

# DÁIL ÉIREANN

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## AN COISTE UM CHUNTAIS PHOIBLÍ

## COMMITTEE OF PUBLIC ACCOUNTS

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*Déardaoin, 13 Iúil 2017*

*Thursday, 13 July 2017*

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The Committee met at 9 a.m.

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### MEMBERS PRESENT:

Deputy Peter Burke,	Deputy Alan Kelly,
Deputy Shane Cassells,	Deputy Marc MacSharry,
Deputy Catherine Connolly,	Deputy Mary Lou McDonald,
Deputy David Cullinane,	Deputy Catherine Murphy.

DEPUTY SEAN FLEMING IN THE CHAIR.

**Mr. Seamus McCarthy** (*An tArd Reachtaire Cuntas agus Ciste*) called and examined.

### **Business of Committee**

**Chairman:** We are joined by the Comptroller and Auditor General, Mr. Seamus McCarthy, as a permanent witness to the committee. He is accompanied by Ms Mary Henry. Apologies have been received from Deputies Josepha Madigan and Alan Farrell. Deputy Madigan has written to the committee to state she will not be continuing as a member of the committee and will be replaced by the Dáil in due course. Deputy Farrell has indicated that he expects to continue on the committee. Until such time as they are replaced, both members will still be members of the committee.

The first item on the agenda is the minutes of the meetings of 4, 5 and 6 July 2017. They have been circulated. Are they agreed? Agreed.

The next item are matters arising from the minutes. There is nothing specific that is not on the agenda in front of us.

The next item is correspondence. Category A refers to correspondence for today's meeting. Nos. 670 (i) and 670 (ii) are a briefing paper from Brendan Ryan, chief executive of the Courts Service and a briefing paper in respect of prosecutions for fixed charge notice motoring offences by An Garda Síochána. We will be returning to that matter in the autumn. We have indicated that as the complete report from An Garda Síochána is not available at present, we are deferring detailed examination of that topic. We have received an interim report that we can discuss. We can discuss anything in front of us but as the final report has not been finalised, we will come back to it in due course.

**Deputy David Cullinane:** Very good.

**Chairman:** The next items of correspondence are Nos. 671A (i) to 671A (iii), inclusive. No. 671A is a covering email from the Garda Commissioner enclosing the interim report and the second interim report into the examination of the recording of breath tests. That is the matter to which I have just referred and we will await the final report and will deal with the issue then. In the meantime we can discuss the interim reports we have received. We will note and publish them.

Category B correspondence refers to correspondence from Accounting Officers and Ministers and follow-ups to previous meetings. Nos. 681B (i) to 681B (vi), inclusive, are items of correspondence received on 10 July from Joe Nugent, chief administrative officer in An Garda Síochána. It includes a briefing note on Garda College income and expenditure, a Garda College restaurant profit-and-loss analytical review for 2009 to 2016, an analysis of expenditure for the Garda College division 2009 to 2016, a note in respect of Garda College restaurant funds transfers from 2010 to 2016, a note on correspondence relating to a previous voluntary disclosure settled with the Revenue Commissioners in 2010 and a note on an audit of EU-funded projects. We will note those documents and they will be considered as part of our report, which we will launch next Tuesday.

The next items are Nos. 686B, 690B (i) and 690B (ii), correspondence from the HSE dated 11 July with follow-up information requested following the meeting of 15 June including further information requested by the committee in respect of the Grace case and data for 2017 in

respect of patient referrals to hospital emergency departments by GPs.

In respect of that letter from the HSE, all I can say is “here we go again”. We were promised the Deloitte report time and time again and now we have been told it will be provided at some point after the summer break. The letter goes on to say that the State Claims Agency:

has confirmed that the final bill of costs relating to this specific case has not reached a final conclusion. However, the [State Claims Agency] has clarified that interim payments totalling €185,984.20 (which excludes settlement costs as per the High Court agreement) have been made.

That is the only figure we have actually received and it excludes the High Court settlement costs. We still have not seen the Deloitte report. Mr. Tony O’Brien says that he will seek the permission of the commission of investigation to give us a copy when he receives it. We will not get into a big debate. We will send this letter to the commission but we are still gravely disappointed at this delay.

**Deputy Catherine Connolly:** We have all followed up on this and it is extremely difficult to keep track of it. We are now dealing with it under correspondence and trying to keep track. We were clearly led to believe that this report would be published sooner than it was. We still have no date in that regard. It is totally unacceptable. This was commissioned approximately a year ago. This was a simple report on what money was given or not given. This is adding insult to injury with regard to what has happened in the Grace case. This is why we end up having inquiries. This is honestly appalling. It is a bit early in the morning to be so outraged. We are having a tribunal because of the Grace case. It would be easier to extract teeth without anaesthetic than to get this report. I do not wish to personalise this, but we have asked repeatedly whether the staff were in the employ of the HSE and whether they had been promoted. We have now found out that four of the five have been promoted. It is extraordinary that, if not for the two whistleblowers whose lives have been seriously impacted upon, we would not even have an inquiry, not to mention that we would have not have questions here. Mr. O’Brien should be brought back before this committee. The man is on a very good salary, he is in charge of a huge body and he should be setting an example with candour. This whole process from the HSE does not show candour.

**Chairman:** We have to be conscious that there is a commission of investigation under way.

**Deputy Catherine Connolly:** I am more than conscious of that. Sometimes I am too conscious of it and too cautious but this has nothing to do with the inquiry. This is to do with Mr. O’Brien’s role in giving open information. He said the report was about to be published but it has not been. It is simply not acceptable that a report of this nature is now taking even longer. It is adding insult to injury.

**Chairman:** The costs of the Deloitte report were mentioned in the High Court settlement. We all understand that the lack of adequate payment for Grace’s service provider financially compromised the organisation for a considerable period. There is no mention here of whether the organisation has received any interim payment or how much that might be. Even that information should have been included.

**Deputy Catherine Connolly:** Not to mention that sufficient funding was not provided to the service provider into whose care Grace was put. She had already suffered.

**Deputy Mary Lou McDonald:** I endorse everything Deputy Connolly has said.

**Deputy David Cullinane:** I wish to add that we need this report for all sorts of reasons but the director general failed to give a full apology to the service provider pending its outcome. While it is very important that we get the report as soon as possible, he could have given an apology anyway. It deserved an apology. My understanding is that he gave a partial apology on foot of the High Court settlement but was waiting to decide whether he would give a full apology pending the outcome of this report. He said categorically that it would be published very soon. He led us to believe it would be released almost immediately. Here we are, almost a month later, and there is still no report. We have written over and back to him. This is not the first time we have raised this. We have raised it every week since he was before the committee. How many times have we written to him? Is this the only response we have received? Is this the one and only piece of correspondence we have received?

**Chairman:** We have followed up on this on several occasions. At the end of this letter he does not even give an expected timeline as to when we might receive the report. It has actually gone in reverse.

**Deputy David Cullinane:** That is not good enough. It is treating the committee with contempt. There is no doubt about it.

**Chairman:** It is treating Grace with contempt in the first place, and the public after that.

**Deputy Catherine Murphy:** A potential cost of €185,000 has been revealed and it could increase from there. That was not even a High Court case. It was a case that was settled, but it did not go into the courts. It shows the type of money involved in the mismanagement of the whole Grace debacle. Whatever is added on for a tribunal, when we think of the money that could be spent on services for people such as Grace it brings home that there are consequences to this, which are lost services for those who actually need them.

**Chairman:** We will write a stern letter to Mr. O'Brien, expressing the gross dissatisfaction of the committee at the reply and lack of timeline, and insisting he does whatever is necessary with Deloitte and his own organisation to ensure it is brought to an urgent conclusion. We are going into recess. We will note that unless we have it we will expect him before the committee in September. If it is all concluded satisfactorily that will be fine, but if it is not we will put him on notice that commission or no commission this is a financial matter. We are putting him on notice that if it is not fully resolved he will be here in September. We will forward this to the commission also.

The next items are Nos. 692B and 693B, correspondence received from An Garda Síochána. Both letters are from Niall Kelly, head of internal audit, in which he is keeping the committee up to date on his audit work. It states that two audits, on EU funded projects and on cash and general management in the Garda College restaurant and shop, have been sent to the Comptroller and Auditor General and that two further audits are in planning. No. 695C is an explanation to the committee for the delay in getting the original letter of 5 July to us. I know the Comptroller and Auditor General cannot comment, but will he confirm he has received these two reports?

**Mr. Seamus McCarthy:** Yes, I have.

**Chairman:** I take it the Comptroller and Auditor General will not discuss them.

**Mr. Seamus McCarthy:** No, I cannot discuss them.

**Chairman:** We take that.

**Mr. Seamus McCarthy:** We will certainly consider the implications.

**Chairman:** The Comptroller and Auditor General will take it into consideration as part of the audit he is conducting-----

**Mr. Seamus McCarthy:** Yes, absolutely.

**Chairman:** -----on which he will publish a report in September.

**Mr. Seamus McCarthy:** Yes.

**Chairman:** Fine. We note this. The longer this is, the more that is going on. That is all I can say.

**Deputy Alan Kelly:** Wider rather than longer.

**Chairman:** Exactly.

Category C is correspondence from private individuals and other correspondence. We wrote before about the Cashel hospital issue and received a reply quite some time ago. I ask the secretariat to write to Mr. O'Brien to state we want an update on the issue. I was asked about it yesterday.

**Deputy Alan Kelly:** I appreciate that. It is an outstanding question from some months ago that I raised.

**Chairman:** The Deputy did indeed. We will ask for a more up to date position.

No. 660C is a briefing paper prepared by the Oireachtas Library and Research Service, which provides an overview of the current funding model for Irish Water. It provides information on the role of the Department of Housing, Planning, Community and Local Government and the Commission for Energy Regulation on Irish Water. On the same issue, No. 679C is from the managing director of Irish Water to advise that the information requested will be provided by 13 July 2017. If that letter comes tomorrow, because it is from a public body I ask members to review it themselves. The briefing note was from the Oireachtas library service and I am sure it has been widely circulated in the Oireachtas already. People can comment on and use it. The issue will come back on the agenda. We will move on.

No. 666C, dated 6 June 2017, is from Michael Lyons, chief executive officer of Towards Healing, an external group which provides non-judgmental counselling to survivors of clerical, religious and institutional abuse, on Special Report No 69 of the Comptroller and Auditor General on the child abuse inquiry. The correspondence states information supplied by Caranua and statements made on 13 April 2017 are factually incorrect. I propose we write to Caranua for a formal response. Is that agreed?

**Deputy Catherine Connolly:** I looked at that on 6 June. It is referring to a letter of 7 May that I could not find. I am subject to being corrected. I see a letter of 9 May 2017 with enclosures. Here we are again. We have Towards Healing writing into us to correct what Caranua said to us in correspondence. We are going back over it.

**Chairman:** There is a bit of a theme developing on the quality of information being provided. Perhaps we are being more precise in ensuring we follow up on these matters.

**Deputy Catherine Connolly:** When Caranua was in we asked precise questions. Each and

every one of us asked precise questions on rent and the cap on counselling as best we could. Now we find the very organisation referred to by Caranua, namely, Towards Healing, is coming back to correct Caranua. Imagine how difficult it is for the survivors using the services. This is the end point, as is value for money. We can write to Caranua but-----

**Chairman:** We will do that and we will come back to it.

**Deputy Catherine Connolly:** Yes.

**Chairman:** It is distressing. If we have difficulty getting accurate information, how are the service users being dealt with?

**Deputy Catherine Connolly:** Absolutely.

**Chairman:** That is the point. We will come back to it. We will write and await a response and then follow up.

**Deputy Catherine Connolly:** Will the chairman check the dates of the letters? Towards Healing is referring to 7 May but I do not see that.

**Chairman:** I will ask the secretariat to check this. If we are missing something I will ask the secretariat to recirculate it. If we have not received something referred to, it will be circulated.

No. 667C is correspondence, dated 7 June 2017, from an individual on the public services card. The committee is being copied on this correspondence, which was sent to the Taoiseach. It is not directed to us, we were just sent a copy.

No. 668C, correspondence dated 6 July 2017, is from the Department of Justice and Equality on the appointment of a coroner for south and east Kerry. This is in response to a request for information following receipt of correspondence from an individual who queried the appointment. The correspondence confirms a deputy coroner was appointed and arrangements for the future provision of coronial services in south and east Kerry are not yet completed. I propose sending the response to the member of the public who wrote to us and that this matter is now closed.

No. 669C is correspondence dated 6 July 2017 from Professor Philip Nolan, the president of Maynooth University, on an explanatory note on procurements, as requested by the committee. We thank him for this and recognise Maynooth University was one of the exemplary third level institutions which has produced up to date financial statements and a proper consolidation. We acknowledge its good work and if others did so we would in a better position. We note the correspondence.

No. 672C is correspondence from John Kearney, chief executive of Cavan and Monaghan Education and Training Board, on premises for Cavan VEC. This is in response to a request for information following receipt of correspondence from an individual who queried the procurement. I propose sending the response to the member of the public who made the inquiry. Is that agreed? Agreed

Nos. 673C, 674C, 675C and 676C are correspondence from Deputies with observations on the third level report, which was launched yesterday. We note the correspondence. These are earlier emails we have received since the last public meeting when we considered correspondence on the matter, some of which worked their way into the final report and some of which did not. The report has been published. These are from members of the committee regarding

input into the draft report on third level education, which we launched on Tuesday.

No. 677C is correspondence, dated 7 July 2017, from Deputy Josepha Madigan on her appointment as chair of the Committee on Budgetary Oversight. I thank Deputy Madigan for her contribution to the work of the Committee of Public Accounts and wish her well as Chairman of the committee.

No. 678C is correspondence, dated 7 July 2017, from the Oireachtas ICT unit on technical issues regarding email notifications to members. A file was sent to us by email, but it was too big to be received and we did not receive notification it had been sent to us. We were in the dark. We discussed this earlier. We note the correspondence.

No. 680C is correspondence, dated 7 July 2017, from Shaun Purcell, chief executive of Mayo, Sligo and Leitrim Education and Training Board, to advise that draft accounts for 2015 will be submitted to the Comptroller and Auditor General in the week beginning 10 July. The Comptroller and Auditor General will do the audit in due course.

**Mr. Seamus McCarthy:** We are still finishing the draft statements sent to us for 2013 and 2014. We were unable to back them up. Revised financial statements were received on 30 June. We are working to finish the audit.

**Chairman:** That is for the years 2013 and 2014.

**Mr. Seamus McCarthy:** That is for an 18 month period in the years 2013 and 2014. They are the initial financial statements for the ETB.

**Chairman:** Is Mr. McCarthy saying that, as of now-----

**Mr. Seamus McCarthy:** For the years 2013 and 2014, the accounts have not closed.

**Chairman:** -----the final financial statements for Mayo, Sligo and Leitrim ETB have never been published since the board was established?

**Mr. Seamus McCarthy:** No, they have not been published.

**Chairman:** In order that people will understand why we are critical of the third-level institutes, let me repeat that Mayo, Sligo and Leitrim ETB has never published any set of audited accounts. Even though the information has been submitted now in respect of 2015, the Comptroller and Auditor General has indicated that the information he received for the accounts up to the end of 2014-----

**Mr. Seamus McCarthy:** I would expect that we will be able to conclude the audit of the accounts for the years 2013 to 2014 during the summer. We will be beginning the field work for the 2015 accounts at the end of this month.

**Chairman:** I propose that we write to the chairman and chief executive of Mayo, Sligo and Leitrim ETB stating that we expect the 2016 accounts to be submitted to the Comptroller and Auditor General for audit. The board has just submitted its accounts for 2015. It is six months behind in submitting its accounts for 2016. They are almost one year old at this stage.

**Mr. Seamus McCarthy:** That is correct.

**Chairman:** I propose that we give the board until the end of October to submit its 2016 accounts.

**Mr. Seamus McCarthy:** That is okay.

**Chairman:** We will write to Mayo, Sligo and Leitrim ETB stating that if the 2016 accounts have not been submitted for audit, we will invite the chairman and chief executive to appear before the Committee of Public Account to explain the reason for the delay in public. Is that agreed? Agreed.

