of Members contributed on boards of management which are the single largest voluntary grouping in the State after the GAA. The GAA is to be found in every

parish and there are many primary schools at parish level. I take the point that we must ensure boards of management which are already under many obligations on a voluntary basis will not have anything added to their workload. Senator Gallagher referred to initiative fatigue and the amount of paperwork teachers and school leaders had to do. We do not want to get into that space. Schools already prepare school plans which will fit into the new national guidelines set out in the Bill.

Issues were raised, including by Senators Ó Ríordáin and Ó Donghaille, about voluntary contributions. What we will see under this legislation is a more transparent approach to how schools raise funds.

5 o'clock

There will be more transparency within this charter, with information on fundraising and where the money is spent.

There is the difficult and real world where many schools find themselves in at this present point in time, whether it is a school tour at the back end of the year or swimming classes with bus and associated costs. We, as a Government, try to make decisions to take the pressure off the day-to-day running of schools. That is why we increased the capitation last year by 5%, which effectively means €4 million is available this term, and €6 million for the next term, bringing it to €10 million in total. I am aware that we still have a place to go with capitation funding because when one talks to schools, boards of management, school principals and parents' associations, they feel that they are stretched as to the overall running costs of the schools. This is something of which I am deeply conscious.

Senator Ruane raised a number of issues regarding the Ombudsman for Children provisions. Before speaking on head 7, which she referenced here, during the formal drafting process certain concerns arose about how some of the general scheme's provisions relating to the Ombudsman for Children would have had the effect of fundamentally changing how the Ombudsman for Children operates, by compelling school boards to consider any suggestions, guidance or recommendations, rather than working to encourage schools to take actions to solve the matter.

Head 7 proposed the removal of the provision of the Ombudsman for Children Act 2002 which prevents the Ombudsman for Children's Office, OCO, from investigating a complaint until the local school compliance processes have been exhausted. It was proposed to delete this provision in the Ombudsman for Children Act 2002, to prevent schools from frustrating or stalling an investigation of a complaint by the ombudsman in that regard. This provision needs further consideration by the Department of Education and Skills in conjunction with the Department of Children and Youth Affairs, the Ombudsman for Children's Office and the Office of the Attorney General before a decision is made on introducing this provision as an amendment to the Bill on Committee Stage. I appreciate the Senator raising this point and hear what she is saying. We will continue to work on that.

I want to re-emphasise the importance of consultation. Sometimes when we introduce guidelines, there is a fear that it is top-down. It is not a top-down, and as everybody has emphasised during their contributions, a lot of schools are already doing this, whether it is in an informal or *ad hoc* way. There are very strong relationships between parents and students and many of these issues, as Senator Gallagher pointed out, are resolved on the ground at a local

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level. We want that to continue and to ensure that, as practicable as is possible, these issues can be sorted at a local level before entering a whole formal way, which is the best approach.

I want to acknowledge my own colleague, Senator Byrne, who keeps me right on these matters on the education committee as well. I also want to reaffirm my desire, as this Bill channels through both Houses, that we work with each other. If there are areas or issues that Members feel we can work more closely on, I will be happy to do so.

I apologise, a Chathaoirligh, for rushing as I believe I was due in the Dáil three minutes ago.

Acting Chairman (Senator Diarmuid Wilson): I thank the Minister, who is always welcome in this House.

Question put and agreed to.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to take Committee Stage?

Senator Maria Byrne: Next Tuesday.

Committee Stage ordered for Tuesday, 8 October 2019.

Sitting suspended at 5.05 p.m and resumed at 5.30 p.m.

Message from Joint Committee

Acting Chairman (Senator Diarmuid Wilson): The Joint Committee on Finance, Public Expenditure and Reform and Taoiseach has completed its consideration of the Data Protection Act 2018 (section 60 (6)) (Central Bank of Ireland) Regulations 2019.

Social Welfare Bill 2019: Committee Stage (Resumed)

SECTION 7

Question again proposed: "That section 7 stand part of the Bill."

Acting Chairman (Senator Diarmuid Wilson): I welcome the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty back to the House. We are resuming on the question that section 7 stand part of the Bill. Does any Senator wish to contribute on section 7?

Senator Alice-Mary Higgins: May I clarify that we will resume on amendment No. 30?

Acting Chairman (Senator Diarmuid Wilson): We will reach that in due course.

Question put and agreed to.

Sections 8 and 9 agreed to.

NEW SECTIONS

Acting Chairman (Senator Diarmuid Wilson): Amendments Nos. 27 to 29, inclusive, have been ruled out of order as they involve a potential charge on the Revenue.

Amendments Nos. 27 to 29, inclusive, not moved.

Senator Alice-Mary Higgins: I move amendment No. 30:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within one month of the enactment of this Act, consult with the Joint Committee for Employment Affairs and Social Protection with the intention of attending a meeting of that committee and providing a briefing in relation to the Public Services Card and any actions his or her department is undertaking in response to the Data Protection Commission’s investigation report into the Public Services Card.”.

While amendments Nos. 27 to 29, inclusive, were ruled out of order, it is my intention to revisit the phrasing of those amendments and to return to those issues on Report Stage. Those amendments also relate to the public services card, which is the core of amendment No. 30.

We have debated the concerns on the public services card on a number of occasions since 2017. I have been told during previous debates that there are no such concerns and I know the Minister still holds the view that the concerns and the recommendations of the Data Protection Commissioner do not necessarily need to be acted upon. My view is that we must take the recommendations of an independent body that is not only the independent regulator of our actions in this State but that plays a very significant role in the standards of data protection in Europe and in our international reputation as one of the key regulators and key actors in this area across Europe.

Most people have taken the concerns very seriously and I know that concern has been expressed by all parties on it. The Minister for Employment Affairs and Social Protection will be aware the Committee on Employment Affairs and Social Protection began an examination of the public services card a number of months ago. That examination was suspended pending the publication of the Data Protection Commissioner’s report. Now that the report has been published, the findings of the Data Protection Commissioner, which have a real and serious legal status, have intensified the concern of the committee. I am tabling this amendment to require the Minister to engage with the committee and provide a briefing to it on the public services card and such actions as the Department is undertaking in respect of the Data Protection Commissioner’s investigative report into the public services card. It is a very serious concern. I am not going to rehash the discussions we have had on a number of occasions in this House over the past three years, but it is unfortunate to note that the Government is continuing to accelerate and dig down on this by attaching a requirement to the public services card in regard to the provision of childcare services. In making that a requirement rather than having a precautionary measure of another form of identification which might be acceptable, it seems we are taking our contract with the provider of the public services card seriously to the detriment of our regard for international law.

This contract was signed one month in advance of the publication of the Data Protection Commission’s report. Despite the concerns around it and the investigation that was under way, the Department signed another contract. There has been an acceleration of the roll-out of the public services card and there are reports of transition year students having been issued with

them. In many cases, which feature in the Data Protection Commission's report, persons were issued with public services card by post, thereby rendering redundant any argument around the supposed SAFE 2 process, which the Department itself invented as a different standard.

These are all issues that perhaps might better be teased out in the Joint Committee on Employment Affairs and Social Protection. I understand that the Chairman of the committee has been in touch with the Department and has proposed a date for its engagement with the committee in regard to these issues. It would, of course, be my preference if they were able to engage in that sense by agreement with the Chairman and members of the committee, and that would allow me to withdraw the amendment. Perhaps the Minister will agree or indicate where her discussion is at in terms of attendance at the committee.

Senator Máire Devine: I support this amendment. When this issue kicked off over the summer recess, we wrote to the committee requesting that the Minister be asked to appear before it to discuss the matter, which call we reiterate today. This is a serious issue. The finding of the independently appointed Data Protection Commission is that the public services card is unlawful. Yet, the response of Government and the Department of Social Protection is to plough ahead regardless, which is incomprehensible. There are grave concerns about the public services card, not least the manner in which the contract was awarded. There are many questions to be answered. The Minister and her officials need to elaborate on what they have in their armour that they believe is sufficiently strong to counteract the independent Data Protection Commissioner's reported finding that the public services card is unlawful.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): As I was aware that we would be resuming our consideration of Committee Stage of the Bill on this amendment, I approached the Chairman of the Joint Committee on Employment Affairs and Social Protection and asked him if was aware of it. He was not. I asked him if he had a problem extending an invitation to me, which I would be very happy to accept, and he said he had no problem doing so. The invitation arrived by post during the week and I have accepted it.

Senator Alice-Mary Higgins: I thank the Minister for accepting the invitation and I look forward to us being able to tease out these issues in greater depth in committee. I will withdraw the amendment, but as a date for the meeting has not yet been confirmed, I reserve the right to resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No 31:

In page 14, after line 7, to insert the following:

“**10.** The Minister shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on the total contributions approach to the contributory state pension, which shall include—

(a) an estimation of the potential cost of the scheme on the basis of 1,560 contributions rather than 2,080 contributions as the threshold for qualification for the maximum rate, and

(b) a comparison of the likely difference between a 1,560 contributory requirement and a 2,080 contributory requirement in terms of weekly income levels for those af-

fected.”.

