

*Dé Máirt, 31 Márta, 2009
Tuesday, 31st March, 2009*

2.30 p.m.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS**

Fógra i dtaobh leasú ar Thairsceint : Notice of Amendment to Motion

52. “That Dáil Éireann:

noting:

- that the processing time of welfare applications, particularly jobseekers supports, is too long with some individuals and families waiting up to 16 weeks for their claim to be processed, and with potential delays of many months in processing appeals;
- official HSE figures which show an 85% increase in the number of requests for emergency welfare assistance over the past two years, while the number of community welfare staff has remained unchanged;
- the unacceptable delay in recruiting additional staff to deal with the dramatic increase in welfare claims;
- the 35% increase in the number of people seeking support from the Money Advice and Budgeting Service (MABS);
- that the Legal Aid Board has a function to provide legal advice and representation to people with debt problems;
- that there are currently more than 9,616 people in receipt of mortgage interest supplement, an increase of 134% (4,111) over the number in receipt of payment at the end of 2007;
- that the new code on mortgage arrears does not sufficiently protect borrowers and fails to include any sanctions for breaches of the code; and
- that problems experienced in repaying debt are not limited to mortgage debt, but that the recently unemployed face difficulties repaying a series of debts including: household bills, credit card repayments, car loans, personal loans, hire purchase agreements and so on;

considering:

- that 276 people were jailed last year for failing to repay debt, many of which were jailed for failing to repay loans to credit providers, and received an average sentence of 27 days and served an average of 20 days;

- that this Government has not taken any steps to update or reform the current system of debt enforcement which is ineffective in collecting debt, is extremely costly to taxpayers and wasteful of Court, Judge and Garda time;
- that unlike many other EU countries, Ireland has no system of regulation of debt collectors; and
- pending the completion of the Law Reform Commission Report, that there is a need for urgent measures to be taken, as set out below;

calls on the Government to:

- immediately increase the number of Community Welfare Officers, Social Welfare and Social Welfare Appeals Office staff by redeploying staff within the HSE and the Department of Social and Family Affairs;
- encourage MABS and the Legal Aid Board to cooperate more closely so that they can deal with the surge in people seeking advice and support for debt difficulties;
- expand the role of MABS into debt settlement and mortgage renegotiation, which will take less time, is less expensive to the taxpayer and offers a more integrated and effective approach when dealing with consumer debt;
- introduce legislation to regulate debt collection and to ensure that debt collectors are registered and vetted; and
- review legislation including the Enforcement of Court Orders Acts 1926 and 1940 and the Bankruptcy Act 1988.” — *Olwyn Enright, Enda Kenny, Bernard Allen, James Bannon, Seán Barrett, Pat Breen, Richard Bruton, Ulick Burke, Catherine Byrne, Joe Carey, Deirdre Clune, Paul Connaughton, Noel J. Coonan, Simon Coveney, Seymour Crawford, Michael Creed, Lucinda Creighton, Michael D'Arcy, John Deasy, Jimmy Deenihan, Andrew Doyle, Bernard J. Durkan, Damien English, Frank Feighan, Charles Flanagan, Terence Flanagan, Brian Hayes, Tom Hayes, Phil Hogan, Paul Kehoe, Pádraic McCormack, Shane McEntee, Dinny McGinley, Joe McHugh, Olivia Mitchell, Denis Naughten, Dan Neville, Michael Noonan, Kieran O'Donnell, Fergus O'Dowd, Jim O'Keefe, John O'Mahony, John Perry, James Reilly, Michael Ring, Alan Shatter, Tom Sheahan, P. J. Sheehan, David Stanton, Billy Timmins, Leo Varadkar.*

Leasú:

Amendment:

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

- “ — noting that the average processing time nationally for Jobseekers Benefit was 3 weeks in February and that the average for the Jobseekers Allowance was 6 weeks;
- welcoming the provision of extra staff to social welfare local offices and the process improvement initiatives and other steps that have been taken to reduce delays;
- acknowledging that jobseekers may get a Supplementary Welfare Allowance from the Community Welfare Officer while they are awaiting a decision on their claim;
- recognising that the HSE is currently reviewing the allocation of staff engaged in the delivery of the supplementary welfare allowance scheme and associated income support payments in the context of the Government policy on public service manpower levels;
- appreciating the importance of the Mortgage Interest Supplement scheme in assisting mortgage holders and the provision of almost €30 million for that scheme in 2009;
- welcoming the publication of the Statutory Code of Conduct on Mortgage Arrears;
- valuing the role of the Money Advice and Budgeting Service (MABS) in helping people to organise their debts and make arrangements with debtors and the Legal Aid Board in providing legal advice to people with debt problems;

- recognising that 90% of callers to the MABS helpdesk get the assistance they need over the phone without having to make an appointment;
- noting that the MABS is represented on the Legal Aid Board's consultative panel and that the two organisations do and will work together;
- further noting the commitment of the Minister for Justice, Equality and Law Reform to continuing to review legislation including the Enforcement of Court Orders Acts 1926 and 1940 and the Bankruptcy Act 1988; and
- recognising the review in the current Law Reform work programme on the examination on debt enforcement and securing interests over personal property;

supports the Government's determination to:

- take further steps to reduce processing times in offices where they are much longer than the national average and to ensure that jobseekers receive financial and other supports as early as possible;
- continue to publicise the supports that are available through the MABS and to encourage people to contact them early before their debt problems accumulate;
- ensure that the MABS continues to play a vital role in negotiating with creditors on behalf of people with debts;
- assert that civil debt is generally a matter best mediated between the two parties involved;
- acknowledge that the current legislation includes safeguards that are there to ensure that imprisonment is a final resort and is invoked for breach of a court order or contempt of court; and
- note that it is necessary in the interests of competitiveness and the rule of law that third parties can ultimately rely on the courts to ensure that contracts can be enforced.” — *An tAire Gnóthaí Sóisialacha agus Teaghlaigh*.