**Mr. Seamus McCarthy:** I thank the Chairman.

**Chairman:** No. 682C, correspondence, dated 3 July 2018, from Mr. Justice John Cooke, Commission of Investigation into the National Asset Management Agency, requesting the committee to identify if it is in possession of additional evidential material acquired by the Committee of Public Accounts other than from the National Asset Management Agency or the Comptroller and Auditor General and not listed in our report. I propose to reply to Mr. Justice Cooke stating that we will ask the secretariat to review all material held by the committee and make any information not listed in the report available to the Commission. I read that letter in detail. It is from the Commission of Investigation into the National Asset Management Agency. Mr. Justice Cooke is the judge who is conducting the investigation. He has written a nice letter to the committee thanking it for its work and its willingness to co-operate and assist him in every way possible. He has indicated that he is obtaining all necessary information he can from NAMA and the Comptroller and Auditor General and that he is coming to the committee requesting to see if we have information that we received from bodies, other than those two sources, to identify and produce a list and forward it to the commission, which can then decide if it wants the information. The commission has been very good in that it is not asking us to provide information that it can obtain from other sources. Mr. Justice Cooke is going about the task in a very efficient manner. We will co-operate fully.

No. 683C is correspondence, dated 6 July 2017 from Dr. Michael Crowley alleging malfeasance and corruption in the health service. I propose requesting an information note from the Department of Health. Is that agreed? Agreed.

No. 684C is undated correspondence from an individual in respect to the work undertaken by the Committee of Public Account regarding the Garda College in Templemore. We will note the correspondence.

No. 685C is correspondence, dated 5 July, from an individual alleging serious irregularities in respect of the thoroughbred foal levy. It is unclear what is being alleged and I propose to request that the secretariat liaise with the individual to obtain further information. The individual refers to other correspondence sent to me. Let me explain the matter in a nutshell. The correspondence was sent to the Joint Committee on Agriculture, Food and the Marine but the latter indicated that the matter does not fall within its remit. As Chairman of the Committee of Public Accounts, I find that extraordinary.

**Deputy Alan Kelly:** How is the matter not within that committee's remit?

**Chairman:** It is 100% within its remit.

**Deputy Alan Kelly:** Could the Chairman go back to his counterpart on the Joint Committee on Agriculture, Food and the Marine and ask him to explain the latter's position?

**Chairman:** The Joint Committee on Agriculture, Food and the Marine states that the issue raised does not come within its remit. I will write formally to the Chairman of the committee,

Deputy Deering. The issue is that a levy is payable to Horse Racing Ireland on the basis of the published fee that the owner of a mare pays for the services of a stallion. The actual fee charged can regularly be significantly less than the published fee. Should the levy be based on the published fee or the actual fee paid? It is similar to asking a person who is buying a house to pay stamp duty on the listed price as opposed to the actual price. If that is what the statutory instrument states, it makes no sense. There are vested interests in the industry that are quite satisfied with the regime, but others are very dissatisfied. It is strictly based on a statutory instrument introduced by the Minister for Agriculture, Food and the Marine and the matter is 100% within the remit of the Joint Committee on Agriculture, Food and the Marine. Due to the fact that it was done by statutory instrument and the public is paying fees based on this, however, I, as Chairman, was contacted. I am sure other members of the committee have also been contacted. We will write to the Joint Committee on Agriculture, Food and the Marine. I had told the correspondent that we will do what we can at our committee. We will not ignore the very valid point he makes. If the statutory instrument does not stack up-----

**Deputy Alan Kelly:** Will the Chairman also have a word with the Chairman of the Joint Committee on Agriculture, Food and the Marine because I think it is ridiculous that the latter is not dealing with this issue?

**Deputy Catherine Connolly:** Is the Chairman a voice for the mare?

**Chairman:** I am neutral on this issue. I will speak to the Chairman of the Joint Committee on Agriculture, Food and the Marine and we will come back to it. Is that agreed? Agreed.

No. 688C is correspondence, dated 10 July 2017, from the clerk to the Joint Committee on Agriculture Food and the Marine in respect of correspondence we forwarded to that committee from an individual regarding the revocation of a course betting permit. The clerk has advised that there is a provision in the relevant legislation to appeal a decision to revoke a licence. I propose to write to the individual to advise that the matter is outside the remit of the Committee of Public Accounts and to highlight the relevant legislative provision that can be used to appeal a decision to revoke a licence. Is that agreed? Agreed.

No. 689C is correspondence, dated 11 July, from Deputy Alan Kelly in respect of the committee's report on the third-level sector. We discussed this matter and the report has issued. We have agreed to come back to those issues in the autumn. Is that agreed? Agreed.

No. 691C is correspondence, dated 11 July, from an individual in relation to the wards of court. We will note that. A meeting was held yesterday, and I apologised for being unable to attend, but we can discuss the matter this morning with the Courts Service. Is that agreed? Agreed.

We will move from correspondence to item 4, statements and accounts received since the previous meeting. The details are on the screen now and members can see that SOLAS has a clear audit report.

An Chéim Computer Services Limited is a Dublin Institute of Technology subsidiary funded by the Higher Education Authority. It previously provided shared IT services for all the institutes of technology. The functions of An Chéim Computer Services Limited transferred to HEAnet, a HEA subsidiary, on 1 October 2015. An Chéim Computer Services Limited is in the process of being wound up. There were issues in respect of internal controls and a disclosure that retrospective salary payments of €63,000 were made to a member of staff of An Chéim

Computer Services Limited without offsetting of overtime previously paid and without required sanction. We will note that.

**Mr. Seamus McCarthy:** There are two significant matters. The control lapses were in respect of procurement. The company was in wind-down and the functions were being transferred, on 1 October 2015, to HEAnet. However, there was extensive spending in the months leading up to that of which the board was not aware. The board has investigated the matter thoroughly and produced a report. There is a lengthy dealing in respect of the matter in the statement on internal financial control.

**Deputy David Cullinane:** Is there an ongoing review?

**Mr. Seamus McCarthy:** No, the review is finished.

**Deputy David Cullinane:** Who conducted the review?

**Mr. Seamus McCarthy:** It was commissioned by legal advisers to An Chéim.

**Chairman:** Can we do anything now, particularly as the company is in the process of being wound up?

**Mr. Seamus McCarthy:** It is being wound up but it is still in existence and still subject to the committee. If the committee is interested then I suggest it looks at the statement on internal financial control.

**Chairman:** We will not do that now because we want to move on.

**Mr. Seamus McCarthy:** It is about three or four pages but it gives a good précis of the matter.

**Chairman:** We will hold this financial statement over for the next meeting and come back to it then. The next item is the accounts of Dublin City University, for which there is a clear audit opinion. The financial statements of Dublin City University educational trust group have not, however, been consolidated with those of the university group. Here we go again. The trust had accumulated reserves of €16.1 million by the end of 2015. We only touched on a sample of these the last day that we were here. There is no case to be made for not consolidating a trust. Am I correct in that? Foundations are different.

**Mr. Seamus McCarthy:** Yes. I think the committee has comprehensively dealt with that in its report.

**Chairman:** The next item is the credit union fund, for which there is a clear audit opinion. We then have Pobal, for which there is clear audit opinion, and the Health Products Regulatory Authority, for which there is also a clear audit opinion. We will note these with the exception of An Chéim, which we will come back to at our next meeting.

The next item is our work programme. Today we are dealing with An Garda Síochána and the Courts Service. We will complete the public session around the voting bloc in the middle of the day today. It has been moved back to 1.47 p.m. and will probably take an hour or so as I am sure that there is a lot to cover.

**Deputy Alan Kelly:** If we finish early we could start early.

**Chairman:** We could finish at 12.30 p.m. No?

**Deputy Catherine Connolly:** We have to be realistic. There are two major groups coming in.

**Chairman:** It will be 3 p.m. or so when we come back in the afternoon. We have agreed to take a few hours in the afternoon to sign off on matters. I think we should agree at this stage to complete the Garda Síochána and Courts Vote before the voting bloc. If we start a bit late when we come back in the afternoon after 3 p.m., we will take the required hours to finish out our business. The Dáil is sitting until 11 p.m. We will finish our work. I am just trying to be pragmatic.

**Deputy David Cullinane:** With regard to our work programme when we come back, there is the issue of the HSE audit of the National Maternity Hospital. Can we get a copy of that audit in order that we can look at it over the summer months?

**Chairman:** Is it a financial or a medical audit?

**Deputy David Cullinane:** It was to do with public sector pay issues.

**Mr. Seamus McCarthy:** It was an internal audit. The standard HSE practice is to publish internal audits unless they-----

**Chairman:** No, they do not, because they did not publish the internal audit on Console.

**Mr. Seamus McCarthy:** There may have been concerns there around not cutting across other investigations. The HSE does in fact publish many of its internal audits.

**Chairman:** We will write to the HSE for a copy of the report.

**Deputy David Cullinane:** The issue is that there was an internal HSE audit, yet Holles Street says it disagrees with the findings. It has a right to do so. I would like to see what were the findings of the internal audit. We may need to come back to this in the autumn but if we had sight of the report, we could have a look at it over the summer. Can we write to them seeking a copy?

**Chairman:** Yes.

**Deputy Mary Lou McDonald:** The media have the audit.

**Mr. Seamus McCarthy:** I am not clear as to whether it is a completed internal audit or whether it remains under discussion. That is a matter to be clarified by the HSE.

**Chairman:** We will find that out from the HSE and ask for whatever document is available. Returning to our work programme, we will complete our consideration of the report into the Garda Training College in Templemore later this afternoon and this evening with a view to launching it next Tuesday. I propose that we do so at 2 p.m., earlier in the afternoon than 4 p.m. the last day, in the audiovisual room. Is that a reasonable time for the launch? I think it is. We do not want to launch it before lunch because the secretariat will be under a lot of pressure to get it done. I will just explain this. If we finish our wording today, the secretariat will have quite a lot of tidying up to do on it on Friday. Final and legal proofreading will be completed over the weekend. We would be doing very well to get it to the printers by early afternoon on Monday and have it back 24 hours later.

**Deputy Catherine Connolly:** Ba mhaith liom cóip a fháil trí Gaeilge. Ba mhaith liom é a

chur ar an tairfead. Beidh sé ag teacht, nach mbeidh, agus beidh scála ama i gceist?

**Chairman:** In due course.

**Deputy Catherine Connolly:** Beidh scála ama agus tiocfaidh sibh ar ais le rá cathain a mbéas an cóip Gaeilge ar fáil. Go raibh maith agat.

**Chairman:** Go raibh maith agat.

**Deputy David Cullinane:** When we come back in the autumn, I propose that, other outstanding issues notwithstanding, we prioritise the section 38 and 39 organisations and work towards doing a report on them. Very substantial issues have already emerged since we last had the HSE in to discuss Console, some that we have not even had a chance to look at. At least three further issues have been raised in the meantime. With so much public money going into these organisations, this is a massive issue that warrants a full examination by this committee.

**Deputy Mary Lou McDonald:** I agree with my colleague and we have discussed this before. We need not only to do an examination but to try to get to the root of this. We need to establish what is necessary when it comes to oversight, good governance, tracking and so on. We can go from one case to another lamenting their various failures but having already done a lot of high-profile, sometimes controversial, work, our job at this stage is to assist in the process of finding as adequate a solution as we can.

I want to raise the issue of nursing homes, something I have raised here before. In fits and starts there have been question marks and controversies around various provisions and the fair deal scheme and so on. We recently had a controversy over people being charged extras, sometimes in quite dubious situations, or so it would seem from the coverage. This is an area we need to examine. It is a matter of public concern, not just because of the considerable sums of public money that are invested in these kinds of services, and rightly so, but also because we could be looking at a near parallel to the pay top-up business operating within the sector. I suggest that we strongly consider addressing these issues in the autumn.

**Chairman:** Okay. If any members have issues that they would like to include on the work programme for discussion upon our return, they need to submit them to the secretariat. The Comptroller and Auditor General will have his report towards the end of September.

Moving on, there are two outstanding reports that we have not yet looked at but will deal with again. One concerns the payment of motor tax-----

**Mr. Seamus McCarthy:** The administration.

**Chairman:** The administration of the collection of motor tax. The second report, which we have partly covered as part of the education report, concerns financial reporting in the public service. This will not take too much more time. We need to clear these as well.

**Deputy Catherine Murphy:** One thing we should do before doing the work programme is to look back on the possibility of conducting two reports simultaneously. We also need to prioritise and look at our capacity for doing things. We need to take a hard look at what works and what does not and the ways in which we can optimise our approach. There is no shortage of things for us to look at but-----

**Chairman:** We have to be selective.

**Deputy Catherine Murphy:** I think we do, yes.

**Chairman:** I think we can all agree on that. We are having two or three extensive meetings a week and our commitment is really at the limit at what might be considered reasonable for a member of the Committee for Public Accounts. We will be more targeted in what do.

**Deputy David Cullinane:** Would it be possible for the Comptroller and Auditor General to give us an update on the special reports currently being worked on? What special reports are being considered? This might also shape our work plan.

**Mr. Seamus McCarthy:** I did not prepare to address those matters but I can certainly give the Deputy a rough idea of the reports I have decided to publish. We are working on a number of items and it may be moot as to whether a report will issue. There are some that I have already signalled to the committee. The report on school transport is very near completion. We are actually doing a piece of work on the fair deal scheme and its associated issues. It may not touch on everything because some issues might not come within my scope. Those would be ones that I would hope we will have in the autumn. We will have a follow on report from the one on the timeliness of financial reporting. I think that needs routine analysis and reporting to the committee so that we can give a push to get financial reporting done earlier. I would expect that we will have that done for the autumn. We can take the two reports together, the 2014 and 2015.

**Deputy Alan Kelly:** My first question was on the special reports. I am glad to hear the response on school transport. We have committed to bringing CIE back very soon after the summer recess.

**Chairman:** We have that in the work programme.

**Deputy Alan Kelly:** It may not take a full day but it is fresh in our minds. Can we do it as early as possible?

**Chairman:** It is on the list. We have enough to keep us going.

**Deputy Alan Kelly:** We need to plough on today.

**Chairman:** On the work programme, I wish to deal with one item of correspondence that arrived this morning, 13 July, from An Garda Síochána. It was not listed on the correspondence because it was received only this morning. The letter is from Mr. Joseph Nugent. I will read it out because it has not been published. It states:

I know from coverage in the media in recent days and from information from the committee secretariat that the Public Accounts Committee may intend over the coming days to publish its report in relation to the examination of matters arising from the interim report of An Garda Síochána internal audit unit on financial procedures at the Garda college, Templemore.

It would be appreciated if you confirm whether or not this is the case. I note to date that no draft report has been received by the Commissioner from the committee in this regard. I would be grateful for your confirmation that the committee intends to furnish the draft of its report in advance of publication in order that the Commissioner and other staff members in An Garda Síochána who may have an interest in the report be afforded the opportunity to address the draft report's findings.

The recent media coverage also refers to additional material received by the commit-

tee, extracts of which have been published. The Commissioner would be grateful if the committee would provide a copy of all such material received by it in order that it may be appropriately considered by the Commissioner and other Garda colleagues in conjunction with the committee's draft report.

I look forward to an early response.

I will respond in public. We will not discuss it in any detail. We will not be supplying a copy of the draft interim report. We issued a report just two days ago on third level education. We did not supply it to the Department of Education and Skills, the HEA or any of the colleges concerned. The reports are not about personal findings and the parliamentary legal adviser will make sure it is within the proper procedure from the Houses of the Oireachtas. It would not be normal to issue it for discussion. We will give them a draft report just immediately before the launch.

Second, I will ask the secretariat if we have received additional material that is being referred to in the letter, that did not come through the Commissioner's office. It is surprising the Commissioner has not got it if it has come from senior officers, but in the event she has not, I think we will forward it to the Commissioner in any event.

**Deputy Alan Kelly:** I have three points. I agree with the ruling of the Chair. It is extraordinary to be handed this letter with this request. It is no secret that this report will be published in the coming days or week.