This amendment relates to the total contributions approach, in respect of which I understand the Minister has indicated a timeline around when we can expect it to be introduced and, specifically, the number of contributions that might be required, which is of huge concern to many people. There is a sizeable difference between moving to a 30-year requirement and a 40-year requirement. As the Minister will be aware, many people can currently access the contributory State pension with 20 years’ contributions. The move towards a 30-year contributions requirement has been well signalled and has taken place over a number of years. However, there was rhetoric from officials within the Department to the effect that the case for a 40-year threshold of contributions is being examined. Very few people who would be likely to come of age within the current total contributions approach roll-out will be able to fulfil the 40-year contributions requirement. This is a matter of very serious concern. We know of the severe impact on women, predominantly, who are on reduced rate pensions, this being the cohort affected in 2012. I do not want to see a situation where a much larger cohort of the population find themselves on reduced rate State contributory pensions because they do not have 40 years of contributions.

The second issue is what form of contributions are to be accepted within that 30-year threshold. The introduction of care credits is a matter on which I have praised the Minister in the past, as I had on many occasions advocated for their introduction. It is important that following on from the introduction of care credits, we do not allow people to use them and then push the goalposts out such that they effectively become meaningless in terms of the level of pensions they are paid or the security they have. The amendment seeks an update on this matter by way of report, but the Minister might, perhaps, be able to indicate the timeline that she or the Department is considering in terms of bringing proposals to the table in regard to the total contributions approach, which may obviate the necessity for a separate process.

Deputy Regina Doherty: The amendment seeks that the Minister would produce a report within three months of the passing of this Act, which the House will be aware it is hoped to commence on 1 November as a policy. I am hopeful that the Act will be passed in the next couple of weeks. The amendment provides that the Minister, on the passing of the Act, would produce a report within three months on a policy that has not as yet been determined. This policy has not yet gone to Cabinet or received approval. On that basis, I am unable to accept the amendment.

Senator Alice-Mary Higgins: The original proposal was for the total contributions approach to be rolled out in December.

Deputy Regina Doherty: That is not true.

Senator Alice-Mary Higgins: It was due to be rolled out in 2020.

Deputy Regina Doherty: That is a year away. The plan is-----

Senator Alice-Mary Higgins: It is almost 2020.

Acting Chairman (Senator Gerry Horkan): Senator Higgins, please allow the Minister to respond.

Deputy Regina Doherty: The Senator asked a question regarding the timeline, which I did not answer. As per the pensions roadmap issued in March 2018, the plan is to establish the new

total contributions approach, TCA, model by quarter 4 of 2020. That plan is on target. There is plenty of time for us to conclude our deliberations, which I hope to have done by the end of this year. I cannot commit to a review of a policy that has not yet been determined.

Senator Alice-Mary Higgins: To clarify, I am not seeking a review-----

Deputy Regina Doherty: The Senator is asking that a report be produced within three months of the passing of this Act.

Senator Alice-Mary Higgins: The timeline for introduction is 2020. As indicated by the Taoiseach we are potentially facing an election in May 2020. One of the key tasks and areas of work this term for the Government has been the review of the total contributions approach in line with the pensions roadmap. The Minister has indicated that she hopes to conclude deliberations on this matter by the end of this year. I do not want us to move into an election season without having had clarity or a report on the matter. If the plan is to implement this policy in December 2020, we need to have a proper debate now. Thus far, the Department has been consistent in saying that no decisions have been made, no preferred model has been put forward, and no policy has been set. I do not want us to continue in limbo into spring and then find ourselves facing into an election without clarity on this issue and with a new policy effectively in place within a six-month window. We have been awaiting clarity around the Government's thinking on this issue. The Minister mentioned the end of the year. Perhaps she would elaborate.

Acting Chairman (Senator Gerry Horkan): The Senator has made her point. I get the impression the Minister feels she cannot accept the amendment.

Deputy Regina Doherty: The Senator is asking me for the details of a policy that has not yet been decided. With all due respect to the Senator, when I am ready and the policy has been finalised, the first place it will be brought is the Cabinet. The legislation will then be drafted. It must then go through pre-legislative scrutiny and will then be drafted and published. It must then come to both Houses of the Oireachtas for detailed scrutiny, at which stage we will all have an opportunity to decide whether we are happy with it or whether to amend it. What the Senator is asking me to do now off the back of a Bill that has nothing to do with our new pensions roadmap is to give her a pre-emptive view of what we are doing and I am not in a position to do that.

Senator Alice-Mary Higgins: What I am asking is that there would be a report within three months.

Deputy Regina Doherty: How can I give the Senator a report within three months when I do not know when we will be ready to have a Cabinet-----

Senator Alice-Mary Higgins: We then do not expect to have clarity within three months. Let us be clear about what is being asked for. I am asking for estimates of a number of potential costs, including the cost of a 30-year scheme, and the impact on individuals and a comparison of the likely difference between a 30-year contribution scheme and a 40-year contribution scheme in terms of weekly income levels for those affected. These are important facts and I would hope that they would be put into the public realm in advance of legislation. Alternatively, is the Minister telling us that we can expect simply a secret policy on a total contribution approach to magically appear in an item of legislation and then go through that process? Will the Department give any facts and figures regarding the impact of 30 years or 40 years in terms of the Exchequer and the individual and an indication of the Department's perspective on that

some time within the next three months?

Acting Chairman (Senator Gerry Horkan): To be fair to the Minister, she is trying to say that there will be ample scrutiny in the relevant Oireachtas committee, the Dáil and the Seanad-----

Senator Alice-Mary Higgins: My policy concerns policy, not legislation.

Acting Chairman (Senator Gerry Horkan): She cannot give the Senator a guarantee that there will be a report within three months of the passing of this Bill on something that has not yet been finalised. I am not here to speak for the Minister but we have had the debate and we could go round in circles for a while longer. Does the Senator wish to press her amendment?

Senator Alice-Mary Higgins: I will not press the amendment but I would say that I do not think there is much assurance in what the Minister said.

Acting Chairman (Senator Gerry Horkan): Is the Senator withdrawing the amendment?

Senator Alice-Mary Higgins: Yes.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 32:

In page 14, after line 7, to insert the following:

“**10.** The Minister shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on:

(a) policy options around the extension of jobseeker’s transitional payment to include one parent families with a child up to eighteen years of age; and

(b) policy options around the extension of jobseeker’s transitional payment to include a foster parent of a child up to eighteen years of age.”.

This amendment relates to an issue discussed previously, namely, jobseeker’s transitional payment. At present, when the youngest child in a family reaches the age of seven, persons who were previously in receipt of one-parent family payment move to jobseeker’s transitional payment. This affords them access on a voluntary basis to employment, education and training supports and casework and allows them to retain a high level of income disregard. I hope the Minister takes my proposal on board because I recognise that by introducing a qualified child increase for teenage children in the last budget, she recognised that there can be additional costs and challenges facing those parenting teenage children. My concern is when the youngest child reaches the age of 14, a person parenting alone simply moves to a normal jobseeker’s payment and is no longer entitled to the jobseeker’s transitional payment and there is no longer the implicit recognition that the person is parenting alone and faces particular challenges in terms of balancing care responsibilities and work.

There is a waiver of the requirement for availability for full-time employment, which is a requirement in terms of jobseeker’s payments, for those on the jobseeker’s transitional payment. Many will still choose to seek and take up full-time employment but that waiver means that there is a recognition that there may be circumstances in which they may not be available for full-time employment, for example, if they have a child with particular needs who needs

particular care at particular times of the week.

I am asking the Minister to consider extending the jobseeker's transitional payment until the youngest child is 18, which would ensure that a person parenting alone will still be engaging with the system, have casework and be open to and supported in respect of accessing education, employment or training and will retain a higher level of income disregard and be entitled to a waiver, where that is necessary, regarding availability for full-time employment. It would acknowledge that those parenting alone with children aged 14, 15, 16, 17 and 18 are still parents and do not have another parent to support them or share that work.

Deputy Regina Doherty: Again, I am not in a position to accept the amendment. The Senator will appreciate that as Minister for Employment Affairs and Social Protection, in the main, I have a difficult job that is even more difficult at the moment regarding prioritising where our very small resources might be directed. I also have the job of prioritising the resources of a relatively small team to do policy work within the Department. A total of 6,500 people work for the Department but they are all facing the citizens of Ireland, who we are here to serve. The two requests from the Senator contained in this amendment have massive budgetary implications. I do not agree with this. The Senator and I have had this conversation before. The Senator and I have differing views. Even if I wanted to, I do not have the millions that both or either of these proposals would cost this year so on that basis, I do not propose to use up very finite resources within my Department doing a report to lay before the Houses regarding something I have neither the intention nor the money of pursuing, for as long as I am Minister for Employment Affairs and Social Protection.

Senator Alice-Mary Higgins: Do the millions referred to by the Minister relate to an increased level of income disregard? I am curious where the millions come from. Do the millions relate to working lone parents with 15, 16 and 17 year old children accessing a higher level of income disregard?

Deputy Regina Doherty: When the youngest child of a jobseeker's transitional payment claimant turns 14, the claimant may transition to jobseeker's allowance assuming the claimant is eligible for it. This payment has a much lower maximum income disregard at €60 compared with €150 per week on the jobseeker's transitional payment. The tapered rate of jobseeker's allowance is higher at 60%, compared with 50% on jobseeker's transitional payment. Consequently, allowing jobseeker's transitional payment to continue until the youngest child is 18 would massively increase the overall costs of the jobseeker's transitional payment scheme and have the effect of reversing the reforms introduced by the then Minister in 2012. It probably would discourage our policy of encouraging lone parents into education, which is proving successful.

Senator Alice-Mary Higgins: I disagree with the Minister. I know we simply disagree. I do not believe it is a measure that encourages lone parents into education. Encouraging lone parents into education is something we have supported but is a separate issue. What the Minister is talking about is the income disregard. A lone parent who is managing to work and has a child is entitled to an income disregard of €150 until that child is 14. This effectively involves a difference of €100 when the child turns 15. Even though there has been an increase in the qualified child payment and a recognition in general that the costs of teenagers are higher, some of the most vulnerable families, which tend to be lone parents, effectively face a €100 drop in the income disregard at a time when the costs of looking after their children go up. Another way of looking at it instead of looking at the cost would be to recognise that this would be a way of en-

sure a targeted intervention for families that might need it most, given that lone parents have consistently come through in the CSO and every measure in the State as having exceptionally high levels of poverty. That €150 income disregard will not be of relevance to lone parents in a positive economic situation but it will make a significant difference to the poorest lone parent families, who will lose it when their teenagers turn 15.

Acting Chairman (Senator Gerry Horkan): What does the Senator want to do with the amendment?

Senator Alice-Mary Higgins: I will press it.

6 o'clock

Acting Chairman (Senator Gerry Horkan): Does the Minister want to add any further?

Deputy Regina Doherty: With respect, the amendment proposes the preparing of a report. We are not having a debate as to whether we should be amending the policy to extend the disregard from €150 currently for people who are in work from the €60 jobseeker's transitional payment. I do not have the resources to prepare a report on a policy with which the Government does not agree. I am not trying to be difficult.

Senator Alice-Mary Higgins: It is my hope that if a report was prepared it may be available to a future Government to implement such a policy.

Deputy Regina Doherty: Then perhaps a future Government should prepare a report that does agree with changing the policy.

Senator Alice-Mary Higgins: Lone parents have waited a very long time for substantial action.

Deputy Regina Doherty: I think, in fairness-----

Acting Chairman (Senator Gerry Horkan): We are not having a chat here. Everybody should address their remarks through the Chair.

Deputy Regina Doherty: Through the Chair, I have made three interventions, namely, in the qualified child increase last year and in disregard for lone parents in my last three budgets, so I do not believe I can be found wanting.

Acting Chairman (Senator Gerry Horkan): Is Senator Higgins pressing her amendment?

Senator Alice-Mary Higgins: Yes.

Amendment put and declared lost.

Acting Chairman (Senator Gerry Horkan): Amendment No. 33 is in the name of Senator Higgins. What does the Senator want to do in this respect?

Senator Alice-Mary Higgins: Vótáil.

Acting Chairman (Senator Gerry Horkan): I had moved on. The Senator did not call for a vote on the previous amendment.

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Senator Alice-Mary Higgins: In fairness, we had not moved on.

Acting Chairman (Senator Gerry Horkan): We had moved on.

Senator Lynn Ruane: The Senator said she was pressing the amendment.

Senator Alice-Mary Higgins: I said I was pressing the amendment.

Acting Chairman (Senator Gerry Horkan): I know and I said those in favour say “Tá” and those against say “Níl” and that the question was defeated, and then I moved on to amendment No. 33 and nobody had said “Vótáil”.

Senator Alice-Mary Higgins: We have not actually moved on to amendment No. 33.

Acting Chairman (Senator Gerry Horkan): We had. I had said: “amendment No. 33 is in the name of Senator Higgins” so we had moved on.

Senator Alice-Mary Higgins: I would say to the Chair that I had indicated my intention to press the amendment.

Acting Chairman (Senator Gerry Horkan): People regularly indicate they want to press an amendment, they press it, look for a voice vote, lose it and move on. They do not always call for a full 20-minute vote.

Senator Máire Devine: The Senator wanted to vote on it.

Acting Chairman (Senator Gerry Horkan): There is a difference between pressing an amendment and calling for a vote. There will be ample opportunity to call for a vote. There are another 11 amendments.

Senator Alice-Mary Higgins: I am not seeking to press amendments for the sake of it. There are certain amendments that I believe are of real significance. This is the first vótáil I have sought to call on any of the amendments. We are on amendment No. 33 and I have had 22 amendments which I have either withdrawn or subjected to a voice vote. This is the first one on which I have called a vote. I put it to the Chair that I am entitled to determine if I think an amendment is worth pressing. The Chair may have presumed that I was not going to press the amendment.

Acting Chairman (Senator Gerry Horkan): On the basis of the previous 31 amendments, I think it was a reasonable assumption to make.

Senator Alice-Mary Higgins: It may have been a presumption and, therefore, the speed of moving on may have been perhaps faster than it should have been.

Acting Chairman (Senator Gerry Horkan): I did wait. I was expecting a vótáil but nobody said “vótáil”, so I said “amendment No. 33”. We are on amendment No. 33 and the Senator has acknowledged that. The rules of the House are the rules. I am not here to change them for my benefit, the Senator’s benefit or anyone’s benefit. I think we have moved on. The Senator is more than welcome to introduce amendment No. 33 and to then call a vote on it.

Senator Alice-Mary Higgins: I am not interested in pressing an amendment solely for the sake of doing so. There are very few on which I would do so. I am just noting it.

Acting Chairman (Senator Gerry Horkan): We are on Committee Stage and the Senator can seek to come back on it at another Stage.

Senator Alice-Mary Higgins: It would have to be in a different examination but the Minister has indicated her thinking on the issue of income disregards so I may put forward an amendment regarding income disregards, in particular, on Report Stage.

Acting Chairman (Senator Gerry Horkan): That is the Senator's right. We have moved on to amendment No. 33 in the Senator's name. Would she like to speak to it?

Senator Alice-Mary Higgins: Yes.

I move amendment No. 33:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three 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 Local Employment Service (LES) employment, training and educational opportunities and supports for those not on the Live Register.”.

This amendment deals with voluntary access to Intreo and local employment service training and educational opportunities and supports for those not on the live register and those who are not necessarily on a jobseeker's payment or on the live register. For example, I refer to those who may or may not fall under the qualified adult category; they may be persons who are thinking about re-entering the workplace after a long period of providing care. They may not qualify for the live register in certain circumstances because they have not fulfilled a habitual residency condition as yet but they wish to access casework and support in terms of employment training and educational opportunities. The amendment seeks to ensure the very large cohort who are not employed or who are underemployed and are interested in seeing what the options may be would have greater voluntary access. I have been told at times that anybody can walk into an Intreo office and the services are available there. I have also been told there have been periods of prioritisation and so forth in which persons who are not required, as a condition of their payment, to seek employment supports have not effectively been able to access supports because the emphasis has been on those who have a requirement placed on them. This amendment deals with voluntary access and seeks to ensure that as many people as possible access opportunities.

Deputy Regina Doherty: Again, I am not proposing to accept this amendment on the basis that what the Senator is asking us to do already exists. The focus of our employment services provided through Intreo is supporting and assisting people back into the workforce where it is appropriate for them. The Intreo services are already open to anybody who is looking for a job regardless of what their status is. Whether the person is a returning housewife who was a qualified adult, a returning housewife who was not supported by the State, a person with a disability or a former carer, it does not make any difference to us whatsoever. We would be delighted if anybody walked in the front door of an Intreo office and we would give him or her exactly the level of access to services, supports, training, employment opportunities as we give all our jobseekers.

Acting Chairman (Senator Gerry Horkan): Does Senator Higgins want to reply to the Minister?

Senator Alice-Mary Higgins: No. I believe that is the Minister's policy and position. It has different levels of application in reality. I do not need to press the amendment but I suggest a greater promotion of that option could be made through some of the usual channels because people still regard it as somewhere they need to go almost by invitation or requirement. Unfortunately, occasionally it happens that individuals come through who are told they are not the desired cohort. It is uneven. There have been positive and less positive instances. Perhaps a messaging response might be more appropriate even than this amendment.