Second, the letter makes reference to the media. I have not seen anything in the media relating to any extracts from this report. We have been very clear in how we have done our work on it.

Third, the letter is bizarre. If one reads the letter, it is more or less requesting that we send to the Commissioner a copy of the documentation that the Garda Síochána, through its CEO have already sent us. That is bizarre. We can provide the documentation just to be sure but it seems strange that the Garda is sending us information that we requested and now we have to send it back out to it again.

**Chairman:** Exactly.

**Deputy David Cullinane:** The only media coverage that I have seen in relation to this issue, is that we are going to publish a report, which is not the third secret of Fátima. We have said that will be the case.

My view of the letter is that it is a very defensive, in that I hope this will not be an excuse that there was unfair process. We need to make it very clear that the process was fair. It was the same process that we followed with the NAMA report, the Project Eagle report and subsequent reports. I make this point in case it is put forward as a defence that there was an unfair process and that they were not given an opportunity to comment.

**Deputy Catherine Connolly:** The letter simply notes coverage in the newspaper. It does not say anything about content. To be fair, the letter writer states that he notes from coverage that the report will be made. On a general level, perhaps on the question of issuing the report, NAMA asked for a report and various other groups have asked for a report. What needs to be clarified by the Chair is the procedure in regard to when we produce a report. Any organisation is entitled to clarification on that issue.

**Chairman:** I will ask the secretariat. I am sure there is a standard Oireachtas protocol on this. I will ask that the standard protocol be circulated to members and we can include it in our press statement so that people will be aware. There is an agreed protocol in the Houses of the Oireachtas.

**Deputy Catherine Connolly:** NAMA asked us for the report and we went through the procedure. We need to clarify publicly the procedure when we are doing reports. That might be helpful.

**Chairman:** We will have that circulated and published.

We are dealing with the Garda Vote No. 20; the Courts Service Vote No. 22. The intention had been that we would have had a joint discussion with An Garda Síochána and the Courts Service to discuss the collection of fines for the penalty points, but I have been informed that the report is not ready. I understand there was no separate report on the breath tests. There is a draft report in the system, which we may discuss, but it is not the final report.

**Deputy David Cullinane:** It is an interim report.

**Deputy Mary Lou McDonald:** There are two interim reports. The final report is due on 31 July 2017.

**Chairman:** We can discuss the interim report. Essentially, I want to agree a timetable from now, 10 a.m. until 1.30 p.m. We have three and a half hours. Should we allocate two hours for the Garda Síochána, leave the interim report as there is an overlap with both organisations, and when the Garda are finished they are free to leave and we then move on to the Courts Service. To summarise, we will allocate two hours to the Garda Síochána and then we will decide how much time we are allocating to the interim report, so we will hold that off until the Courts Service come in and we will do 30 minutes or 40 minutes as the case may be. We will then complete the meeting with the Courts Service, with a view to completing our work at approximately 1.30 p.m.

**Deputy Catherine Connolly:** Chairman, we will not deal with these two reports in the first part of the meeting?

**Chairman:** We are dealing strictly with the Garda Vote. The issue of the interim report and the collection of fines-----

**Deputy Alan Kelly:** Also the breath tests.

**Chairman:** We are a bit puzzled. The breath tests affects the Courts Service. We are dealing with two separate Votes today, first the Garda Síochána Vote, which we will deal with in the normal course of events in the first two hours. We have a separate Courts Service Vote being dealt with by the Courts Service which we will deal with separately, but there is an item affecting both of them, which is the interim reports. We will have a middle session where both organisations will be present.

**Deputy Alan Kelly:** I do not think that will work for the simple reason that the middle session will be one of the longer sessions. We have the following options: first, in the overlap area, the Chairman might allow us to question each organisation as part of the normal round of questioning.

**Chairman:** We will do that.

**Deputy Alan Kelly:** Otherwise, the two organisations would have to remain for the whole day, and we are not going to do that.

**Chairman:** We will allocate two hours for An Garda Síochána, and one hour and a half for the Courts Service. Is that agreed? Agreed. As time will be tight, I will have to be very strict. I will not be able to apply the usual latitude. The lead questioners are Deputies Catherine Connolly, Marc MacSharry, David Cullinane, Alan Kelly and Catherine Murphy and Mary Lou McDonald. We will suspend while the witnesses-----

**Deputy Mary Lou McDonald:** Before we suspend, we should wish Deputy Kelly a very happy 50th birthday.

**Deputy Alan Kelly:** If the Deputy drops-----

**Deputy Marc MacSharry:** There were bonfires up the North for me yesterday. It was 12 July.

**Deputy Alan Kelly:** If the Deputy drops eight years off it, she will be there.

**Deputy Marc MacSharry:** It is also the CAO's birthday, Mr. Joseph Nugent.

**Chairman:** The meeting is suspended while the witnesses take their seats.

*Sitting suspended at 10.01 a.m. and resumed at 10.05 a.m.*

## **2015 Annual Report of the Comptroller and Auditor General and Appropriation Accounts**

### **Vote 20 - An Garda Síochána**

**Ms Nóirín O'Sullivan** (*Commissioner, An Garda Síochána*) called and examined.

**Chairman:** We are now back in public session. This morning we will examine the 2015 appropriation accounts of An Garda Síochána. I welcome back the Garda Commissioner, Ms Nóirín O'Sullivan, who is accompanied today by some familiar faces, Mr. Joseph Nugent, chief administrative officer, Mr. Michael Culhane, executive director of finance and services, Deputy Commissioner Dónall Ó Cualáin, governance and strategy, and Assistant Commissioner Michael Finn, roads policy and major events-emergency management. We are also joined by Ken Ruane, Inspector Netta Browne and Superintendent Marie Broderick, and by John Burke from the Department of Public Expenditure and Reform.

I remind members, witnesses and those in the Gallery to switch off their mobile phones completely. Putting them on silent is not adequate. They have to be on airplane mode as otherwise it will interfere with the recording system.

I advise witnesses that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They

are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members of the committee are reminded of the provisions of Standing Order 186 that the committee shall refrain from inquiring into the merits of a policy or policies of the Government or a Minister of the Government or the merits of the objectives of such policies. Members are reminded of the long-standing ruling of the Chair to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

Before I call on the Comptroller and Auditor General, I will refer briefly to something. This morning, we received a letter from Mr. Joseph Nugent to the committee dated 13 July inquiring about the publication of the report. The arrangements are that we will finish our discussion here with the Garda Síochána and the Courts Service before the voting block in the afternoon. For the rest of the evening, the committee, in private session, will finalise its report on Templemore training college with a view to the report being launched next Tuesday at 2 o'clock. As is normal in the Oireachtas, draft reports are not circulated. It will go through the normal Oireachtas procedure. That procedure does not involve issuing a draft report for comment. The report will be issued in the same way as the education report two days ago. We did not send a copy to the Higher Education Authority or the colleges concerned. We issued the report on the day. That is the normal procedure.

There is a reference in the letter this morning which states: "The recent media coverage also refers to additional material received by the Committee, extracts of which appear to have been published." It may not have been by us. We do not know the source of the publication. It continues: "The Commissioner would be grateful if the Committee would provide a copy of all such material received by it in order that it may be appropriately considered by the Commissioner and any other Garda colleagues in conjunction with the Committee's [draft] report." If there is something we have received that has not come directly through Joseph Nugent or the Commissioner's office, we will of course arrange to send a copy of it in the event she does not have it already. We will do that straight away. I am just putting that on the record. The report is expected to be launched next Tuesday at 2 o'clock.

I call on the Comptroller and Auditor General to make an opening statement.

**Mr. Seamus McCarthy:** The 2015 appropriation account for the Vote for An Garda Síochána recorded gross expenditure of €1.5 billion. As indicated in the diagram on screen, almost two thirds of the expenditure was related to payment of salaries, wages and allowances, which totalled €963 million. At the end of the year, just over 15,000 whole-time equivalent staff were employed, of which just under 13,000 were gardaí or trainees, with the remainder being civilian employees. An Garda Síochána spent €312 million from the Vote on pension and gratuity payments to retired members of An Garda Síochána in 2015. Pension costs of retired civilian staff are incurred on Vote 12 - Superannuation. As well as standard administration costs, expenditure was incurred on a wide range of other areas including transport, communications and other equipment, and the capital building programme.

As well as standard administration costs, expenditure was incurred on a wide range of other areas, including transport, communications and other equipment as well as the capital building programme.

The Vote for An Garda Síochána routinely receives a Supplementary Estimate towards the end of the year. A Supplementary Estimate of a little over €35 million was voted for An Garda Síochána in 2015. At the end of the year, the surplus remaining unspent was €8.5 million. Of this, some €6.6 million in unspent capital funding was carried over to 2016 with the remaining €1.8 million liable for surrender.

Apart from disclosure of the concerns around financial management at the Garda College in Templemore, the Accounting Officer statement on internal financial control discloses non-competitive procurement by An Garda Síochána of €11.5 million worth of goods and services in 2015, steps being taken to improve risk management in An Garda Síochána and concerns around the management and control of evidential and non-evidential property taken into possession by An Garda Síochána.

**Chairman:** Thank you, Mr. McCarthy. I now call on the Garda Commissioner, Ms O'Sullivan, to make her opening statement.

**Ms Nóirín O'Sullivan:** Thank you for the invitation to appear before the committee in my capacity as Accounting Officer for the Garda Vote. The team and I look forward to discussing the Vote with you, Chairman, and members of the committee.

The current strength of the Garda service is approximately 13,300 sworn members, inclusive of all ranks, including 198 who were attested last week and assigned to stations throughout the country. Approximately 300 members retire from the organisation each year. An Garda Síochána has received Government approval to increase the overall strength to 21,000 personnel by 2021. This will include 15,000 Garda members, 2,000 Garda Reserve members and 4,000 civilian members. At present, approximately 2,000 civilians in the organisation carry out senior management, administrative and technical roles. The figure of 4,000 civilian members represents a target of 20% civilians over the next five years. An Garda Síochána currently has approximately 14% civilian staff members. The increase will bring us into line with international norms and ensure that sworn policemen and women are available for and utilised in all operational areas, a commitment we are determined to achieve. The Government approved an increase in civilian numbers by 500 in 2017 and recruitment for the first batch of this number has commenced. We are determined to ensure that happens by the end of this year.

A new Garda recruitment competition was announced on 11 May 2017 with a closing date of 1 June 2017. The competition had three streams: a main stream; a fluency-in-Irish stream; and a Garda Reserve stream. The total of 5,300 applicants compares to 5,600 for the previous competition. A new Garda Reserve recruitment competition was also announced on 23 March 2017. A total of 2,394 applications were received with 1,593 applicants successfully passing the initial stage. Interviews for this competition are ongoing and 600 have been held to date.

Pursuant to section 19(4) of the Garda Síochána Act 2005 in October 2006 the Garda Commissioner became the appropriate authority for civilian staff of An Garda Síochána. Simultaneously, a dedicated civilian human resources directorate was established to support the office of the Commissioner in discharging this new statutory responsibility and to drive forward the implementation of the civilianisation programme. Civilian members are employed in a wide range of management, administrative and technical duties. Administrative support duties in Garda stations and offices has enabled the establishment of the expansion of some vital services that are wholly or largely provided by civilian members, including the Garda National Immigration Bureau, the Garda information service centre in Castlebar, the Garda central vetting unit in Thurles, the fixed charge processing office and the call-taking function in the command and

control centre along with immigration control officers in Dublin Airport. As part of the engagement of additional civilian members it is proposed that a considerable number will be deployed to release Garda members to operational policing roles. In 2017, it is expected that more than 100 Garda members will return to operational roles through this process.

The 2015 budget for the Garda Vote amounts to €1.35 billion. The original budget was increased by €35.2 million and a surplus of €1.85 million is liable for surrender to the Exchequer. The original budget was increased in the Supplementary Estimate due to the payment of allowances and overtime for an extra roster period that fell due in 2015, in addition to the policing of the visit of the Prince of Wales and the implementation of Operation Thor that commenced on 2 November 2015.

In addition, funding requirements in a number of subheads increased. The information and communications technology subhead increased for the maintenance and implementation of critical IT systems and for capital funding for the major investigations management system, known as MIMS.

The modernisation and renewal programme was launched on 9 June 2016, incorporating a range of initiatives to enable An Garda Síochána to meet present and future challenges. The programme has been formed based on recommendations made in 44 reports into An Garda Síochána, including all 11 reports of the Garda Síochána Inspectorate.

Internal and external reports developed over the preceding ten years were taken into consideration as well as extended periods of consultation, workshops and focus groups with senior management within the organisation and with communities throughout the country. To deliver on this programme I have established a strategic transformation office that is responsible for implementing these recommendations and working closely with the Policing Authority and the Garda Síochána Inspectorate to ensure key recommendations are addressed. The new commission on policing will play a role in this as well. We have recently recruited a civilian executive director for strategic transformation with the assistance of the Policing Authority.

An under-spend of €32.2 million in 2015 arose in the capital building programme for three new divisional headquarters due to the timing of contracts and payments. The under-spend resulted in a decrease in the original budget by €25.4 million in the Supplementary Estimate. This was utilised to fund additional capital requirements for ICT, Garda vehicles and aircraft. The remaining €6.644 million was carried forward to 2016 under the capital carry-forward provisions.

The issue of accommodation presents a risk to the organisation's ability to effectively assimilate the increased Garda and civilian resources approved by Government. We are working closely with colleagues in the Department of Justice and Equality, the Department of Public Expenditure and Reform and the Office of Public Works to address these matters.

The programme for a partnership Government recognises that gardaí must have the modern technology and resources necessary: to prevent, detect and investigate crimes; to provide a security service to the State; and to prevent loss and harm to citizens and their property on a 24-7 basis. Some €330 million, including €205 million under the capital plan, is being invested in Garda ICT infrastructure between 2016 and 2021 to enable An Garda Síochána to deploy the latest cutting edge technologies in the fight against crime. My team and I are available to take whatever questions committee members might wish to raise.

**Chairman:** Thank you very much, Ms O’Sullivan. Members have indicated and we will proceed in the following sequence: the first speaker will have 20 minutes; the second speaker will have 15 minutes; and other speakers will have ten minutes. That includes the question-and-answer period. I have to be strict on time because we have a busy schedule today. The sequence is: Deputy Connolly, Deputy MacSharry, Deputy Cullinane, Deputy Kelly, Deputy Murphy and Deputy McDonald. I will let you know from a couple of minutes out when you are due to finish.

**Deputy Catherine Connolly:** Cuirim fáilte roimh an Coimisinéir. We will soon be on holidays – all of us in this committee at any rate. We are looking at the accounts for 2015. I am going to direct my question to those accounts.

What was the response to the recruitment competition? How many applicants applied by the closing date on 1 June?

**Ms Nóirín O’Sullivan:** There were 5,300 applicants for the full-time competition and for the Reserve competition there were 2,394 applicants.

**Deputy Catherine Connolly:** Ce mhéad de na hiarrathóirí sin a bhfuil Gaeilge acu?

**Mr. Dónall Ó Cualáin:** Níl sé sin soiléir go fóill. Nuair a bhí an chéad chomórtas againn sa bhliain 2014, bhí sé mar aidhm againn go mbeadh an Ghaeilge ar a dtoil acu ag 10% de na hiarrathóirí ionas go bhféadfaí iad a chur go dtí na Gaeltachtaí. D’éirigh linn an aidhm sin a bhaint amach sa chéad chúpla grúpa, ach níor chuir dóthain daoine isteach ionas go rabhamar in ann 10% den ghrúpa uile a fháil. Tá an figiúr sin tite beagán ó shin. Tá an stream sin fós mar chuid den chómórtas. Tá sé mar aidhm againn é sin a choinneáil ós rud é go bhfuil sé fiorthábhachtach dúinn go mbeadh tobar daoine againn a bheadh ar fáil le haghaidh na freagrachtaí atá orainn faoin Acht - seirbhísí den scoth a thabhairt do mhuintir na Gaeltachta agus, go deimhin, pobal na Gaeilge ar fud na tíre - a chomhlíonadh. Ba cheart go mbeadh na daoine sin ar fáil againn tar éis dóibh a gcuid oiliúna a fháil. Tá sé tábhachtach go mbeadh an oiliúnt sin faighte acu thar thréimhse de trí bliana ar dtús, b’fhéidir, agus ansin go mbeidís ag dul isteach go dtí an rannóg i mBaile Átha Cliath ar liosta de dhaoine atá ar fáil le cur go dtí na Gaeltachtaí, sa chéad dul síos, agus mórtimpeall na tíre ina dhiaidh sin. Tá pobal mór Gaeilge anseo san ardchathair freisin.