Deputy Regina Doherty: I will let the Deputy know what we did last year. We actively targeted everybody who was in a jobless household and, in particular, the women in those households because in the main it would be men who were on the social welfare register in some way, shape or form, but women were voiceless and identity-less. They are the women we specifically targeted last year and this year to invite them to come in. We do programmes specifically focused on the people who are not identified as a recipient of a payment in their own right within the Department. Nothing is perfect and no two offices are the same, but I take on board what the Senator has asked us to do.

Senator Alice-Mary Higgins: If the Minister is able to provide me with some information on that initiative, I would be happy to withdraw the amendment.

Deputy Regina Doherty: Yes. It is the Action Plan for Jobless Households. I can get a copy of it for the Senator.

Acting Chairman (Senator Gerry Horkan): How stands the amendment? Is the Senator withdrawing it?

Deputy Regina Doherty: I will withdraw it.

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

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 34:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall within three months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas reviewing and making recommendations regarding a potential re-entry credit to support those who have been engaged in care work for a period of time and to access on a voluntary basis employment information and supports.”.

This amendment relates to an issue I have highlighted in parallel with the issue of care credits, on which some progress has been made. It seeks to ensure that since we put in place a mechanism for care credits that we should seek to have some additional value from that mechanism and that we would create an further pathway back into employment or education. It seeks to ensure that for those engaging in the provision of care, which would qualify for care credits under the system being set out with respect to the contributory pension, those credits covering a period of time spent providing care - I am not referring to the carer's allowance but to care work in the wider sense of the care credit system - could serve as a re-entry credit. For example, currently persons who take a period of time to deliver care effectively disappear from the system. If one has two years without any contributions being made visible, one's record becomes

effectively invisible. If one has a contributory record and wants to access services, this is an issue around being visible to the system.

Deputy Regina Doherty: They do not-----

Senator Alice-Mary Higgins: Yes, in terms of one's pension. If we consider a person who has been fulfilling the requirement of having enough contributions within a set and defined period of time, many people will fall out of the set and defined period in terms of having enough contributions recently enough in terms of accessing certain schemes. For example, being registered as unemployed for a certain period is a requirement to be able to access particular projects and educational initiatives. If the care credits a person had accumulated during a period of care were to be counted, that would be helpful. The current system only provides an option for people to register as unemployed and then have a long period during which they need to be unemployed before certain options become available to them. There are inconsistencies.

Deputy Regina Doherty: I did not know whether I was accepting or rejecting this proposal because I was not sure what it meant. I did not know what a re-entry credit meant when all of the credits somebody accumulates when in receipt of carer's benefit or allowance are on his or her record. They do not become invisible.

Senator Alice-Mary Higgins: I am not referring to carer's' benefit or allowance. I am talking about care credits, as counted within the pension system. People currently receive carer's benefit if they are a carer for an adult. Those who are not registered carers and who may not qualify for carer's benefit or allowance, but are caring in the home-----

Deputy Regina Doherty: That is why we introduced the home caring credit for the interim aggregated contributions method of total contribution approach, TCA12, last year, which introduced 15 years of home caring credits which, I assume, will follow through.

Senator Alice-Mary Higgins: I welcome the introduction of the home caring credit and the total contribution approach. Those credits, as well as having a value when it comes to retirement age, may also function in terms of having a value such as engagement with employment or training supports.

Deputy Regina Doherty: I do not understand what the Senator means by a "value".

Senator Alice-Mary Higgins: I do not necessarily mean a payment or financial value. This proposes that home caring credits would, like the period for which a person is required to be unemployed before certain employment training options are open to him or her, count in lieu of being on the live register for a time. One may need to be on the live register for six months before certain options become available. This is about ensuring we can fast-track people's engagement with the fullest set of possible options. People who may have been invisible to the system will now be more visible thanks to the introduction of home caring credits for the pension system, and this also provides us with an opportunity to keep people engaged in the system rather than waiting for them to reach retirement age.

Deputy Regina Doherty: Again, I am not sure what Senator Higgins thinks people are missing out on. The home caring credit was introduced purely for the purposes of pension calculations because we all know and recognise how women were penalised for staying at home and rearing their children. Some men were penalised for staying at home and minding elderly relatives. That system has been rectified. Home caring credits of up to 15 years can be allo-

cated towards TCA12. I cannot tell Senator Higgins what TCA2020 will be until it is decided, but we recognise the value of home caring towards contributions for pensions.

As per the previous amendment, anybody who does not exist in the social welfare system has equal access, through our Intreo offices, to all of the supports, training and employment opportunities which are available to everybody else. Even if somebody was a stay-at-home mother for 20 years, if she walks into an Intreo office we will give her all of the support necessary to return to education or training or avail of any of the grant schemes that are available in the same way that we would assist anybody else who is in receipt of jobseeker's allowance or benefit or disability or invalidity payments.

Senator Alice-Mary Higgins: I am happy to tease out the matter further with the Minister. This is about ensuring that the system works a little bit harder in order that people stay engaged. It is different if a person is told that due to his or her work as a carer for the past two or five years, he or she is entitled to X, Y, or Z in terms of resources, schemes, starting a business initiatives or educational options. It is about looking through the list of options and teasing them out. I am happy to engage with the Minister on that. It is a different thing to suggest that anybody can walk into an Intreo office, as opposed to stating that his or her contributions are being recognised both in later years and in a more recent way, which perhaps might be reflected in opportunities for that person. It is about encouraging people to re-enter the workforce because the fact is that Ireland has an extraordinarily high level of women who drop out of the workplace and do not re-enter it. This was an attempt at creating a constructive mechanism in terms of building channels for re-entry.

Deputy Regina Doherty: I do not think it is not constructive. However, this already exists. The Senator is trying to create something we have already created. The action plan for jobless households will outline exactly what is on offer to a lady in a household who does not currently exist other than as a qualified payment on her husband's social welfare allowance. She does not exist in our social welfare system, yet we have actively reached out to try to encourage such women to get training, avail of employment options or return to full-time education. All of these options are already available.

Senator Alice-Mary Higgins: They may not always be in jobless households.

Deputy Regina Doherty: I am using that as an example. The Senator is trying to tell me they are not available to people who do not exist in the social welfare system.

Senator Alice-Mary Higgins: I am happy to discuss this with the Minister. I know there are-----

Senator Lynn Ruane: Those on somebody's qualified payment are captured but a lone parent who has engaged in casual or low paid work is subject to a six-month waiting period before he or she is able to progress.

Deputy Regina Doherty: That applies to those in full-time education.

Senator Lynn Ruane: Yes.

Deputy Regina Doherty: There are myriad opportunities in-----

Senator Lynn Ruane: Yes, but people who leave employment want to progress into full-time education, rather than something which is the equivalent of the outcomes of that education.

Deputy Regina Doherty: In that case we are talking about something entirely different. The Senator is suggesting that people should be able to leave a job and get a grant to return to full-time education. While that is possible, it would cost an incredible amount of money. Under my watch, over the past number of years we have tried to be as flexible as possible under the relevant statute. If somebody is five or nine days outside of the requirements, we will find wriggle room even though the legislation states 274 days. That deals with people who are in the social welfare system, whereas the amendment sought to give a re-entry credit to people who are not in the social welfare system.

Senator Alice-Mary Higgins: My point is that they are now in the social welfare system because they are getting credits in respect of their contribution in terms of care. It is a different invitation-----

Deputy Regina Doherty: They are not. They get their credits when they apply for their pensions.

Senator Alice-Mary Higgins: I am simply suggesting that if those credits were also to count as re-entry credits, there would be a mechanism in place. It is different to telling people to sign on and that they will have options in six months' time or telling those who are thinking about re-entering the workforce after a period of care that they can access education. There is no point in going further on this.

Acting Chairman (Senator Gerry Horkan): What do you want to do with the amendment?

Senator Alice-Mary Higgins: I will withdraw it.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Amendments Nos. 35 and 42 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: Are we discussing amendments Nos. 35 to 42, inclusive?

Acting Chairman (Senator Gerry Horkan): Amendment No. 42 is an additional amendment submitted on 30 September.

Senator Alice-Mary Higgins: Are we discussing amendments Nos. 35 to 42, inclusive, together?

Acting Chairman (Senator Gerry Horkan): No, we are discussing amendments Nos. 35 and 42.

Senator Alice-Mary Higgins: I move amendment No. 35:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on the provision of educational opportunities for people in receipt of social welfare payments, including:

(a) an examination of the range of educational options presented to jobseekers,

including those on jobseeker's transitional payment;

- (b) a consideration of anomalies in access to back to education allowance;
- (c) a review of literacy supports presented to jobseekers, and
- (d) recommendations in relation to paragraphs (a), (b) and (c).”.

This concerns educational opportunities and options. It seeks to ensure that we revisit the kinds of educational options that are offered in the State to those currently on the live register and those who are unemployed. We had a number of debates on this about two years ago when the Joint Committee on Employment Affairs and Social Protection produced a report on activation. The report found that, as was consistently stated by a number of witnesses, the education option was not always given the same value and there were a number of inadvertent but significant obstacles around the education option being presented. Some officials were sceptical about whether the education option should be valued in the same way as an employment offering to individuals going through the system.