**Deputy Catherine Connolly:** Go raibh maith agat as ucht an soiléiriú sin. B’fhéidir go dtiocfaidh mé ar ais go dtí an ceist seo.

In regard to the Garda Síochána report for 2015, a number of matters were identified. One matter related to procurement, to which I will return later, and two significant financial risks were identified. The audit of the Garda College is a matter for another day and I will leave it; all I will say on it is that a caution was put in and we have dealt with it. It is stated that there were a number of issues associated as set out. The Commissioner said they were not in compliance with current public standard corporate governance procedures. I have asked her previously and I ask her again if she would accept, on reflection, that they were not in compliance with the standards at the time with all of the information that we have now?

**Ms Nóirín O’Sullivan:** I have answered that question before, as the Deputy said. Obviously, what we have said is that they are not in compliance with standards. There is no issue that we accept that they were not in compliance with standards back then, but we have dealt with that in detail at previous committee meetings.

**Deputy Catherine Connolly:** These are the official accounts and this is the caveat that was put in. It was put in with respect to the current financial matters, which always concerned me. If the Commissioner is accepting that they are certainly not in compliance with current standards, then they also were not in compliance with the standards that were there previously.

**Ms Nóirín O'Sullivan:** The amendment to the statement of financial controls for 2015 was made in relation to 2015. Since that we have dealt with the broader issues and the historic issues in regard to the Garda College.

**Deputy Catherine Connolly:** The second issue relates to the storage and management of property, which is a serious matter. The Commissioner has identified that as a significant financial risk. I read the O'Higgins report of last year in detail. One of the items that jumped out of it, to cite one example, was the computer that went missing in the Fr. Molloy case. There are serious issues involved. That is one example that sticks in my mind. Can the Commissioner take me through this? Was there an audit in regard to these matters?

**Ms Nóirín O'Sullivan:** Yes. There have been several audits and part of the internal audit process conducted by Mr. Kelly identified - on a recurring basis, and that is why we identified it as a key risk - ongoing and continued weaknesses with property and exhibit management storage. However, we have implemented a number of measures to address those issues, particularly around the property and exhibit management stores. From an accommodation point of view, we have a programme of work to make sure that there are stores in every Garda division. They are being implemented and rolled out across-----

**Deputy Catherine Connolly:** Does the Commissioner mean a storage area?

**Ms Nóirín O'Sullivan:** Yes. One of the deficits identified was the issue of adequate storage facilities. As we said previously, the estate for An Garda Síochána is old. It certainly was not suitable and is not suitable for current-----

**Deputy Catherine Connolly:** Will the Commissioner clarify what property we are talking about? There is property that is essential in terms of evidence in court cases and there is other property. Can the Commissioner give us the details?

**Ms Nóirín O'Sullivan:** It is property coming into the possession of An Garda Síochána. That can come from a number of different categories. We would have property, for example, that is found or retrieved during searches. We would also have property which becomes evidence in prosecutions and property that has been found and handed in by a passer-by.

**Deputy Catherine Connolly:** Sticking with the property that is essential for evidence, how could the storage of that be a significant risk in 2017? What has happened? The Commissioner has said there were inadequate premises and inadequate storage facilities. Are there other problems?

**Ms Nóirín O'Sullivan:** Yes. There are two aspects that we are addressing. Again, historically, what has happened is that the activities of An Garda Síochána have increased significantly over the years. Our successes speak for themselves in terms of seizure of property during searches and during specific policing and security operations. That property comes into the possession of An Garda Síochána. Likewise, much more property is being retrieved. For example, the Deputy will have seen over the years that we have conducted a number of events where a good deal of effort has been put into trying to reunite property that has come into our possession, whether by searches or otherwise, with its owners.. For example, around the coun-

try particularly-----

**Deputy Catherine Connolly:** That is okay. What I am more interested in, and the more serious issue, is evidence that is taken and held in regard to court cases. I notice that this has been prioritised in the strategic transformation programme.

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Catherine Connolly:** What priority has it? What steps have been taken? What review is ongoing?

**Mr. Dónall Ó Cualáin:** It is a number one priority and a good deal of work has happened in this space. We now have in almost every division in the country a dedicated property and exhibit management PEM, store. Because they were built in recent years we have been able to build them to a much higher specification, for example, in regard to the storage temperature and all of that. This is available in all but three divisions but all divisions have dedicated storage facilities. A dedicated store manager is assigned to them, which means there is one way in and one way out for property. A dedicated IT solution has been put in place to support the tracking of that property once it comes into the possession of An Garda Síochána. The next phase of the development will mean that at the end of next month a state-of-the-art custom built IT solution will be put in around that for all divisions. A few parallel developments are happening. There is ICT, the physical infrastructure and the policy around that, and the resourcing from the point of view of having dedicated staff dealing with property coming in and out.

**Deputy Catherine Connolly:** Is there a built-in review every six or 12 months given the seriousness of-----

**Mr. Dónall Ó Cualáin:** There is.

**Deputy Catherine Connolly:** When is the next review?

**Mr. Dónall Ó Cualáin:** This is part of our corporate risk register. It is in our risk register. It has been seen as high risk but it is a reducing risk.

**Deputy Catherine Connolly:** It was a high risk and it is now a reducing risk. When is the next review due?

**Mr. Dónall Ó Cualáin:** It is ongoing. It is part of the STO, therefore, the review is happening on a weekly and monthly basis. I give updates to the internal audit committee on this matter at all of our meetings in regard to property and exhibit management, PEM, because that was on-----

**Deputy Catherine Connolly:** When Mr. Ó Cualáin is back next year with the accounts, would he expect to see this gone as a significant risk?

**Mr. Dónall Ó Cualáin:** I would.

**Deputy Catherine Connolly:** If it was not-----

**Mr. Dónall Ó Cualáin:** A good deal of investment has been made in our physical infrastructure. A few large-scale developments are coming onstream in the next few months and they will all have this as part of that infrastructure, which will bring it up to a very high level. To have it all at that very high level may take a little longer but it definitely will mean that all property is

being managed in an organised way.

**Deputy Catherine Connolly:** If Mr. Ó Cualáin is back here next year and it is still a significant risk, there will be something seriously wrong in this regard.

**Mr. Dónall Ó Cualáin:** I expect it would no longer be a significant risk.

**Deputy Catherine Connolly:** In regard to procurement, I refer to the number of contracts, and that issue is raised regularly with all the bodies that come before us. There were 73 contracts. In terms of the high level of non-compliance with procurement regulations, which the witnesses have noted, An Garda Síochána complied with the guidelines with the exception of 73 contracts to the value of over €11 million. We ask every single organisation that comes before us about this, and I have no idea why procurement regulations are not being complied with by every organisation but particularly by the Garda.

**Mr. Michael Culhane:** In regard to procurement, there is an ongoing issue in terms of having the resources to ensure that everything is procured in compliance with public procurement procedures. The service we provide is sometimes emergency in nature, so sometimes it is not possible in terms of responding to certain incidents to comply fully with procurement procedures.

**Deputy Catherine Connolly:** These were 73 contracts to the value of over €11 million.

**Mr. Michael Culhane:** They were 73 purchases, were they?

**Deputy Catherine Connolly:** This document states that An Garda Síochána complied with the guidelines with the exception of 73 contracts to the value of €11 million plus.

**Mr. Michael Culhane:** I suppose there were 73 categories of purchases rather than necessarily contracts. I note the word used is “contract” but the word used there is “contracts”. If we had contracts in place, obviously we would be in compliance. For example, in terms of medical services provided to persons who are detained-----

**Deputy Catherine Connolly:** I did not use the word “contract”, the witnesses used the word “contract”. I am only quoting from their document. I know there are exceptions because we know from different organisations that there are exceptions but to have that level of non-compliance - I have been told it is about 10% of the overall non-pay - is extremely high in terms of value and in terms of giving an example to other organisations bearing in mind that this is the Garda. Mr. Culhane has given me one example.

**Mr. Michael Culhane:** Yes.

**Deputy Catherine Connolly:** Would he accept that is huge non-compliance?

**Mr. Michael Culhane:** We have a very active programme to address the non-compliance. It is not a static item. Certain items recur and new items come on the agenda. There is a procurement section within An Garda Síochána and we are addressing those as quickly as possible. I accept that the 73 number is high, but we are actively addressing all of those issues.

**Deputy Catherine Connolly:** If Mr. Culhane is familiar with them, could he tell me the nature of those contracts? I believe some of them are security firms.

**Mr. Michael Culhane:** There are proprietary items, for example, technology, where we

purchase certain types of technology. For the maintenance of those systems, obviously we have to use those companies to maintain those systems. In that case, we would not necessarily undertake a procurement procedure because there is only one supplier for the system. There is a large range of other services, for example, the towing of cars involved in road traffic accidents. I mentioned medical services, which is an expenditure of over €2 million. That is now in place. We have worked with the Office of Government Procurement, OGP, and the Health Services Executive. It has put a contract in place, so that will address that in its entirety. There is an active programme to address these issues. It is in terms of resources, but also it is the nature of the items included. Some are proprietary, and they will continue to be priority. While we will address as many of the gaps as possible, there will continue to be proprietary items which will continue to feature in 40/02.

**Deputy Catherine Connolly:** It is not just Mr. Culhane, but when different witnesses come before us we get that general information. We get information from the witnesses and from the Comptroller and Auditor General telling us about non-procurement. It is a duty, an obligation and a regulation, and then I get a general answer. I would like to know the steps involved. Has it been reduced? What is the target for next year? That is all the members of this committee want to know because there are huge implications for non-compliance. It does not instill confidence in local businesses that the procurement rules can be relied on. There are huge implications in terms of trust, particularly from the Garda again, but it is not just the Garda; it is every organisation. I would expect that if we are all here next year, or whoever is here, this would have reduced significantly and that Mr. Culhane would be saying: "This is totally unacceptable. We cannot have this level of non-compliance and we will reduce it to the bare necessities in an emergency". That is the answer I would expect.

**Mr. Michael Culhane:** That is our objective. I mentioned the medical services contract, for example. That is €2 million. That will disappear from the 40/02 list. The Deputy can see that there is an active programme. In terms of the towing contracts, we have contracts in most divisions and we expect that we will have that completed this year. We will remove substantial items from that list. There is an active programme in place and there is a dedicated procurement section in Garda headquarters which is addressing this matter.

**Deputy Catherine Connolly:** Has it worked to date if 10% of non-pay does not come under the procurement process?

**Mr. Michael Culhane:** As I mentioned, some of the items are proprietary. We will continue to have that. I am trying to help the Deputy. We are working to ensure as much compliance with public procurement procedures as possible.

**Deputy Catherine Connolly:** Okay.

**Mr. Michael Culhane:** We are working with our colleagues in the Office of Government Procurement as well to address it.

**Deputy Catherine Connolly:** Would somebody clarify the Schengen information system for me and the amount of money that is being spent on that? I understand we are not part of the Schengen Convention. Ireland and England opted out.

**Mr. Joseph Nugent:** Can the Deputy clarify her question? Does she want a description of the system?

**Deputy Catherine Connolly:** Mr. Nugent, I will address the Commissioner regarding the

Schengen information system. I understand there is no contract in place. It is a contract it is looking at in terms of sharing information under this Schengen information system. I ask the Commissioner about that. What is the position on that? Ireland is not in the convention, but we are sharing the information? Where are we at in that regard? What is it costing us, and what is its status? It is on page 12 of the accounts, it states:

The Schengen Information System was developed as part of the Schengen Convention... The project has an estimated [value] of €23.9 million...”.

Where are we with that? What money has the Garda paid out for that?

**Ms Nóirín O’Sullivan:** To clarify, we are part of the Schengen information system and obviously-----

**Deputy Catherine Connolly:** System.

**Ms Nóirín O’Sullivan:** Yes, we are.

**Deputy Catherine Connolly:** That is what I said, but we are not part of the Schengen Convention area. We opted out of that. I wanted that clarified.

**Ms Nóirín O’Sullivan:** Okay, but we are part of the Schengen information system-----

**Deputy Catherine Connolly:** Absolutely, yes.

**Ms Nóirín O’Sullivan:** -----and it is a very important platform. I might explain the background to it. It is a very important part of the interoperability platform for working with law enforcement agencies across Europe, particularly in protecting borders. It is a particularly important tool.

**Deputy Catherine Connolly:** How much money has been spent on it? Is there a contract in place? That is what I want to know.

**Ms Nóirín O’Sullivan:** Yes. There is a contract in place.

**Deputy Catherine Connolly:** Who is the contract with? Is there a signed contract?

**Ms Nóirín O’Sullivan:** It is with Accenture.

**Deputy Catherine Connolly:** When was the contract signed?

**Ms Nóirín O’Sullivan:** In late 2016.

**Deputy Catherine Connolly:** For how much?

**Ms Nóirín O’Sullivan:** Twenty million euro.

**Deputy Catherine Connolly:** A contract has been signed. When was that signed?

**Ms Nóirín O’Sullivan:** In December 2016.

**Deputy Catherine Connolly:** For how much?

**Ms Nóirín O’Sullivan:** The figure is €21.7 million.

**Deputy Catherine Connolly:** What is the period of the contract?

**Ms Nóirín O'Sullivan:** It is a minimum of two years.

**Deputy Catherine Connolly:** Was that put out to tender?

**Mr. Michael Culhane:** Yes.

**Deputy Catherine Connolly:** How long did it take to negotiate that contract?

**Mr. Michael Culhane:** The problem was that there was no funding for the contract so while the contract was tendered, the tendering competition was completed some time ago.

**Deputy Catherine Connolly:** When?

**Mr. Michael Culhane:** I have not got an exact date in terms of when the tender was completed, but the issue was in regard to funding. At the end of 2016, we got a Supplementary Estimate which included €4 million for the Schengen system. That allowed us to sign the contract and then make an additional payment of €4 million. As part of the funding for the Schengen system, that is included in the mid-term capital review. We are seeking the balance in terms of the funding required to complete the system.

**Deputy Catherine Connolly:** I understand over €2.5 million was brought forward on 1 January that was not used? Did Mr. Culhane assign money for that?

**Mr. Seamus McCarthy:** Could I make a point about the note?

**Deputy Catherine Connolly:** Yes, please.

**Mr. Seamus McCarthy:** The amount of €2.7 million is money that was already spent, but my understanding is that it was spent prior to 2007. Effectively, the project has been in cold storage for a number of years.

**Deputy Catherine Connolly:** Since 2007.

**Mr. Seamus McCarthy:** Yes.

**Deputy Catherine Connolly:** I will finish on this point. On what was that €2.7 million spent?

**Mr. Michael Culhane:** The €2.7 million was spent on the Schengen system.

**Deputy Catherine Connolly:** I will have to come back to that.

**Chairman:** The next speaker is Deputy MacSharry, who has 15 minutes.

**Deputy Marc MacSharry:** I welcome the witnesses once again. On that Accenture contract, was everything associated with it tendered in terms of the work Accenture is doing for the Garda?

**Mr. Michael Culhane:** I am sorry. I did not hear the question.

**Deputy Marc MacSharry:** In terms of the non-procurement, Mr. Culhane said the SIS system was the subject of a tender.

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** Is Accenture doing any other work for the Garda that was not the subject of a tender? Was it a beneficiary of the 73 breaches in procurement?

**Mr. Michael Culhane:** No. The existing work being done is on the basis of contracts which were tendered and rolled over with sanction from the Department of Public Expenditure and Reform.

**Deputy Marc MacSharry:** Is Mr. Culhane talking about the SIS issue?

**Mr. Michael Culhane:** No. It was a general question.

**Deputy Marc MacSharry:** The general question, yes.

**Mr. Michael Culhane:** I am saying there was nothing included in, say, the €11 million.

**Deputy Marc MacSharry:** Does Accenture do any other work for the Garda?

**Mr. Michael Culhane:** Yes. It does extensive work. Under a contract it provides skilled resources for the maintenance of the ICT systems in general. It is working on a number of other projects as well. I just do not have the consultant files-----

**Deputy Marc MacSharry:** Anything else?

**Mr. Michael Culhane:** It is also working in the strategic information office providing skilled resources.

**Deputy Marc MacSharry:** Were those competitive tenders that were won?

**Mr. Michael Culhane:** In terms of the strategic transformation office, for the establishment of that, there was a drawdown on an existing contract under the skill resources. We have sanction-----

**Deputy Marc MacSharry:** Would all of the existing contracts have been the subject of competitive tenders?

**Mr. Michael Culhane:** Unless there was anything subject to a security derogation.

**Deputy Marc MacSharry:** What kind of work would Accenture be doing that would be subject to a security derogation?

**Mr. Michael Culhane:** Sorry-----

**Ms Nóirín O'Sullivan:** They would be some of our security systems, Deputy.

**Deputy Marc MacSharry:** Is it computer stuff?

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Marc MacSharry:** Was there any other work? Was there communications work with the press office?

**Mr. Michael Culhane:** No.

**Mr. Dónall Ó Cualáin:** The company does communications work within the context of the modernisation and renewal programme. There is a communications component to that

programme.

**Deputy Marc MacSharry:** For absolute clarity, there is no work that Accenture is doing that is not the subject of a tendered contract, albeit one that was rolled over with permission.

**Mr. Michael Culhane:** Yes. That is my understanding.

**Deputy Marc MacSharry:** The accounts show that €231,000 was spent on consultancy services. Can I have a breakdown of what the money was spent on?

**Mr. Michael Culhane:** Some of the €231,000 was to do with the retention of the AA's services to advise us on the management of the fleet. I think that was approximately just over €100,000. I have not got it off the top of my head in terms of what the balance was but I am happy to provide the Deputy with the figure.

**Deputy Marc MacSharry:** Were PR services included?

**Mr. Michael Culhane:** I do not believe so. Consultancy has a very specific definition. PR would not fall into that, as far as I am aware. I would have to check the actual-----

**Deputy Marc MacSharry:** I would say it possibly could.

**Mr. Michael Culhane:** It may but I have not got a breakdown of that figure. I am sorry.

**Deputy Marc MacSharry:** In terms of Mr. Culhane's definition of consultation service, it would not. Is that what he is saying?

**Mr. Michael Culhane:** No.

**Deputy Marc MacSharry:** When someone says to me that he or she has availed of consultancy services, I would presume that included PR services.

**Mr. Michael Culhane:** No. The definition provided by the Department of Finance sets out skills. In terms of where there are no skills available within An Garda Síochána, that it falls within the definition of a consultancy, I think.

**Deputy Marc MacSharry:** All right. There is no PR firm. Can Mr. Culhane give us a breakdown of where €231,000 went after the fact?

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** Can Mr. Culhane confirm whether the contracts were tendered for?

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** All of them?

**Mr. Michael Culhane:** I have to check that, Deputy. I just have not got the breakdown for this.

**Deputy Marc MacSharry:** I wonder about the 73 contracts that were non-compliant. To what did those contracts relate?

**Mr. Michael Culhane:** I have explained. In terms of say the medical services, it was over

€2 million.

**Deputy Marc MacSharry:** Yes. We are down to €9.5 million.

**Mr. Michael Culhane:** That would be accounted. Then there are towing contracts, which may be over €1 million. There are many other services, which I am just trying to think of at the moment.

**Deputy Marc MacSharry:** What are the procurement guidelines for the Garda Síochána? I am from Sligo. Let us say towing services are required in Sligo. Is a conscious decision made to support the local sheriff? Are there guidelines that specifically dictate that?

**Mr. Michael Culhane:** No. There are, obviously, public procurement guidelines that dictate how the tender will be conducted. We advertised-----

**Deputy Marc MacSharry:** I am talking about where there were no tenders for 73 contracts.

**Mr. Michael Culhane:** There might be a-----

**Deputy Marc MacSharry:** When there is no tender, does the Garda Síochána have its own guidelines that instruct people how to proceed? Is it a case of seeking the services of John the local tow truck owner?

**Mr. Michael Culhane:** No. Wherever possible, either the local superintendent or chief superintendent should obtain a number of quotations.

**Deputy Marc MacSharry:** I agree and I know how tenders work. We are specifically talking about instances where the procurement guidelines were not followed. In the event that they were not followed, namely, where there is an emergency and a need to move quickly, what are the guidelines then? Is it a case of contacting the first person that is available? I am using the example of the tow truck but I am sure there are others.

**Mr. Michael Culhane:** Yes. Obviously, the nature of an emergency will dictate the type of services that are required and there is also the ability of the person involved to respond. So there is a combination of-----

**Deputy Marc MacSharry:** Let us say it cost €1 million for tow trucks and €2 million for the medical side. That means we are down to €8.5 million. What were the other costs?

**Mr. Michael Culhane:** Unfortunately, I just did not bring that breakdown of that list with me. I am trying to think of it.

**Deputy Marc MacSharry:** It was a pretty obvious question for us to ask.

**Deputy Catherine Connolly:** Yes.

**Mr. Michael Culhane:** Perhaps it was.

**Deputy Marc MacSharry:** It is unfortunate that Mr. Culhane did not bring the list.

**Mr. Michael Culhane:** I can provide that list. It is something that we submit to the Comptroller and Auditor General. I do not know if he has a copy with him.

**Deputy Marc MacSharry:** Does Mr. McCarthy have the list with him?

**Mr. Seamus McCarthy:** No. I do not have it with me.

**Ms Nóirín O'Sullivan:** Chair, we can provide a note on the breakdown of the 73 contracts.

**Chairman:** Fine. I presume that those who did not go through that had tax clearance.

**Mr. Michael Culhane:** Yes.

**Ms Nóirín O'Sullivan:** Yes.

**Chairman:** The witnesses might provide a note - in the context of tax clearance - on the people to whom the Garda made the payments.

**Ms Nóirín O'Sullivan:** Yes, we can do that.

**Chairman:** Sorry, Deputy MacSharry.

**Deputy Marc MacSharry:** How would the Garda know whether an organisation had tax clearance if it was not following-----

**Chairman:** They have-----

**Mr. Michael Culhane:** Because the payment has passed through the financial shared services centre. They cannot make a payment unless there is a tax clearance certificate.

**Deputy Marc MacSharry:** Has it ever arisen that the Garda has used the services of somebody who did not have his or her tax clearance?

**Mr. Michael Culhane:** As far as I am aware, Deputy, unless they have a tax clearance certificate, we will not do business with them.

**Deputy Marc MacSharry:** I know. We were talking about emergencies and I am still at €8.5 million. I understand the position regarding moneys spent on tow trucks and the medical contract but I do not know where the other €8.5 million has gone. I appreciate that the Garda Síochána will provide us with the breakdown. Surely, Mr. Culhane, as the head of finance, would be aware of the details. I know it is a big Vote.

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** Surely he could give a best guess on where the €8.5 million went.

**Mr. Michael Culhane:** Sorry?

**Deputy Marc MacSharry:** Mr. Culhane could give a best guess in respect of where most of that €8.5 million went. I am not talking about sundries worth a couple of thousand euro, I am talking about €8.5 million.

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** Apart from towing and the medical contract that Mr. Culhane has mentioned, what else was there?

**Ms Nóirín O'Sullivan:** Chair, rather than guessing, it might be more appropriate that we provide a detailed note to the committee and we can deal with the various aspects of the matter

to which the Deputy refers.

**Deputy Marc MacSharry:** It is a little bit frightening that we would be obliged to guess at all in respect of such an amount of money. This is the Committee of Public Accounts and the issue raised relates to 73 contracts in respect of which €11.5 million was spent. The witnesses do not have the list with them so we do not know where the money went. That does not inspire confidence. Any business of whatever size would broadly know on what it has spent €1 million, €3 million or whatever, as opposed to saying that it does not have a clue and that it did not bring the list.

**Ms Nóirín O'Sullivan:** I suppose, in the interests of accuracy and of openness and transparency-----

**Deputy Marc MacSharry:** Yes.

**Ms Nóirín O'Sullivan:** -----it is probably more appropriate rather than guessing and then maybe having to correct something that we would provide an accurate note to the committee.

**Deputy Mary Lou McDonald:** I suggest that a phone call be made to the Garda procurement section and that it be asked to forward the information by fax, email or carrier pigeon.

**Ms Nóirín O'Sullivan:** We have asked somebody to action that, Chair, and hopefully we will have it before the committee.

**Chairman:** We are going to get it. The Accounting Officer must accept that the committee is very disappointed. We are discussing 2015 accounts. The 73 contracts were highlighted in the report so it was obvious that we were going to ask for details.

**Mr. Joseph Nugent:** Somebody has gone out to get the list.

**Chairman:** We will move on but we will come back to the matter.

**Deputy Marc MacSharry:** Yes. I had to ask the obvious question. The witnesses will know for the future.

Just over €15 million has been spent on travel and subsistence. Can I have a breakdown on how travel and subsistence arises?

**Ms Nóirín O'Sullivan:** Basically, as we said before, the Vote is demand driven. Travel and subsistence would arise where some member of An Garda Síochána - either a garda or a civilian member - has to travel either on duty or is kept away from their station in respect of operational duties.

**Deputy Marc MacSharry:** Or if he or she had to go to a court in another town, city or something like that.

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Marc MacSharry:** All right. It is overnight costs and subsistence. Are the normal State rates applied?

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Marc MacSharry:** The figure is high.

**Ms Nóirín O’Sullivan:** Yes.

**Deputy Marc MacSharry:** Is the figure consistent with other years? I did not look at the figures for other years.

**Ms Nóirín O’Sullivan:** In terms of the demand-driven activity of An Garda Síochána, we have certainly seen an increase over the years. Obviously, there are a number of demands on the organisation, not least - as we mentioned in the opening statement - of which is the implementation of Operation Thor, which was a response to a surge in property crime throughout the country. It has led to or the return on investment demonstrates an over 35% decrease in property crime, in particular, and burglaries. That is a very significant decrease. Also, in terms of the gangland feud, one would have seen right around the country a number of hybrid patrols where we have both armed and unarmed members patrolling together. All of those operational demands are very resource intensive.

**Deputy Marc MacSharry:** Would personnel have to use their own cars in those instances?

**Ms Nóirín O’Sullivan:** No, not always. People may have to use their own cars to travel to different events. What I am talking about are primarily operational deployments and operational duties. We would have invested significantly in the fleet as well and would have secured a lot of investment.

**Deputy Marc MacSharry:** Again, if the Ms O’Sullivan does not have the information, she can forward it to us. What are personnel allowed to claim? Can they claim expenses from their homes or from the Garda stations at which they are based?

**Mr. Michael Culhane:** The claiming of allowances is in accordance with Civil Service rules.

**Deputy Marc MacSharry:** Right.

**Mr. Michael Culhane:** It is exclusively in compliance with Civil Service rules. Any subsistence or travel is obviously from their point of duty and not from home. Subsistence is in accordance with the rules relating to subsistence payments.

**Deputy Marc MacSharry:** I shall move on. The sum of €92,995 was spent on public relations, PR, firms, which is up on the previous figure of €10,400. On what was €92,995 spent?

**Ms Nóirín O’Sullivan:** As part of our modernisation and renewal programme, we have committed to opening up the organisation. I do not have the exact breakdown here, but maybe some of my colleagues do. The moneys would again have been spent on training Garda and civilian members around the country for interaction with local radio and local media, for example, on some of the information messages that would have gone out around Operation Thor and the “lock up and light up” campaign. Again, we can provide an exact breakdown or maybe some of my colleagues would have it, but that is what it would have been.

**Deputy Marc MacSharry:** That would be good. Did any of the witnesses before us receive training out of this budget?

**Mr. Donáll Ó Cualáin:** Received general media training, yes.

**Deputy Marc MacSharry:** Did Mr. Ó Cualáin receive training paid for from this amount?

**Mr. Donáll Ó Cualáin:** I attended one session, which was a media training event.

**Deputy Marc MacSharry:** What about the Commissioner?

**Ms Nóirín O'Sullivan:** No. Maybe it is an opportunity, if I may Chair, to do something. I have seen a lot of speculation and commentary. Particularly, I think there was a figure of €140,000 mentioned which apparently I spent in terms of preparing for Committee of Public Accounts meetings. That is completely untrue. I have never received any preparatory training. Like yourself, Chair, I am not sure where that reporting came from. Certainly, no, I did not.

**Deputy Marc MacSharry:** So the €92,000 was for people who would have to be spokes-people for local radio after a crime or were being consulted on an issue or something.

**Ms Nóirín O'Sullivan:** And, for example, district offices. As the Deputy will have seen, one of the criticisms we have received is that we are insular and defensive. Some of the inspectorate reports quite rightly raised the fact we need to speak more openly to the media. The Deputy would have seen a lot of our local officers around the country engaging more with the media. We have found that part of public reassurance is to get on local radio stations in particular and give out messages of reassurance and crime prevention and stories of interest to local communities.

**Deputy Marc MacSharry:** Why is that figure of €46 million in cash so high?

**Mr. Michael Culhane:** There were 53 pay dates in 2015, which is unusual because generally speaking there are obviously 52, but it was just purely timing. The last pay date was on 31 December 2015. To ensure there was sufficient cash in the account to meet the payroll, there were additional funds put in on that date. Obviously, because 1 January was a bank holiday-----

**Deputy Marc MacSharry:** That is a monthly payment. What would be a monthly payroll?

**Mr. Michael Culhane:** The payroll is weekly and fortnightly.

**Deputy Marc MacSharry:** How much would it be per month? Is it €40 million or €50 million?

**Mr. Michael Culhane:** No, it would be in the order of €18 million.

**Deputy Marc MacSharry:** However, we have nearly two and a half times that.

**Mr. Michael Culhane:** No. There is €46 million. The payroll is weekly and fortnightly. That money would be put into the bank account to meet that particular payroll.

**Deputy Marc MacSharry:** Who manages that money when it is-----

**Mr. Michael Culhane:** The Financial Shared Services Centre in Killarney.

**Deputy Marc MacSharry:** Would all that money all be kept in cash or would it be in-----

**Mr. Michael Culhane:** Cash. When the Deputy says it is in -----

**Deputy Marc MacSharry:** ----- high-interest accounts?

**Mr. Michael Culhane:** The Financial Shared Services Centre draws down cash as it requires it from the Paymaster General. It just puts itself in funds, as it requires, to meet the cheque run.

**Deputy Marc MacSharry:** So the Garda felt it needed that level to meet-----

**Mr. Michael Culhane:** That is what the Financial Shared Services Centre said it required.

**Deputy Marc MacSharry:** There were prepayments of €11.7 million. Presumably prepayments are where one pays for stuff in advance.

**Mr. Michael Culhane:** Yes.

**Deputy Marc MacSharry:** For what were we paying €11.7 million?

**Mr. Michael Culhane:** The principal item related to the TETRA radio system. It is billed every quarter and the bill had just arrived before the end of the financial year. It was for just over €8 million. That would be the principal item in there, but there would be normal type prepayments as one would expect in that type of business.

**Deputy Marc MacSharry:** St. Paul's Garda Medical Aid Society is an internal group that pays private health insurance for members or they get a special deal. Is that right?

**Mr. Michael Culhane:** It is an external-----

**Deputy Marc MacSharry:** It is like a VHI, is it not?

**Mr. Michael Culhane:** It is like a VHI but it is external to An Garda Síochána.

**Deputy Marc MacSharry:** It is for health insurance for members, retired members, widows, widowers, family and so forth. Some €124,000 was paid to it. Why would the Central Fund be paying €124,000 to it?