The Minister spoke about her feeling that people should be able to find the best pathway forward, be it education, training or employment in some form. I am trying to tease out three of those obstacles because while we have discussed them and they have come up, we have not really progressed in terms of addressing them. I note the research presented to us by NESC and others suggested one of the key problems preventing success of educational options within the activation system is inappropriate education options being put forward. For example, persons can end up in a course that is perhaps not suited to them, sometimes simply as a matter of timing or a matter of which courses are available within a set period of time. Of course, it suits everybody better if people have a better match and a better educational option that allows them to progress, rather than a course which may move them temporarily off the register but which sees them circle around in six months or a year's time.

This is around an examination of the range of educational options presented to jobseekers, including those on jobseeker's transitional payment, and a consideration of certain anomalies in access to the back to education allowance. There are concerns in regard to the intersection of that allowance and the SUSI grant and rent allowance, which we discussed previously, and a review of the literacy supports presented to jobseekers. This is again addressing the fact that some who are jobseeking will have literacy issues. NALA has been a very strong advocate in regard to these literacy issues. It proposes a review of the literacy supports that are presented to jobseekers and to have recommendations in regard to these issues.

With regard to amendment No. 42, again, I realised that I had put an unrealistic timeframe on this. The Minister will note I have a very short timeframe on many of these amendments. It is an attempt to recognise the fact we are coming to the end of a certain term and there are certain issues which those of us on the social protection committee have championed and which the Minister has championed. I am keen that-----

Acting Chairman (Senator Gerry Horkan): They technically go to March 2021.

Senator Alice-Mary Higgins: Technically. I am keen that certain areas that have had very lengthy discussion move to become, if not an action, then a clear vector or trajectory towards potential policy change so that we move forward on some of the issues which have been batted back and forth in the last few years. I then decided that I would give it a generous eight-month

period in recognition of-----

Acting Chairman (Senator Gerry Horkan): Eight months being May, of course.

Senator Alice-Mary Higgins: Yes. I recognise it is a very substantial piece of work. This is really around taking and building on the activation work that has already been done by the Department and the committee. There is a lot of evidence out there and it is about gathering it but also placing the educational offering at centre stage and really examining how we can do that better in terms of building the careers, livelihoods and future plans for all of those who are accessing our unemployment or activation services.

Deputy Regina Doherty: While the back to education allowance payment is administered by my Department, we only act as an agent for the Department of Education and Skills. On the basis that the policy is under the remit of the Minister, Deputy McHugh, my Department is not in a position to undertake a review of the educational options available to people who are on the back to education allowance. We solely act as an agent. I agree with the Senator that it would be a worthwhile exercise and I would ask that she writes to the Minister, Deputy McHugh, to ask him to do it, and I will certainly support that. However, because it is not under my remit, I cannot stick my nose into it.

Senator Alice-Mary Higgins: I wonder about the other issues indicated because it affects whether I will bring this issue back on Report Stage.

Deputy Regina Doherty: It is equally the case with regard to literacy supports because we do not supply them and they come through SOLAS or the ETBs which, again, are under the direction of the Minister for Education and Skills.

Senator Alice-Mary Higgins: As well as reviewing the back to education allowance, the real issue I am trying to highlight here is that of access to the back to education allowance. The Department is a main and prime channel whereby persons come to access it or even access the idea of seeking to access the back to education allowance. It is largely through agents of the Minister - caseworkers and so forth - that individuals will come on a journey that may bring them to a back to education allowance or to seeking it. I accept that the Minister has indicated the position. To clarify, can I indicate to the Minister, Deputy McHugh, specifically that the Minister for Employment Affairs and Social Protection would like to engage on that issue? I do not want to go to the Minister, Deputy McHugh, and be told that the issue of who can access it relates to the Department of Employment Affairs and Social Protection. I do not want to fall between two stools.

Deputy Regina Doherty: I would quite happily support this, except I do, probably far too often, find myself sticking my nose into other colleague's Departments, as I did last week with regard to the maintenance agency. What I do not want the Senator to do is to go to the Minister and say, "Regina said we should do this", and for him to get the hump. If the Senator writes to him, I will certainly write to him at the same time and support her. We should not necessarily do an annual review, but maybe a review every three or four years of the courses that are on offer to people to make sure they are timely with regard to the employment supports and jobs that are actually there, as we do not want to be training doctors if what we need are plumbers, and so on. There should be a review every three or four years and I would certainly support the Senator on that.

Senator Alice-Mary Higgins: Timing is a huge issue in regard to persons who become

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unemployed or are added to the register at a period of time when an appropriate course may be six or eight months away. That is perhaps something that can be examined internally. I am happy to withdraw the amendment in light of the Minister's comments.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Gerry Horkan): Amendment No. 36 is out of order as it is not relevant to the subject matter of the Bill.

Amendment No. 36 not moved.

Senator Alice-Mary Higgins: I move amendment No. 37:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on widening access to entitlement to make voluntary contributions with consideration given to—

(a) the threshold of previous contributions required, and

(b) access to those who have spent a period of time in self-employment or a period of time in care work or a period of time in the UK.”.

In regard to amendment No. 36-----

Acting Chairman (Senator Gerry Horkan): It is out of order so the Senator cannot discuss it.

Senator Alice-Mary Higgins: I believe it may be of interest to the Minister, given her interest in the issue of educational access.

Amendment No. 37 very much relates to the substance of the sections in this Bill. I did not find a place within the sections where it should sit but it is around access to entitlement to make voluntary contributions. We saw an increase in the threshold of the previous contributions required before one is allowed to make voluntary contributions. We have an anomaly in terms of the many persons who want to make sure they have made sufficient contributions in order to be able to access whichever supports or training schemes or, in particular, their pensions. Some will find they have not made sufficient previous contributions because the number of previous contributions one had to make before one would be allowed to make voluntary contributions had doubled from 260 to 520.

The Minister's predecessor, the Taoiseach, Deputy Varadkar, accepted an amendment which I put forward in 2016 and which extended the period of time in which voluntary contributions could be made to five years since the previous contribution. However, while it was indicated at the time that the threshold issue might be looked at again, it has not really progressed. It may come into particular relevance for those who have been in care work, especially when they are not on carer's allowance or carer's benefit. It is a concern for those who may have been caring, either here or abroad, and are now seeking to try to normalise their situation in a limited period of time. It is also a concern for those who have been in self-employment and who may not have sufficient, or the right kind of, contributions to be allowed to make voluntary contributions.

Again, it is around streamlining the process and allowing for those who are not simply looking for something for free but are looking to contribute. They want to make voluntary contributions and they want to bring up their contributory record to meet what will probably be higher standards in the future. Can we facilitate them?

Deputy Regina Doherty: Making a voluntary contribution is not contributing, so it is not the same thing. While there is an acceptance to allow people to fill in gaps in their history, it is not the same as making a contribution and having an attachment to the labour force for ten, 20, 30 or 40 years.

Some, if not most, of the issues Senator Higgins raised in the amendment are addressed in the social protection system. First, on the threshold for the minimum number of paid contributions to access the voluntary contribution scheme, the Senator will be aware that it was increased from 260 paid contributions to 520 contributions in 2013 to reflect the minimum level of contributions that are needed to qualify for the State pension contributory, which was similarly increased at the same time to 520. We could not have a situation where somebody could buy credits after having accrued so many credits but not have access to the system until they got to the 520 mark and, therefore, they must be aligned. The increase ensures that the pension qualification is genuinely linked to a realistic maximum level of labour force attachment.

What is probably most important is the PRSI contribution records. If, for a voluntary contribution, the minimum contribution condition was lower than 520 contributions, individuals who currently do not meet the contribution conditions of the State pension could pay voluntary contributions to make up the shortfall without ever having the attachment to the workforce that others would have and there would be a disparity in the system. This would be inherently unfair to other workers who have a much longer attachment to the system, which is what total contributions is trying to achieve. Total contributions are to ensure that those who have made more contributions to the Social Insurance Fund, SIF, get more out of it than those who have not made the contributions to the SIF, but with the underlying acceptance that the value of the work in the home, whether by a man or a woman, whether caring for children or parents, is of significant value to the common good.

On the wider issue of access, voluntary contributions are available to all workers under the age of 66 who are no longer compulsorily employed. Workers can access them, and do. Voluntary contributions are there to protect an individual's social insurance entitlements when the individual has already made an established relationship with the Social Insurance Fund. The option to make a voluntary contribution is already available to the self-employed.

In 2017, as Senator Higgins mentioned, my predecessor made the kind gesture of accepting what was a good amendment on the Senator's behalf to extend the period of time in which voluntary contributions can be made to five years since the previous contributions. I can see from the past couple of years that some people do not even apply for their pension when they reach the age of 66. They are busy and there is stuff going on. We all get older. We do not feel the years going by much faster than they did when we were younger. I welcome the change to five years and I thank Senator Higgins for that. However, I would say there are still people who find themselves outside of the five-year period and we still have to find wriggle room to get them to be able to do what they should have done years ago when there is a general acceptance that they did not mean not to do it.