**Mr. Michael Culhane:** The medical society is generally exclusively for An Garda Síochána. It is meeting bills. For example, where members are injured on duty, it would meet all the expenses associated with that and then it would get it refunded once the court has awarded the money. The medical fees would be refunded and the medical aid society would be compensated. It is in recognition of the prepayment of expenses on behalf of members that a grant is made, with Department of Justice and Equality sanction, to the medical aid society.

**Deputy Marc MacSharry:** Let us say this health insurance company pays for the treatment of a garda who was injured in the line of duty. If that results in a case where a third party has to pay compensation, does the member pay the Garda Síochána and then it pays St. Paul's Garda Medical Aid Society?

**Mr. Michael Culhane:** No, it goes directly to the medical aid society.

**Deputy Marc MacSharry:** However, it did not. It went from the Garda Síochána to the medical aid society.

**Mr. Michael Culhane:** It depends on the court award. The court could say "pay directly" or it could say-----

**Deputy Marc MacSharry:** How would the Garda Síochána directly be paid?

**Mr. Michael Culhane:** It is a subvention. This is €124,000 paid from the Garda fund.

**Deputy Marc MacSharry:** Mr. Culhane used the word "subvention". Does the Garda subvent the premiums for members or certain members for their health insurance?

**Mr. Michael Culhane:** No. It is a subvention to the medical aid society in recognition of the fact it is prepaying medical expenses for which it will then subsequently be reimbursed once a court case has been settled.

**Deputy Marc MacSharry:** Is this an annual amount of €124,000?

**Mr. Michael Culhane:** It is, yes.

**Deputy Marc MacSharry:** Is it always €124,000?

**Mr. Michael Culhane:** I think it was reduced during the financial emergency. I think it was more than €130,000 at the time and then it was reduced to €124,000.

**Deputy Marc MacSharry:** The Central Fund has always made a contribution to this fund. Is that approved by the Department of Justice and Equality?

**Mr. Michael Culhane:** Correct.

**Deputy David Cullinane:** I have a number of questions for the Commissioner on mandatory alcohol testing and what has been described as inconsistencies. I understand we have two interim reports, the first on 24 April and the second on 26 June of this year. The Commissioner will know we were hoping to have the completed report today in order that we could examine it and perhaps get answers to questions on which people are awaiting answers on this issue. Why is that report not complete?

**Ms Nóirín O'Sullivan:** The work is ongoing to complete the report. First, I must explain something. As the Deputy knows, the Policing Authority has also commissioned a company, Crowe Howarth, to conduct this work. This week, Michael O'Sullivan and I met the company. It will have 22 people looking at this. It will do it over a number of weeks. That will be a continuation of the work undertaken by Michael O'Sullivan. We are looking at a system that goes back. I can have my colleague, Michael Finn, who is in charge of roads policing, explain in detail what we are looking at and the number of records. The records go way back over a number of years - all the way back to 2005. It is hugely time consuming to examine all the records and collate all the information that is available. I think Michael O'Sullivan in his updated position report outlines that he will be finished by the end of July.

**Deputy David Cullinane:** I can partially understand that, but at the same time it is unacceptable given we are so far down the road on this issue. When did An Garda Síochána first become aware of these inconsistencies?

**Ms Nóirín O'Sullivan:** I can get the assistant commissioner, Mr. Finn, to answer that.

**Deputy David Cullinane:** All I want is the date. I do not want the background. I just want the date of when the organisation first became aware of it.

**Mr. Michael Finn:** The organisation first became aware of the issues when we conducted a review in the southern region, going back to late 2015.

**Deputy David Cullinane:** Late 2015----

**Mr. Michael Finn:** That was extended into a national audit in the-----

**Deputy David Cullinane:** I thank Mr. Finn. That was all I needed to know. An Garda Síochána first became aware in late 2015. We are now into the summer of 2017 and the Com-

missioner, as Accounting Officer, is still not in a position to provide us with information on what happened. We have two interim reports that do not reveal much. All they say is that certain areas need to be examined and information needs to be gathered and so on, but we have no concrete answers yet. We were hoping we would be able to discuss this today but we are not in a position to do so. I find it unacceptable that it is the case. We should have had that report for this meeting. Would the Commissioner forgive us for being cynical about that and for thinking there are potentially other motives for why that report was not completed? Surely it is the Commissioner's job to make sure appropriate resources are given to any examination of this nature. It is something that is very serious for her organisation. I would have imagined she would have made sure they have all the resources they need to do their work and to conclude it as quickly as possible.

**Ms Nóirín O'Sullivan:** I reject any accusation that we were acting in way sinisterly. It was quite the opposite. This issue, from the time it was identified, has been dealt with completely openly, completely transparently and completely in the public view. The work is continuing by Assistant Commissioner O'Sullivan. He was given six months in which to complete the work. As the committee will see, he has indicated in his updated position report that his work will be completed by the end of July which is ahead of schedule. As I have said, the Policing Authority has also taken an interest in this and quite rightly so. It has appointed an external company and of course we will be assisting it fully. This is happening in full openness and full transparency. The resources that are required to be given to it are being given to it. We have given an undertaking to the Policing Authority and to the company that is looking at this that they will have the full support of An Garda Síochána-----

**Deputy David Cullinane:** I thank the Commissioner and can I-----

**Ms Nóirín O'Sullivan:** Sorry, if I could finish please.

**Deputy David Cullinane:** Yes.

**Ms Nóirín O'Sullivan:** The issues we identify will be fully dealt with. Any suggestion that it is in some way sinister behaviour I completely reject and I put that on the record.

**Deputy David Cullinane:** As the Commissioner is putting that on the record, let us be clear I did not use the word "sinister". When the Commissioner is correcting the record, she should at least listen to what people say because I never used the word "sinister". I think it is reasonable for me to put to the Commissioner that she and her organisation found out about this in late 2015. We are in the middle of 2017 and she is still not in a position, as the head of the organisation and its Accounting Officer, to tell us what happened. That is the point I am making. I will give an example of why I am frustrated.

I am looking at the two interim reports. There is an issue which - pardon the pun - is breathtaking for me. I cannot understand how the information on the Dräger equipment and specifically procurement is still not available to us. Information on the number purchased and the number distributed to the various divisions compared with the number of breath tests recorded on PULSE is not available. The same issue is referenced in the interim report of 26 June 2017. It lists under the heading of issues to be dealt with and information sought the national Dräger audit to acquire the most accurate figure for the number of breath tests recorded on the Dräger machines and also the number that were procured. How is it not possible to provide us with that information? It seems to me to concern basic purchasing of equipment. The Garda purchases and pays for a set number of mouthpieces and equipment and then a set number is used. Per-

haps the Commissioner is in a position today to give us that information but up to now she has not been. Questions were asked about procurement earlier. Does the Commissioner have that information to hand today?

**Mr. Michael Finn:** Can the Deputy be specific?

**Deputy David Cullinane:** I would have thought it was fairly obvious but I will repeat it again for Mr. Finn. I am looking at the two interim reports and it talks about the mouthpieces, which are a crucial part of these breath tests. Is that correct?

**Mr. Michael Finn:** Yes. That is correct.

**Deputy David Cullinane:** That is a piece of equipment. Is that correct?

**Mr. Michael Finn:** Absolutely.

**Deputy David Cullinane:** It has to be purchased.

**Mr. Michael Finn:** Correct.

**Deputy David Cullinane:** There has to be a set number. I imagine if there were some in the system, Mr. Finn would know how many had been purchased and would also be able to tell me how many were used for the time period.

**Mr. Michael Finn:** Correct.

**Deputy David Cullinane:** Does Mr. Finn have that information?

**Mr. Michael Finn:** Assistant Commissioner O'Sullivan has accumulated most of that information. He has not completed it yet because while it is very simple to account for the number we purchased, the difficulty is trying to reconcile how many we used over the period going back to 2006 to compare it with the figures-----

**Deputy David Cullinane:** I will make Mr. Finn's job easier for him. My understanding is that on the PULSE system the number of recorded tests from October 2011 to December 2016 was 1,996,365. On the Medical Bureau of Road Safety's figures, it was 1,058,157. Mr. Finn should be in a position to tell me today in that period from October 2011 to December 2016, were there 1,996,365 mouthpieces?

**Ms Nóirín O'Sullivan:** I will explain because it may assist. The equipment is purchased by the Medical Bureau of Road Safety and, as Assistant Commissioner O'Sullivan has outlined in his report, one of the pieces of work that is ongoing is trying to correlate the data from the PULSE system with the data available from the Medical Bureau of Road Safety.

**Deputy David Cullinane:** My point still stands. There is basic purchasing involved here. Either there were 1,996,365 mouthpieces or not. It is incredible we still do not have that information. I find it incredible. I want the Commissioner or Mr. Finn, if he is more aware, to talk me through how this works. How does the mandatory breath testing work from when the vehicle leaves the station? Before it leaves the station, what does it do? Does a garda have to go and get a set number of these mouthpieces? How are they signed for? How are they recorded? Will the Commissioner or Mr. Finn talk me through that process so I have a better understanding?

**Mr. Michael Finn:** We have a number of Dräger machines allocated to each Garda district. There would not be one for every Garda vehicle so they are shared. A regular patrol car going

out would have one and they would have a stock of mouthpieces to be used for the testing.

**Deputy David Cullinane:** How are they given that stock? Will Mr. Finn just bear with me? Do they have to sign for it?

**Mr. Michael Finn:** We get that stock from the Medical Bureau of Road Safety. It allocates them to us in our central stores in Santry and then they get distributed around the country. That is going on for the past 15-----

**Deputy David Cullinane:** Bear with me. Are they recorded? If there is a patrol going out and they get a set number, is it then recorded how many they are given?

**Mr. Michael Finn:** No, it was not. That is part of our difficulty in trying to reconcile the figure.

**Deputy David Cullinane:** That was never done.

**Mr. Michael Finn:** The stores in Santry allocates a batch of perhaps 10,000 to a division and they are distributed to Garda stations.

**Deputy David Cullinane:** So it is possible then-----

**Mr. Michael Finn:** Nobody was recording that, for example, one Garda station got ten or another station got 15. We were not breaking it down to that level in terms of who used what and that is the difficulty we have in trying to reconcile the figures.

**Deputy David Cullinane:** Mr. Finn is saying that so casually as if it is something that is acceptable.

**Mr. Michael Finn:** It is a fact. I know it is a fact from going back and checking with the Medical Bureau of Road Safety when it purchased it and from checking with our own section in Santry and looking down at their records. If we had that information, we would have readily shared it with the committee and when we broke this information the first day but we do not have that information.

**Deputy David Cullinane:** What I am saying to Mr. Finn is that it is bizarre. It is almost beyond belief that there would be no recording of how many is given to each unit that goes out. There is no proper recording. Now that we know that did not happen, will Mr. Finn bear with me? The patrol goes out and sets up a mandatory checkpoint. It then has to do a set number of these mandatory tests. I was stopped on two occasions and was clean as a whistle. If that happens and a person is sent on their way, is his or her name, driver licence number and registration card number recorded?

**Mr. Michael Finn:** Not necessarily, no.

**Deputy David Cullinane:** How does Mr. Finn know it was done at all?

**Mr. Michael Finn:** That is the difficulty that Assistant Commissioner O'Sullivan and I have in terms of trying to go back and reconcile how many exactly were done across the country.

**Deputy David Cullinane:** It is impossible for Mr. Finn to know. How is it possible to know how many was done?

**Mr. Michael Finn:** The only record we have is the record that was on the Dräger machine.

That is the record we have.

**Deputy David Cullinane:** Okay, so there is no-----

**Mr. Michael Finn:** So if 50 cars came along and we breath tested the 50, we did not take all of their names, addresses and phone, unless we had some reason to do that. If we stopped a person and he or she had no tax, we would take the person's name and address.

**Deputy David Cullinane:** But if there are 50-----

**Mr. Michael Finn:** If we arrested the person-----

**Deputy David Cullinane:** Let us just be hypothetical-----

**Mr. Michael Finn:** If we subsequently arrested a person for drink driving, we would take all the details but if we just stop a person randomly and we take the details we do not record all the person's data. As the Data Protection Commissioner would probably say to me, the gardaí would not be justified in recording information if it is not needed. If I need it for an offence, then I record it.

**Deputy David Cullinane:** In terms of checks and balances, let us take the round figure of 50-----

**Chairman:** The Deputy has just gone past his ten minutes.

**Deputy David Cullinane:** Let us take the round figure of 50 that Mr. Finn gave. How is it possible to ensure that 50 actually took place?

**Mr. Michael Finn:** Based on reconciling the Dräger-----

**Deputy David Cullinane:** Yes, but that actually 50 cars were stopped. Is it possible it could have been done some other way?

**Mr. Michael Finn:** The garda rings in and he says "I did a mandatory alcohol testing check-point and I checked 50 cars; here is the reading from the Dräger at the start and here is the Dräger reading at the end."

**Deputy David Cullinane:** My time is up. Can I just make one point?

**Chairman:** Deputy Cullinane can come back in.

**Deputy David Cullinane:** I accept what the Commissioner is saying on collating data but some of the information that we should have had, which I have given some examples of, should have been given to the committee. Two years have elapsed. The Commissioner knows this is a very serious issue for An Garda Síochána that goes right to the heart of the cultural issues she talked about herself. I am concerned that the report was not made available for today's meeting.

**Deputy Alan Kelly:** I thank the witnesses. I will do a quick-fire round here and will jump from issue to issue because the Chairman is cracking the whip. On the issue of the Dräger machines, I understand that every machine has to be reassessed and recalibrated after six months. Does that always happen?

**Mr. Michael Finn:** Yes. The Medical Bureau of Road Safety gave me that data.

**Deputy Alan Kelly:** Are there any machines that do not end up going back after six months?

**Mr. Michael Finn:** I am notified if they do not come back. We then send out a note to the relevant areas to tell them that their machines are due for recalibration.

**Deputy Alan Kelly:** I understand that. These are really quick-fire questions because I have many things to get through. Does it ever happen that even after Mr. Finn's office sends out these notes, some areas do not recalibrate their machines?

**Mr. Michael Finn:** If they do not do so I send out another note telling them-----

**Deputy Alan Kelly:** If a machine has be recalibrated after six months, and if Mr. Finn's office sends out notes to this effect, what guarantees do we have that every machine in every individual case was in fact recalibrated? What guarantee do we have that the accuracy of an individual breath test is not jeopardised, given that the machine in question may not have been recalibrated? Does the witness get that?

**Mr. Michael Finn:** I do. I liaise with the Medical Bureau of Road Safety on this matter. It tells me what machines are out there.

**Deputy Alan Kelly:** It keeps a date and knows when six months have passed?

**Mr. Michael Finn:** Correct.

**Deputy Alan Kelly:** Can we be absolutely certain from An Garda Síochána that every single device used in every single case in this country in the last few years had been recalibrated after six months?

**Mr. Michael Finn:** I cannot give the Deputy the definitive answer. Mr. Michael O'Sullivan's report will look at that.

**Deputy Alan Kelly:** The fact that Mr Finn cannot tell us makes me very nervous. Does this not jeopardise the prosecution of a whole range of cases? As we sit here at the Committee of Public Accounts, we cannot guarantee that every device used to find out if people are over the alcohol limit has been calibrated.

**Mr. Michael Finn:** These devices are only indicative. They are not of evidential use.

**Deputy Alan Kelly:** I know that.

**Mr. Michael Finn:** If I arrest somebody, bring him or her to a Garda station and it then comes back that he or she is under the limit, we do not prosecute him or her.

**Deputy Alan Kelly:** Fair enough. What happens, however, if somebody is over the limit and an uncalibrated machine reports that he or she is under the limit? An Garda Síochána will not proceed to the next stage.

**Ms Nóirín O'Sullivan:** The meter we are talking about here is a counter. It just tells us that a breath test was conducted, it is not in itself a reading of the breath test.

**Deputy Alan Kelly:** I was intrigued when I read the documentation about this during the week. An Garda Síochána cannot guarantee that these machines are being calibrated. I presume that as part of this process the organisation will ensure that this uncertainty will all be cleared up-----

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Alan Kelly:** I expect that this will be absolutely mandatory. How can we be certain, however, that the whole process has not been tampered with? How can we be sure that it is absolute and perfect? We have no way of guaranteeing that every station and every division has recalibrated these machines as is necessary and specified after six months. Do the witnesses see what I am getting at? It is just a matter of fact. I want to make sure that all of this will be dealt with.