Under EU legislation a worker is only entitled to a social contribution or a voluntary contri-

bution in any one state at any one time. This is in reference to the people to whom the Senator referred who worked in the UK. They can certainly claim their contributions. The Department gets contributions histories every week for those who have worked in the UK, and we add it to their contributions history here. Alternatively, if someone does not have a contributions history, for instance, if the person went as the wife of a man who was working in London, she can certainly buy the contributions for the time that she was outside of the country.

Much of what the Senator has asked me to do is already in existence. If the Senator wants, I can give her a copy of all of the documents that I have here to prove that to her. What I cannot do is allow people, after 260 contributions, to be able to buy contributions to bring them up to 520 contributions.

Senator Alice-Mary Higgins: I accept the majority of what the Minister is saying. It is unfortunate for persons who find themselves at a point when they know that they are facing into a reduced rate pension and they are seeking this. I note the example the Minister gave of somebody who may have been, for example, the spouse of a person in the UK who has returned. In terms of financial independence, a number of people would prefer to contribute to have an adequate contributory pension in their own right rather than find themselves in a position, for example, of looking for the non-contributory pension, which is an option that comes with somewhat less independence in that it involves means testing of the full household etc. There are people who did not know about the increase in the requirement from 260 contributions to 520 contributions and who found themselves unable to make contributions. I accept it is a small cohort.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Diarmuid Wilson): Amendment No. 38 in the name of Senator Higgins is out of order because it is not relevant to the subject matter of the Bill.

Senator Alice-Mary Higgins: I wish to indicate that I have had a discussion with the Bills Office and I will be looking to put forward an alternative version of the amendment.

Amendment No. 38 not moved.

Senator Alice-Mary Higgins: I move amendment No. 39:

In page 14, after line 7, to insert the following:

“**10.** The Minister for Employment Affairs 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 should 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 cohabittees;

(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, and

(e) consideration of the data protection rights of any individual in respect of whom a personal progression plan is being developed.”.

We need not rehash this fully now. I refer to the concerns about personal progression plans. This is not to say that personal progression plans are terrible, nobody should every have a personal progression plan, and nobody should plan their future. It is around a determination of quality and good practice in how personal progression plans are used. This is revisiting certain issues.

I am probably more likely to bring back and press the amendment that I previously had on this issue, which is that no one should be required to sign a personal progression plan that he or she has not had an opportunity to review, and there should be no fear----

Deputy Regina Doherty: They are not.

Senator Alice-Mary Higgins: I know. There should be no fear or perception on the part of the person that his or her attendance at a meeting would not be considered if they have not, which is the impression that individuals have had. The key point is that they are entitled to a hard copy of a proposed plan prior to signing and the opportunity to seek external advice on that prior to any signing.

There should not be text, and there was in certain plans, in terms of sharing data in respect of family members or cohabittees. In terms of data privacy, it is important that plans should not include that.

The other key issue, which was a big concern, was the text that might require an individual to share the contact information, or permit contact, in respect of any employer who has offered the individual employment independently of a third party. This was based on cases that were heard whereby persons who independently secured employment found that the company that had been contracted to find them employment insisted on wanting to contact the employer that the individual had themselves sourced. It is undermining if a person has managed to source employment and his or her new employer is or could be contacted by a private company or by the State in respect of paperwork on that.

The amendment simply asks the Minister to put in place guidelines on this. There may be good practice. I appreciate it is not only private companies. It is Intreo. It is local employment. I am aware that personal progression plans are used across many services. Given that personal progression plans are now being used by private companies as well and given the messages we have received with respect to the Department whereby there has sometimes been a relationship in terms of the issuing of payment, it behoves the State to set in place guidelines. Previously, we did not have a situation where for-profit companies would be drawing up personal progression plans and that is why it needs an extra level of guidance and regulation.

Deputy Regina Doherty: I cannot accept an amendment for something that already exists.

The Senator is asking me to do something that already exists. I will read out the existing guidelines. They are guidelines for everybody who makes a personal progression plan. The Senator has a particular issue with some of the Department's contracted services but the guidelines are the same for everybody, whether they are Intreo case officers, the contracted services of Seetec and Turas Nua, or the contracted services of the Department's jobs clubs, the local employment service, LES, the Irish Local Development Network, ILDN, or partnership organisations. They all must do exactly the same thing.

The plan is a benign administrative document that is personal to the individual jobseeker who is looking for work. All that it includes is the person's contact information, the contact details for the person's personal adviser so that they both can access each other, the detail of the customer's skills, competencies and aptitudes, the fields of work that the person feels is appropriate to the jobseeker, the particular barriers to employment facing the jobseeker, the agreed actions that both of them will take to overcome those barriers, the jobseeker's employment goals as in where he or she would like to be at the end of the process or where he or she would like to be working, an agreed set of skills, training, education or development goals and actions to help him or her to get to being that person or onto a career path, and an agreed set of employment related experience interventions. If someone wanted to work in retail, he or she would take a specific training course to get relevant work experience. That is the kind of information in a personal progression plan. It is organic. It is a supporting document, which is supposed to be shared between two people - one who is looking for work and the other who is helping that person to fulfil his or her ambition. It is as benign as that. Any matters in a personal progression plan are there only to assist the person to achieve his or her own goals. There is no requirement to supply data in respect of family members or cohabitants. It is none of our business. This does not preclude a contracted person or adviser from exploring potential barriers to employment that may encompass people's personal family circumstances. That information needs to be volunteered. If it is not volunteered, we cannot extract it from people. A personal adviser may often offer advice with regard to childcare, family flexible employment options or whatever it takes to get the person who is sitting in front of us, looking for work and asking for the State's help, to access the best options. That is true whether it is a person in Navan local employment services, in Meath Seetec, or somebody who has come through an Intreo case office or my Navan office. The progression plan is exactly the same regardless of who is delivering and signing it.

Contracted public employment services are fully compliant with data protection law and the new GDPR legislation that was passed by both Houses last year. Anybody who wants a hard copy of his or her personal progression plan is entitled to ask for and receive it. Nobody stands over a person to make him or her sign something that he or she does not subscribe to. If a person does not subscribe to it, he or she should not sign it and instead get it into a state where they will subscribe to it. This is a person's journey for the year that he or she is with the case officer, to ensure that he or she gets back to full-time employment. Those are the guidelines that currently exist. I would not change them in any way by having a report.

Acting Chairman (Senator Diarmuid Wilson): Before I call Senator Higgins, I welcome to the Public Gallery our former colleague, Jillian van Turnhout, and her guests. They are very welcome. It is good to see Jillian back on familiar territory and I hope she has an enjoyable evening. Is Senator Higgins pressing her amendment?

Senator Alice-Mary Higgins: If there are existing guidelines, it would be an easy task to include within them clarification about the entitlement to a hard copy and the fact that external

advice could be sought. That would go a long way. The Minister has outlined a sample set of inclusions but I do not see anything to contradict the suggestions I have made. The suggestions I have made could naturally be incorporated into the existing guidelines on ensuring that we specify that entitlement to a hard copy and the seeking of external advice if it is wished for. I have seen personal progression plans that state that a person will inform the service of changes in the employment status of those he or she shares a house with, and he or she has signed and agreed to that. We have seen texts that state a person will give the contact details of a new employer. This text is in the documents.

In a wide, sweeping sense, there is nothing to disagree with about development goals and employment goals in any of those elements and I am not asking the Minister to take any of those elements out of the personal progression plans. It relates to the manner of execution and making it clear. When we say it is a benign administrative document, many persons take any contract that they sign very seriously. Whatever that personal progression plan might be if it is not a contract, the Minister's legislation is still based on that plan prescribing particular courses of action for an individual. People are concerned and feel that they have to sign a plan. I am not saying personal progression plans should be abolished. I acknowledge that there may be guidelines. I am trying to identify gaps in the guidelines that would strengthen them. I identified a number two years ago. I am not confident that they have been fully addressed. It would have been useful if we could have more detailed guidelines that do not simply say what goes into a personal progression plan but give guidelines about what good practice is when a plan is agreed. It relates to improving what is there.

Acting Chairman (Senator Diarmuid Wilson): Is the Senator pressing the amendment?

Senator Alice-Mary Higgins: No, I will withdraw the amendment but I will probably bring back my other amendment, potentially involving elements of this amendment, about personal progression plans on Report Stage.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 40:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay a report before the Houses of the Oireachtas on fuel poverty, in the context of climate change targets and the “Just Transition” framework, to include a consideration of these issues as they affect:

- (a) those in receipt of housing assistance payment or rent supplement;
- (b) those in receipt of fuel allowance; and
- (c) those whose receipt of fuel allowance is impacted by turbary rights.”.

This is probably one of the most time-bound amendments. The Minister will be aware of the consideration of the just transition that is currently happening. I am a member of the Joint Committee on Employment Affairs and Social Protection and the Joint Committee on Climate Action and we are examining at issues relating to just transition. A number of issues directly relate to her Department. There has been a significant focus on the fuel allowance. It is one of the key issues as the price of carbon is increased to reflect its cost. We have to ensure that the most

vulnerable persons are protected from the impact of those increased prices, including with fuel allowance as it relates to our climate change targets and just transition, and also consideration of a particular cohort who I think will be affected, which is those in private rental accommodation.

I tabled a Commencement matter about the retrofitting of private rental and local authority housing and spoke to the Minister, Deputy Murphy, this morning. Those in receipt of HAP or the rent supplement from the Department of Employment Affairs and Social Protection are especially vulnerable in that they do not necessarily have control over the energy efficiency of the housing in which they live. The Department has a relationship with a number of landlords through the HAP and rent supplement schemes. I would be interested in the Department examining its relationship with landlords in that regard to expedite a stated goal of scaling up and retrofitting housing stock in Ireland while protecting tenancies and ensuring greater protection for tenancies. I ask the Minister to examine how her Department fits into that work, which is happening across a number of Departments, with fuel allowance and HAP.

I have discussed the peatlands strategy with the Minister of State, Deputy Kyne. We are discussing the Wildlife (Amendment) Bill at present. Having regard to the just transition in the strategy is also a key issue. How does the qualification for fuel allowance for those who have it intersect with turbarry rights? That applies to a specific cohort of people in rural Ireland whose circumstances have arisen in the discussion of the strategy.

These discussions are happening across government. I am sure the Minister has completely different issues that I have not thought of that relate to the just transition and how she engages in it. I hope that she may incorporate them into an examination of just transition and the Department's engagement on the issue.

Senator Máire Devine: We support this. We attempted to have a similar report commissioned in the deliberations for the Social Welfare Bill for last year but the Minister passed it on to the Department of Communications, Climate Action and Environment. Data on fuel poverty are badly needed. Unlike my colleague, I did not support the increase to the carbon tax because we need to sort out fuel poverty first. The Government must commit to it. We will have significant revolutionary changes in how we access, provide and use energy in the State. We must identify the most vulnerable and ensure we protect them. We must produce a report as suggested by my colleague.

Deputy Regina Doherty: I can only say what I said previously, which will be no surprise to the Senators. They are asking me to prepare a report on something that does not fall under my remit. It is a matter for the Minister for Communications, Climate Action and Environment. He recently launched a strategy to combat energy poverty which acknowledges, *inter alia*, that one of the best ways to tackle fuel poverty is to improve the energy efficiency of a person's home. That is going to be addressed in the just transition. My Department administers a number of schemes that provide income supports specifically for paying for fuel, as in the fuel allowance and the household benefits package, which pays for electricity and gas. They are certainly not intended to cover all the costs but are only income support towards paying the costs. I cannot accept the provision to prepare a report on fuel poverty as it cuts across the work of another Department.

Acting Chairman (Senator Diarmuid Wilson): Is the Senator pressing the amendment?

Senator Alice-Mary Higgins: This relates to amendment No. 43, which is another aspect

of that issue to which I will come in a moment. Engaging with the issues of just transition and climate change is not the remit of just one Department. The climate plan is meant to be a whole-of-government, joined-up approach. We should not be in a situation where Ministers throw the issue to each other. The policies and setting goals for retrofitting may come from the Department of Housing, Planning and Local Government, but the engagement with landlords through the housing assistance payment or rent supplement is an important lever and that sits within the Department of Employment Affairs and Social Protection, as does responsibility for the fuel allowance. Fuel allowance and its intersection with turbary rights comes into this. I will also come to another issue in amendment No. 43 that relates directly to the Department. If we intend to be serious about taking the type of transformative action that is required to address our climate targets, each Department will have its carbon budget and will have to account to the Oireachtas for the actions it will have taken. It will not be sufficient for each Department to say that it does not wish to cut across other Departments or take decisions. It is important that each Department engages in the just transition and I believe the Department of Employment Affairs and Social Protection will be at the centre at it.

I will not press this amendment because I am focusing on its intersection with amendment No. 43. I intend either to press amendment No. 43 on this Stage and to resubmit amendment No. 41 or to consider some form of combined amendment that I will press on Report Stage. This is an opportunity. It is not an attempt to add to the workload of the Department. Climate action and just transition are front-loaded mandated actions across the Government, but we have yet to see the Minister's Department set out its vision of how it will contribute to the transformation that is required.

Acting Chairman (Senator Diarmuid Wilson): Does the Minister wish to wait until Senator Higgins speaks on No. 43?

Deputy Regina Doherty: It might frame whether she presses one or both. The Senator suggested that individual Departments should be responsible individually. They are. The lead Department, however, is the Department of Communications, Climate Action and Environment. There is a Cabinet committee on climate change, climate action and a just transition of any carbon effects and challenges, particularly new charges we may have. The climate action committee is chaired by Deputy Bruton. I sit on it, as do Deputies McHugh and Zappone. I will provide the Senator with a list of the members. We have an action plan and bimonthly meetings to determine the outcomes and the actions arising from each of us.

However, while I might not like this, the purpose of my Department is income support. It is the largest Department that makes payments. Aside from employment and activation, that is what it does. It is an income support Department. It does not determine policy. It does not pay fuel allowance because it determined that people were in fuel poverty but as an income support towards the costs of households that have no other income aside from what comes from the Department. The household benefits package was established to ease the costs of running a household when people reached pensionable age. They are income supports; they do not have a policy drive. The Department is just the agent for the payment of the supports.

The whole-of-government approach will have to come from, and is already being driven by, the climate action Cabinet committee led by Deputy Bruton. His Department will take the lead on how we will address the housing stock and ensure it comes up to A and B ratings of home heating security and how we will address the needs of people to offset any increases in a carbon tax that might increase their household budgets. I have no problem with playing my part but I

cannot do a report on something for the Senator and provide her with something comprehensive when it does not have anything to do with my Department, other than it providing its financial supports.

Senator Alice-Mary Higgins: I disagree. As the Department has responsibility for social protection and employment, it has more than an income support remit. The Minister is both underplaying her own interest in policy and the Department's role in policy to suggest somehow that it is a policy-less Department, simply providing income. That is inaccurate, to say the least. This is about the achievement of targets that are set. I am not suggesting new targets. The targets have been set by the Government. I am asking for the vectors by which each Department intends to contribute to the achievement of the targets set by the Government.

I withdraw this amendment, but I reserve the right to re-introduce it.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 41:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, for a six month period following the enactment of this Act, suspend any mandatory requirements for use of the Public Services Card or associated single customer view dataset as the only accepted means of identification for the purposes of access to social welfare payments or services.”.

I will withdraw this amendment as I will be revisiting the topic of the public services card. I reserve the right to re-introduce it next week.

Amendment, by leave, withdrawn.

Acting Chairman (Senator Diarmuid Wilson): Amendment No. 42 is a new section-----

Senator Máire Devine: We have already discussed it. I am sorry, Acting Chairman, but I am just trying to be helpful.

Acting Chairman (Senator Diarmuid Wilson): You are extremely helpful this evening, which is not out of character. Amendment No. 42 is a new section and has already been discussed with amendment No. 35, as my deputy Chairman has indicated from the floor.

Senator Alice-Mary Higgins: I move amendment No. 42:

In page 14, after line 7, to insert the following:

“10. The Minister for Employment Affairs and Social Protection shall, within eight months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report on the provision of educational opportunities for people in receipt of social welfare payments, including:

(a) an examination of the range of educational options presented to jobseekers, including those on jobseeker's transitional payment;

(b) a consideration of anomalies in access to back to education allowance;

(c) a review of literacy supports presented to jobseekers; and

(d) recommendations in relation to *paragraphs (a), (b) and (c)*.”.

I will withdraw the amendment and reserve the right to re-introduce it.

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 43:

In page 14, after line 7, to insert the following:

“**10.** The Minister for Employment Affairs and Social Protection shall, within three months of the passing of this Act, prepare and lay before the Houses of the Oireachtas a report examining appropriate social protection services and casework supports for workers in industries likely to be scaled down by necessary changes in policy due to climate change in line with the ambition of the “Just Transition” framework.”.

This is squarely within the relevance of the Department and its social protection supports. The Minister spoke about the open door that exists for anybody who may wish to visit an In-treo office out of the blue but this is about having dedicated supports for people in respect of employment, training and education and the expertise within the Department and the various agents of the Minister in respect of social protection and casework. I asked the Minister about this previously at a meeting of the social protection committee and she indicated that we must wait for people to become unemployed and they could then access social welfare protections and supports.