**Ms Nóirín O'Sullivan:** It is being dealt with.

**Deputy Alan Kelly:** Okay.

**Ms Nóirín O'Sullivan:** Let us look at this in three tranches, Deputy. We have the past, which is past. We have the present, which is the fix that has been put in place. We have the future, where we will have a kind of docking station, to use an untechnical term, which will automatically-----

**Deputy Alan Kelly:** Fine. I am delighted to hear it. I am, however, worried about the present and about some of the cases before us.

My second question concerns penalty points. This is a technical question. Let us consider the ongoing review. Let us imagine that Mr. McCarthy here, for example, were to hypothetically be caught speeding and get a fixed notice. I am taking him as an example here because he is our independent witness. He would fill out the form and put down his credit card details. Let us say, however, that he makes a genuine error and puts his name or credit card number in the wrong place. Everything on the form is accurate but on the wrong line. What would happen after something like that? I assume that An Garda Síochána would send him another notice telling him that he has made an error and has to fix it. Is that what happens? Or does the case go straight to court?

**Mr. Michael Finn:** The paperwork is processed in the fixed charge penalty office in Thurles.

**Deputy Alan Kelly:** I know. That office presumably sends out a second notice pointing out the error. If Mr. McCarthy were not to respond, I presume that the matter would then go to court.

**Mr. Michael Finn:** Yes. That would be considered a non-payment.

**Deputy Alan Kelly:** Given what we all now know about penalty points, can Mr. Finn give an absolute 100% guarantee that anybody who ever made a genuine error like this one was definitely issued this second letter? I know of a number of people concerned who claim that they did not get such a letter. I would like to know that this is being reviewed as part of the current process, that such cases do not go straight to court, and that the second notices were indeed issued. Anyone could make a genuine error, I do it myself. A person is rushing and makes a mistake in filling out a form. People deserve the chance to fix such errors but I am concerned that some people are saying they never had such a chance. I do not think it is the fault of the office in Thurles, as it is possible that some forms never reached them. Is Mr. Finn certain that every form definitely did? As part of the ongoing process, can he please make sure that there are checks and balances in place to make sure that the forms get back to Thurles and that the scenarios I mention do not happen.

**Mr. Michael Finn:** I would be 100% satisfied that if, in the circumstances the Deputy describes, a form containing an error went to Thurles, the letter in question would go back out

from Thurles.

**Deputy Alan Kelly:** Okay. Mr. Finn is 100% certain then that every single case-----

**Mr. Michael Finn:** Every case that went to Thurles.

**Deputy Alan Kelly:** How do we know that every case went to Thurles?

**Mr. Michael Finn:** I am answering the situation as the Deputy described it to me. I have been to the office in Thurles and am familiar with it.

**Deputy Alan Kelly:** I know it myself; it is my constituency. I do not think that the problem is there either. How do we know that everything gets to Thurles? Perhaps the witness could elaborate on that.

**Mr. Michael Finn:** I cannot vouch for something getting lost between the postbox and Thurles but they have a very efficient system there. I can stand over that.

**Deputy Alan Kelly:** I am not trying to put the witness on the spot, but there is a possibility there.

**Mr. Michael Finn:** There is a possibility of something getting lost in the post. There is no doubt about that.

**Ms Nóirín O'Sullivan:** I suggest that the Deputy tell us the number of people about whom he is concerned. Mr. Finn will certainly take any concerns that he may have about these individuals.

**Deputy Alan Kelly:** In fairness, I will not get into individual cases. I just want to make sure that all of this will be covered as part of this review.

**Ms Nóirín O'Sullivan:** Absolutely. From the point of view of the Committee of Public Accounts, we would not like to think that any individual citizens may have been in some way disadvantaged by that scenario. If the Deputy has concerns-----

**Deputy Alan Kelly:** I will say that to them and if the individuals in question want to take up the matter then let them do so. I do not, however, intend to use this process for that purpose.

**Mr. Michael Finn:** We have introduced the third payment option. This means that even if they miss a deadline, people still have the option of paying rather than going to court.

**Deputy Alan Kelly:** I am limited for time. I just wanted to clear those matters up because they were on my mind after reading some things about the system during the week.

We now have the figures, though I would have thought we would have had them from the beginning. On the issue of consultancy and controls on the €11 million, we spoke about Accenture and its contracts. Everything that Accenture ever got had been tendered. Is that accepted? I presume that this is what we said, Mr. Culhane. Who signed the contract for SIS on behalf of An Garda Síochána? Who was chief administrative officer, CAO, at the time?

**Mr. Joseph Nugent:** This was in December 2016 so I was CAO. I did not sign the contract, however. That would have been the head of ICT.

**Deputy Alan Kelly:** I just want confirmation that this, along with all of the other Accenture

contracts, had been tendered for. Accenture is a big supplier to An Garda Síochána. I seek confirmation that nothing was rolled over or continued beyond the duration of the contract that was not tendered for. Is that right?

**Mr. Michael Culhane:** The skill resources contract was put in place in 2009 and, subject to the sanction of the Department of Public Expenditure and Reform, that contract was rolled over.

**Deputy Alan Kelly:** Did the Department sanction that?

**Mr. Michael Culhane:** It did.

**Deputy Alan Kelly:** That is fine then. I have no issues with that. I just wanted to make sure that every single contract, other than the one just mentioned by the witness, was tendered for.

**Mr. Joseph Nugent:** We also have to remember that there are also security derogations. There are particular circumstances in which we get approval to apply that where-----

**Deputy Alan Kelly:** I understand that. I would be very concerned, however, if they were massive and if there were huge amounts of money involved.

**Mr. Joseph Nugent:** All I am saying is that these are looked at on an individual basis and with the approval of the Attorney General's office that the security derogation should apply.

**Deputy Alan Kelly:** As long as these circumstances are approved by the Attorney General's office then that is okay.

**Mr. Joseph Nugent:** Yes.

**Deputy Alan Kelly:** Did Accenture ever provide any other services other than IT? Did it ever provide professional development, PR, coaching or interviewing skills to anybody in the organisation?

**Mr. Dónall Ó Cualáin:** Not that I am aware of.

**Deputy Alan Kelly:** There was no coaching, interviewing skills, PR or anything like that?

**Ms Nóirín O'Sullivan:** No. There has been much speculation, and I have read several reports-----

**Deputy Alan Kelly:** I accept what the witness is saying. Accenture does IT consultancy and it has never done any coaching or interview skills for anybody within the organisation. That is fine.

**Ms Nóirín O'Sullivan:** I should say that this is to the best of our knowledge. We cannot account for all 16,000 people.

**Deputy Alan Kelly:** I accept that. I apologise for rushing, but I have a list of questions here.

**Chairman:** You have one minute remaining.

**Deputy Alan Kelly:** For a company like Accenture or any similar company which has massive contracts worth tens of millions of euro, would it be appropriate for organisations like that to sponsor major events for the Garda?

**Mr. Joseph Nugent:** I am not aware of any-----

**Deputy Alan Kelly:** I am not limiting this to just one organisation. I am talking about any organisation.

**Mr. Michael Culhane:** We make it clear in our documentation on dealing with third party suppliers that they are under no obligation whatsoever to-----

**Deputy Alan Kelly:** Is the witness saying that this does not happen?

**Mr. Michael Culhane:** To the best of my knowledge it does not, but that this not to say that a member might not ask the companies for some sort of sponsorship on a purely personal level.

**Deputy Alan Kelly:** I am not talking about €20 or €50 or anything like that. I am talking about large events, publications or large gatherings involving the Garda. When it comes to the issue of the management of property, I understood that Deputy Commissioner Ó Cualáin was appointed to put structures in place and a modernisation programme to ensure property was protected. In terms of phones, IT equipment and documentation, would the witnesses agree that the process put in place have worked?

**Ms Nóirín O'Sullivan:** Perhaps the Deputy could explain the question as we may be talking about two separate things. Are we talking about the property and exhibit management stores?

**Deputy Alan Kelly:** We are talking about how equipment that is valuable to this organisation and is owned by it, such as files, IT equipment, computers or data storage mechanisms. As part of the modernisation process I had understood that Deputy Commissioner Ó Cualáin was put in charge of making sure protocols were put in place to maintain this information in order that none of it could ever go missing. Are these protocols working? If I am wrong and this does not exist please tell me.

**Ms Nóirín O'Sullivan:** We spoke earlier about Deputy Commissioner Ó Cualáin's role. As part of his risk governance role and the modernisation and renewal programme he implements the property and exhibit management system for the organisation. That is property that comes into the possession of an Garda Síochána, either by way of evidence, seized property, car accidents or in some similar way. Deputy Commissioner Ó Cualáin is in charge of that, and as we said to Deputy Connolly earlier, it is our view that that is working. The mitigants have been put in place and we hope we will be back here in the future.

**Deputy Alan Kelly:** I am specifically asking about assets. This is the Committee for Public Accounts. It is not always about figures. I am asking about assets.

**Chairman:** The Deputy should finish now.

**Deputy Alan Kelly:** This is an important question.

**Chairman:** Yes, but other Deputies have important questions too.

**Deputy Alan Kelly:** IT equipment, data storage mechanisms and mobile phones change. Where are the historical systems maintained? Are they maintained properly and have they been maintained over recent years? These do not just have asset value on the books. There is also the value of public information.

**Ms Nóirín O'Sullivan:** We have an assets register which is maintained and managed.

**Mr. Michael Culhane:** For the physical control of physical assets we have a fixed assets register which is subject to audit, and we also conduct audits ourselves to ensure the IT equipment in particular is maintained. We track the assets either by serial number or by an asset tag. There is an information retention policy to deal with the information that is contained on it.

**Deputy Alan Kelly:** And it has been working perfectly for the last number of years.

**Mr. Michael Culhane:** I am not on the operational side of policing, but as far as I am aware it certainly is.

**Deputy Alan Kelly:** That is good to know.

**Deputy Catherine Murphy:** I want to start by talking about road traffic fines. In 2015, there was an amount outstanding of just over €1 million, compared with €217,000 at the end of 2014. How would the witnesses account for that increase?

**Mr. Michael Culhane:** Fines are collected centrally and we in turn pay them over to the central Exchequer. There is a certain timing involved in this. We would normally pay over the money at the end of a month. It is a question of how much money is in the account at the time. The Deputy mentioned that there was €217,000 which then rose to €1 million. That merely reflects the timing of the payment to the central Exchequer. Given the timing, at the end of the financial year, it seems that the amount had accumulated. It would have been paid over in January.

**Deputy Catherine Murphy:** When a person gets a fine the member in charge is noted on it and the person pays the member in charge. Is the cashing of these cheques always followed through with?

**Mr. Michael Culhane:** The fines are actually outsourced to An Post, so we do not collect the fines ourselves. Every fortnight An Post pay into the An Garda Síochána account the amount of money it has collected, minus its fees. It provides a file which is integrated into the PULSE system in order that there is matching between what has been paid and the register of fines which are outstanding.

**Deputy Catherine Murphy:** Is the PULSE system reconciled with the paper records?

**Mr. Michael Culhane:** Yes, there is an exchange of two files between the An Post system and the PULSE system, so there is a reconciliation of fines which have been paid and fines which are outstanding.

**Deputy Catherine Murphy:** Is a record kept of the number of warrants that have not been executed?

**Mr. Michael Culhane:** Warrants are dealt with by a separate system so I will defer to the Commissioner on that.

**Ms Nóirín O'Sullivan:** We do keep a register of warrants. We work with the Courts Service on that, and Deputy Commissioner Ó Cualáin has a group which looks at warrants regularly.

**Mr. Dónall Ó Cualáin:** That is on the operational side. Deputy Commissioner Twomey has the group that looks at the management of warrants. That is an ongoing challenge for us. We keep getting the warrants, so it is a question of keeping them moved on. If people move the warrants have to move with them. Significant work has gone into supporting that from an ICT

and tracking point of view.

**Deputy Catherine Murphy:** Is there any evidence that warrants are not executed because somebody has not been able to move them on? What is the challenge?

**Mr. Dónall Ó Cualáin:** The biggest challenge is the fact there are a significant number of warrants relating to people who have left the jurisdiction. There are also people who move around often for whom we might not have the most recent address.

**Deputy Catherine Murphy:** There is no question of money being paid directly and not being lodged? It is always paid to An Post.

**Ms Nóirín O'Sullivan:** No, as Mr Culhane said, it is outsourced to An Post.

**Deputy Catherine Murphy:** Accommodating an increased intake of recruits was mentioned in the opening statements. Many Garda stations have been closed in recent years. I have a list of the stations that were sold and the amount achieved for them. As little of €15,000 was paid for one of them, so it must not have been up to much. I presume it was the OPW and not the Garda Síochána that was involved in the sales.

**Ms Nóirín O'Sullivan:** It was the OPW.

**Deputy Catherine Murphy:** The Garda Síochána presumably has an input in regard to the stations to be retained, including, for example, Stepside Garda station, which it has been reported in the media recently is to be re-opened. I presume that properties were not put on the market if there was any prospect of their being re-opened. What dialogue took place between An Garda Síochána and the Department of Justice and Equality regarding the Garda stations to be sold? Some of the stations were sold for very little because at the time of sale the property market was at its lowest. The Garda Síochána now has to purchase new accommodation to meet additional intake. I would have expected there to have been an element of future-proofing on the part of An Garda Síochána and the Department of Justice and Equality in respect of the sale of Garda stations. Can the Commissioner outline what happened?

**Ms Nóirín O'Sullivan:** There are two aspects. The challenge I referred to in my opening statement relates to what the Deputy is talking about, namely, future-proofing. The Government has committed to increasing the strength of the organisation to 21,000, which we very much welcome and I believe will benefit the citizens of the State hugely, but this poses challenges in terms of future-proofing the accommodation requirements. The building programme under way provides for the opening this year of three significant headquarters in Galway, Wexford and Kevin Street in Dublin. These will be prototypes for future Garda stations. As I mentioned in my opening statement, the current estate, which we inherited, is old and archaic. Many of the buildings are unfit for purpose, including some that are currently occupied. In addition to the major building programme, a refurbishment programme is under way on a number of sites throughout the country, including in Sligo, Macroom and Clonmel.

**Chairman:** Would it be possible to add Portlaoise to the list?

**Ms Nóirín O'Sullivan:** There are also a number of upgrade programmes under way to meet demands as the organisation grows and new members are recruited. For example, there have been a number of initiatives implemented under the modernisation renewal programme, such as victims' service offices. We are encouraging people to engage with the Garda and we want to give them dignity and privacy in their dealings with individual gardaí. People who come to

us traumatised may be vulnerable victims who we wish to interview and we need to ensure we have in place the proper accommodation and facilities where they can be treated with dignity and respect.

**Deputy Catherine Murphy:** I accept there are inherited stations that have not been fit for purpose for a long time but what I am trying to get at is whether we are selling or have sold stations that could have been refurbished or were fit for purpose and replacing them, at great cost, to accommodate need into the future.

**Ms Nóirín O'Sullivan:** The stations that were closed and sold were no longer fit for purpose from An Garda Síochána's point of view. We were asked to review the closure of a few stations. Based on the census data and the most recent crime statistics, which I outlined for Deputy Cullinane, the situation has changed considerably over the last three years. A review of the displacement effect of those crime figures is being overseen by the Policing Authority and the Garda Inspectorate.

**Deputy Catherine Murphy:** We are told that a small number of stations will be re-opened. On what basis were these stations not included in the list of properties for sale? Were they retained because there was doubt about whether closing or selling them was a good idea and are there others in this category?

**Mr. Dónall Ó Cualáin:** Once the stations were closed they became the responsibility of the OPW. It would be for the OPW to respond on how it prioritised the sale of particular buildings.

**Deputy Catherine Murphy:** The decisions in this regard may have been somewhat short-sighted if at the end of the day the Garda Síochána has to purchase more expensive replacement accommodation. However, I accept it is a matter for the OPW.