It is important that, as part of a just transition, we do not simply wait, especially in sectors where we know there will be a limited timeframe of future employment and that, effectively, people may have from six months to two years of employment. This is not about individuals in work but entire sectors where there will be a scaling down of certain industries as a result of both climate change and the necessary actions in respect of climate change. Some will fall into the categories of self-employment related to elsewhere in the Bill, but some will not. Some will be working for Bord na Móna, for example, and there are industries in other areas.

I urge the Minister to consider how she might put measures in place to ensure that we are stepping up in advance and not waiting for people to be unemployed before we offer them support, by giving them the expertise, casework, employment and training support now, in order that people in vulnerable sectors can plan the next step for themselves and their families.

7 o'clock

It would be one of the most concrete contributions to a just transition that the Department could make if it could give that expertise by putting caseworkers, either in groups or as individuals, to work with sectors to see what are the options for somebody coming out of an unsustainable sector. What is the timing, for example, as this may make a difference to the options available when people are trying to make an exit from an unsustainable sector? It is about career planning for the future. I know we will see large cohorts of persons becoming unemployed, with great concern expressed and everybody saying we need to do something for these people right away, but would it not be better if we could spare those families the distress by ensuring as many people as possible have a plan in place before they become unemployed?

Senator Máire Devine: I support those comments. As a member of the climate action committee for nearly a year, I know it has consistently discussed just transition. Every Department must understand that label of “just transition” and implement novel ideas because we will need them. Bord na Móna is currently in negotiations with the union and it will revert to us towards the end of October or November to let us know what has happened in those negotiations. They are sensitive discussions. Most of the workers are looking at some form of unemployment. Some will have a few more years left to work and would be unsure if they can seek new employment once the closure is implemented. They need to know what social protection can be offered by the State. It is important that the Minister uses a just transition process in the Department in order that it becomes a natural fold in everything it does. It should not be left just to one Department either but the Department of Employment Affairs and Social Protection should advertise the idea and let people know about it.

The climate action committee made recommendations, although we grumpy Sinn Féin members disagreed with the carbon tax increase. Everything else was signed off in a report. The Government’s Climate Action Plan 2019 was published with some of those recommendations and we have sought a gap analysis between what was recommended and what is in the plan. I saw an email about that this evening. Perhaps there is detail there concerning the just transition in order that each Department can become proactive in promoting the process. There will be many job losses and changes in how work is done. We must consider the implications of the great four-day week suggestion. We must be proactive, rather than letting one Department take the responsibility or burden.

Deputy Regina Doherty: I feel like a real killjoy today but I am again not accepting the Senator’s amendment. Again, it is because we already do all this stuff. We do not provide employment supports just because a crisis is imminent, as there are crises in businesses today for some other reason. It is slightly different from what Bord na Móna is experiencing or some of the other companies that we know will see difficulties arising from the changes we will make in practices or habits. There will be difficulties in companies because of what will potentially happen with Brexit. How we support companies, regardless of why they are in crisis, will not change.

I have a list of actions we currently take after a company gets into trouble. Before somebody gets to a redundancy stage, we take a number of steps. I do not know if the Senator is aware of our wage support subsidy scheme. When a company tells us it is in trouble, or specifically that in six or 12 months it might not be able to keep on all its employees, we will support those people in the short term and keep up their income supports. That will happen while the company tries to get through its difficulties and come out the other end. If the scenario is we can support the people in the short term but we know they will not be brought back, we will work with those people and retrain them during the transition period for new jobs that we know are being created in some other section of the economy.

When we look at the challenges that might be seen with regard to the live register next year, potentially because of Brexit and the just transition from where we are to where we need to be in the next ten years to reach climate change targets, some companies may lose jobs but tens of thousands of jobs will be created because of the new economy. We have already put in place schemes and strategies to move people from a particular industry skill set to train for new industries that will grow in the next months and years ahead. We already do what the Senator is asking us to do. I have a long list of such actions that I hope will reassure the Senator, and I can read them into the record if she so wishes.

Senator Alice-Mary Higgins: I recognise there are supports for companies but my particular concern is about supports for individuals within sectors. I am very aware of those supports and I know of companies that have used them successfully. I am concerned about sectors that are scaling down. The Minister has indicated that other jobs may be coming in new industries, which I accept, but the point is we should not be waiting for persons to become unemployed.

Deputy Regina Doherty: We are not.

Senator Alice-Mary Higgins: When I previously asked if persons could access supports in a period, the Minister told me that the Department waits for them to become unemployed. That was at a social protection committee meeting. It is one thing to say there are other opportunities but this is about ensuring we work with people while they are in their current employment. We must consider how such people can access particular casework and support so there may be, as far as possible, a seamless transition to another form of employment and that perhaps there may be targeted work with sets of employees. It should not just be limited to companies as not every company will successfully transition but we must take in individuals working in certain sectors. The Minister is responsible for employment and social protection. Those two sectors were brought together.

Deputy Regina Doherty: No, I am the Minister for Employment Affairs and Social Protection.

Senator Alice-Mary Higgins: Yes.

Deputy Regina Doherty: It is a different game to what the Senator has suggested.

Senator Alice-Mary Higgins: This is an employment affair.

Deputy Regina Doherty: It is not.

Senator Alice-Mary Higgins: It is; it is about security and transition in employment. The two parts were brought together with a view to having a more joined-up approach in how we look at issues of employment and vulnerable workers, for example, as well as social protection. I am glad the Minister is saying there are other jobs in other sectors but I would like to hear from the Minister that there will be sets of caseworkers allocated specifically to persons not yet unemployed but who are looking to transition from the sector they are in to a more sustainable sector. It is the nub of the matter.

Deputy Regina Doherty: Again, that process already exists. We do not have a bank of caseworkers sitting and waiting for a problem to happen. If a company approaches us because it is in trouble, it is assigned a case officer immediately.

Senator Alice-Mary Higgins: I am talking about individuals.

Deputy Regina Doherty: Individuals are given exactly the same treatment. If an individual walks into a local Intreo office and needs to retrain because his or her job is in jeopardy, that person will get a personal progression plan and be offered options through Springboard, for example. It is frightening to say it but when I spoke to the Senator nearly two years ago, we did not have in-work training or the 70% payment coming from the State to help people who are currently employed to retrain while in employment to train for a new job. Such a service is available today. Anybody who wants the support of a case officer can have it but we have special case officers looking after companies in trouble. They are employment relations personnel.

What we do is the same whether it is for one person or 100 people in a company. The supports are still there. We can help people with income support, training and transition to new jobs. Whether it is short-term training or long-term programme training in order to get a whole new skill set, we do it now.

Senator Alice-Mary Higgins: I am glad to hear that supports have improved since our previous discussion. It is positive to hear that. I am speaking specifically to how sectors will be treated in a just transition framework. There are companies on one end and individuals with a personal progression plan on the other. There are cohorts of workers in particular sectors, and these should be treated slightly differently again. It may not be appropriate to specify Bord na Móna because discussions are ongoing. We can, however, identify sectors that are vulnerable. It may be within the capacity of the Minister to address this. I do not suggest that she has case workers but she should plan for her case workers over the next six to 12 months. If a specific set of skills is associated with a vulnerable sector, it may be a matter of training case workers to be prepared for a large cohort of vulnerable persons and on where the likely transitions may be. More needs to be done.

As Senator Devine said, the just transition framing is missing. I will withdraw my amendment and reintroduce it on Report Stage. I would appreciate it if the Minister provided clear framing and a vision on where the Department sees itself specifically having an input, not just regarding our climate targets but also the goal of just transition. It is a shared goal and it is not owned by me or any other Member. While the Minister has outlined the services that exist, I have not had a sense of where the Department sees itself regarding just transition. I have suggested four areas. She may have two or three ideas of her own on how the Department sees itself fitting in regarding the delivery of just transition. Brexit, on which I have not spoken, presents a related set of challenges to be faced. We face what will be a series of shocks unless we plan for them.

I will withdraw my amendment and reserve the right to resubmit it on Report Stage, possibly in combination with some of the elements. I will be happy to engage with the Minister in the meantime on any amendment she might find acceptable to address this issue.

Deputy Regina Doherty: The Senator mentioned she gave me options in four areas. I do not see them in the amendment. Will she give me the detail?

Senator Alice-Mary Higgins: One issue was engagement with landlords through HAP and rent supplement. The other suggestion related to the fuel allowance. I also referred to turbary rights and just transition for workers. Those were four points in respect of which I saw just transition impacting on the Department, or the Department impacting on it.

Amendment, by leave, withdrawn.

Section 10 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported with amendment.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to take Report Stage?

Seanad Éireann

Senator Gabrielle McFadden: Next Tuesday.

Report Stage ordered for Tuesday, 8 October 2019.

Acting Chairman (Senator Diarmuid Wilson): When is it proposed to sit again?

Senator Gabrielle McFadden: Maidin amárach ar 10.30.

The Seanad adjourned at 7.15 p.m. until 10.30 a.m. on Thursday, 3 October 2019.