In regard to charges for services such as, for example, cash-in-transit operations, is there a written agreement in that regard with the Irish Banking Federation and on what basis is the charge applied?

**Mr. Michael Culhane:** There is a memorandum of understanding, which was signed by the former Minister for Justice, Equality and Law Reform, Senator McDowell, the then Secretary General of that Department and the then Garda Commissioner, to the effect that we would recover the cost of providing those services from the Irish Banking Federation. There is a written agreement and the mechanism for charging has been agreed with the Irish Banking Federation. An Garda Síochána seeks to recover the full cost of providing the services.

**Deputy Catherine Murphy:** Are there similar agreements in respect of other services or similar streams of income from other sources?

**Mr. Michael Culhane:** There is also the non-public duty service, for example, the provision of policing services for sporting organisations in accordance with, I think, section 30 of the Act. We seek to recover the cost of providing those services. The non-public duty income amounted to approximately €4 million in the 2015 accounts.

**Deputy Catherine Murphy:** I would like to return to the issues of warrants and of fixed notice charges because I am not clear on this issue in terms of An Garda Síochána. Where a person is detected speeding and a fixed notice charge is issued, who is in charge of at that point? Presumably, the notice is sent out to the person and the person pays the fee to An Post. What tracking takes place in terms of individual garda involvement? Is this process assigned to a

particular division or is it handled centrally or in another way?

**Mr. Michael Finn:** Fixed charged notices and speeding fines are processed through the fixed charge notices office in Thurles. We have a computer system that tracks the process, such that there is no individual member involvement. Fines paid through An Post are paid to the office in Thurles and the money is then transferred to the Exchequer.

In regard to warrants, where a person is due in court in respect of non-payment of a fine and he or she does not turn up a warrant is issued. The warrant is issued through a local Garda division and district and it is tracked in terms of payment or otherwise. The court will have a record of what occurred. If the money is paid through the court it can then verify which warrants came back to it unpaid, paid, non-executed or cancelled. All of this is tracked between the Garda Síochána and the Courts Service.

**Deputy Catherine Murphy:** So it is reconciled.

**Mr. Michael Finn:** Yes.

**Deputy Catherine Murphy:** Thank you.

**Deputy Mary Lou McDonald:** I welcome the witnesses. This is a familiar scenario for all of us now. Like other speakers, I have a number of questions for the witnesses and so I would appreciate brevity in their responses. Some of the questions can be answered with a “Yes” or “No”. I want to cover a range of topics.

I share the frustration of colleagues, in particular Deputy Cullinane, that as of yet we are awaiting the data and information we could rightfully expect an organisation such as An Garda Síochána to produce very quickly. I am alarmed to note from the interim reports that in terms of the continuous professional development of members of An Garda Síochána it appears there was, and perhaps is, no specific training for officers in respect of manning these stations and taking these tests. I find that extraordinary. I think it is extraordinary from the point of view of An Garda Síochána and extraordinary that its parent Department would not ask questions and demand evidence that such basic professional formation is in place. I am not asking for a response in this regard because these matters I am assuming will be matters for another day. I say that only for the purpose of putting it on the record.

Did the Commissioner recommend the re-opening of Stepside Garda station to the Government?

**Ms Nóirín O’Sullivan:** Assistant Commissioner O’Driscoll was asked to do a study in his capacity as community engagement and public safety officer. He reviewed a number of Garda stations, within a specified criteria, right around the country.

**Deputy Mary Lou McDonald:** Was it Assistant Commissioner O’Driscoll who communicated the message to Government that it should be one of the stations to be re-opened?

**Ms Nóirín O’Sullivan:** His report was communicated yes.

**Deputy Mary Lou McDonald:** Did the Commissioner have sight of that report before it went to Government?

**Ms Nóirín O’Sullivan:** The Deputy Commissioner had sight of it before it went.

**Deputy Mary Lou McDonald:** Did the Commissioner have sight of it?

**Ms Nóirín O'Sullivan:** I did not have sight of it before it went but I am aware of it of course.

**Deputy Mary Lou McDonald:** Was this recommendation made on the basis of crime statistics and need in the community?

**Ms Nóirín O'Sullivan:** Yes there were several criteria. I do not have them here but I am sure we can supply them to the Deputy. I mentioned several criteria to Deputy Murphy, including the most recent census data, crime statistics, population-----

**Deputy Mary Lou McDonald:** Can we have a copy of the report that recommended the re-opening of stations and the methodology, the matrix and everything applied to differentiate between Garda stations?

**Mr. Dónall Ó Cualáin:** That work is continuing.

**Deputy Mary Lou McDonald:** It is clear that it has reached a point where the Garda was in a position to make some recommendations to Government. I want to see the background, the data and the analysis of that please.

**Mr. Dónall Ó Cualáin:** The full report is due in a few weeks. There is no issue with that.

**Deputy Mary Lou McDonald:** Can we even see the interim position, as far as the report has been done? When might we have that? Would it be reasonable to expect it within a day or two?

**Mr. Dónall Ó Cualáin:** Yes, It would.

**Deputy Mary Lou McDonald:** On procurement, the witnesses can see how easy it was to produce the list we needed. It was just a matter of a phone call, which is good. One item jumps out at me: uniforms. I assume this category refers to the uniformed officers and the clothes the witnesses have on their backs. It is from Cara Ireland. Who is that and where is it based? Is it in Howth? It is item 46. What period does this refer to? Is it the last year?

**Mr. Michael Culhane:** It is 2015.

**Deputy Mary Lou McDonald:** In 2015 it was just over €40,000. Who are these people?

**Mr. Michael Culhane:** It is a clothing company. Given the amount of money involved it would provide a specialist-----

**Deputy Mary Lou McDonald:** Where is it?

**Mr. Michael Culhane:** I do not know. I would have to check that.

**Deputy Mary Lou McDonald:** I went looking for it as I was listening intently to the witnesses' contributions and I could not find it. I did find a Cara Ireland Limited which is a transport security outfit based in Howth. I just want to know, for example, who these people are. If those connected with the company are listening I am not casting aspersions on it. I just want to know where it is and who it is.

The table is a bit disingenuous. The reason given for not having a competitive process is

“tender in progress”. Without wishing to offend, it is a bit daft to say the reason for not having a process is that there is a process under way. Can Mr. Culhane tell me when Garda uniforms last went out to tender, in what year?

**Mr. Michael Culhane:** It would have been several years ago but the process would have been conducted by the Office of Public Works, OPW, at the time. I am assuming in respect of this Cara item-----

**Deputy Mary Lou McDonald:** I suggest it might have been as long as ten years ago that it went to competitive tender.

**Mr. Michael Culhane:** There are different elements in the uniform which go to tender. I assume the Cara item was probably specialist items. The tender for the general uniform is conducted through the OPW on our behalf.

**Deputy Mary Lou McDonald:** Does the Garda not have control of tendering for Garda uniforms?

**Mr. Michael Culhane:** We do but we work with the OPW because it has the expertise-----

**Deputy Mary Lou McDonald:** Does it have expertise in uniforms?

**Mr. Michael Culhane:** It has expertise in tailoring and indeed in uniforms.

**Deputy Mary Lou McDonald:** Does it have expertise in tailoring?

**Mr. Michael Culhane:** Yes.

**Deputy Mary Lou McDonald:** Could Mr. Culhane give us a note on that because I would like to know-----

**Chairman:** We could write directly to the OPW.

**Deputy Mary Lou McDonald:** How much is spent on uniforms and when did it last go to competitive tender? I am casting no aspersion on tailors or clothing providers anywhere on the island.

**Ms Nóirín O’Sullivan:** We can certainly provide that detail. The requirement for uniforms reduced considerably because of the moratorium on recruitment.

**Deputy Mary Lou McDonald:** I take that point.

**Ms Nóirín O’Sullivan:** It may be that it was ten years ago but that may well be justified. I would like to take the opportunity to comment on two things the Deputy mentioned.

**Deputy Mary Lou McDonald:** The Commissioner may comment very briefly.

**Ms Nóirín O’Sullivan:** The Deputy mentioned her surprise at the data that is not available.

**Deputy Mary Lou McDonald:** Yes.

**Ms Nóirín O’Sullivan:** She also mentioned the continuing professional development, CPD, training. As with the moratorium on recruitment, the past few years have seen a serious reduction in training. In any public or private sector organisation when recession and moratorium hit training is one of the things seriously affected. We are addressing that. As the Garda Inspector-

ate has pointed out in several reports, and this is a perennial problem and challenge for us, the Committee on Public Accounts, PAC, other committees and organisations rightfully expect that we have ready access to data and information that we do not have because our systems are so archaic that the information is not available to us and the work that Mr. O'Sullivan-----

**Deputy Mary Lou McDonald:** I thank the Commissioner. That point is expanding.

**Ms Nóirín O'Sullivan:** Could I just finish?

**Deputy Mary Lou McDonald:** No the Commissioner cannot.

**Ms Nóirín O'Sullivan:** I think it is very important.

**Deputy Mary Lou McDonald:** No, the Commissioner cannot continue, she is talking down the clock.

**Chairman:** I am chairing the meeting. I will not cut the person-----

**Deputy Mary Lou McDonald:** This is my questioning period.

**Chairman:** I will give the Deputy the time but I will let the witness finish the sentence.

**Deputy Mary Lou McDonald:** Well, then, she needs to speed up.

**Ms Nóirín O'Sullivan:** I just want to say that one of the difficulties Michael O'Sullivan is encountering in his examination is that he is rooting through old paper-based systems and they are partial systems.

**Deputy Mary Lou McDonald:** I hear that. Members of the Oireachtas have spoken vociferously on the recruitment moratorium and the lack of resources for the organisation. They have spoken even more loudly than senior Garda management. That basic data cannot be retrieved speedily in 2017 is a chaotic situation. That is my point. With respect, senior management should be shouting from the rooftops and not perhaps being so politically cautious on such issues.

What is the Commissioner's reaction to the concern that there was a discrepancy in some of the evidence given by several of her officers in the recent court hearing of the incident at Jobstown? It has been a matter of wide public commentary, including by An Taoiseach. Has the Commissioner spoken to the officers in question? Has she spoken to the Taoiseach on this matter? What form is the review of these concerns taking?

**Ms Nóirín O'Sullivan:** I am very aware of the recent trial. As in all such cases all the parties involved are entitled to and need to be afforded due process, natural justice and fair procedure. Beyond that I do not want to talk about the court case or the process.

Assistant Commissioner Barry O'Brien was appointed to conduct a review from a lessons learned perspective, of the circumstances surrounding the events that unfolded in Tallaght. I am very conscious that I am constrained and precluded from saying too much because several matters remain before the courts and I do not want to say anything that would in any way prejudice or jeopardise anything that is going on at the moment. If anybody has concerns about anything that transpired arising from-----

**Deputy Mary Lou McDonald:** They can go to the Garda Síochána Ombudsman Commission, GSOC.

**Ms Nóirín O'Sullivan:** -----the protest or any other matters GSOC is available or indeed-----

**Deputy Mary Lou McDonald:** Thank you. Just for-----

**Ms Nóirín O'Sullivan:** If I may finish, or any Garda station and of course-----

**Deputy Mary Lou McDonald:** Of course. I thank the Commissioner for that reassurance-----

**Ms Nóirín O'Sullivan:** -----their complaints will be treated seriously.

**Deputy Mary Lou McDonald:** -----we take that as read as citizens of this State. Is Barry O'Brien reviewing lessons learned from an operational policing perspective on how the operation was handled in Jobstown on the day in question?

**Ms Nóirín O'Sullivan:** He is reviewing the circumstances from a lessons learned perspective.

**Deputy Mary Lou McDonald:** Is that lesson learned on the day?

**Ms Nóirín O'Sullivan:** No. The circumstances of the entire affair.

**Chairman:** That includes the prosecution.

**Deputy Mary Lou McDonald:** I am not asking the Commissioner to review a court case. That is not any of our business. That is done and dusted. What policing action is the Commissioner taking in respect of the suggestion, the allegation even, that there was perhaps a deliberate ruse by members of the force to give incorrect evidence or an incorrect account in a court? Is that being reviewed? How is it being handled?

**Ms Nóirín O'Sullivan:** As I said, Assistant Commissioner Barry O'Brien has been appointed to conduct a review from a lessons learned perspective. I am very conscious of the independence of the executive arms of the State, particularly the law officers and the court system. I do not think that I can comment any further on anything that happened before the courts or any matters that remain before the courts or remain in a judicial process.

**Deputy Mary Lou McDonald:** I am not inviting the Garda Commissioner to do anything of the sort. It would be entirely and wholly inappropriate to do so. I think we can agree it would be a most serious matter if it transpired that anybody - much less an officer of the law - had given incorrect evidence to a court and it would be all the more serious if it were done in a coordinated way. I think we can agree that that would be a most serious matter. I am not asking the Garda Commissioner to adjudicate as to whether that happened. What I am asking is what she has done given that this suggestion and concern is in the public domain and has been reiterated by An Taoiseach. I want to know if Assistant Commissioner O'Brien is investigating and reviewing that matter. Is he speaking to the officers in question and has the Garda Commissioner spoken to them? Where is that issue in the review of events around Jobstown?

**Ms Nóirín O'Sullivan:** At fear of repeating myself, Assistant Commissioner O'Brien has been appointed to conduct a review of the entire matter from a lessons learned perspective-----

**Deputy Mary Lou McDonald:** Does the review include the matter I have raised?

**Ms Nóirín O'Sullivan:** -----and he will conclude his review.

**Deputy Mary Lou McDonald:** Will the review include the matter I have raised?

**Ms Nóirín O'Sullivan:** As I am sure the Deputy will appreciate, the courts system is completely independent.

**Deputy Mary Lou McDonald:** I am well conversant with the courts system. The Garda Commissioner is deliberately not answering my question. It is either the case that Assistant Commissioner Barry O'Brien is reviewing everything, including the grave matter of public concern around potential perjury or misleading of the court, which could not be more serious, or he is not investigating this matter and is simply looking at the operational matters on the day and the background to them. I simply want to know which of these is the case.

**Ms Nóirín O'Sullivan:** If I could say, perjury is obviously a very serious matter. It is also a criminal offence. If anybody has a suspicion or a concern that a member of An Garda Síochána has committed a criminal offence-----

**Deputy Mary Lou McDonald:** This is filibustering and it is unacceptable.

**Ms Nóirín O'Sullivan:** -----there is a mechanism there, as I say, either through the Garda Síochána Ombudsman-----

**Deputy Mary Lou McDonald:** Is Assistant Commissioner Barry O'Brien examining the allegation, worry and public concern that officers of An Garda Síochána gave misleading or false evidence to a court of law? That is a "Yes" or "No" question.

**Ms Nóirín O'Sullivan:** All I can say again is what I have just said. Obviously, what I am saying is that if anybody-----

**Deputy Mary Lou McDonald:** Yes or no.

**Ms Nóirín O'Sullivan:** -----has a suspicion that a member of An Garda Síochána has engaged-----

**Deputy Mary Lou McDonald:** That is not what I asked the Commissioner. It is most disrespectful to me and the committee to deliberately not answer a question.

**Chairman:** The Deputy has exceeded her time. I will ask one question. The Commissioner stated Assistant Commissioner O'Brien will examine the operation from a lessons learned point of view. Does the review extend beyond the events of the Saturday evening in Jobstown or will it stop with those events? The operation did not-----

**Ms Nóirín O'Sullivan:** What I said is that the assistant commissioner is reviewing the entirety of the matter from a lessons learned perspective.

**Chairman:** Will the review extend beyond what physically happened in Jobstown to events subsequent to that day?

**Ms Nóirín O'Sullivan:** If there are issues arising from what happened at Jobstown-----

**Deputy Mary Lou McDonald:** Does the review include the very serious suggestion regarding the disposition of some of the Commissioner's officers in a court of law? Is Assistant Commissioner O'Brien examining that piece of it?

**Ms Nóirín O'Sullivan:** Perhaps if I take it out of the court of law, it would be an easier way

to answer the question because I do not want to prejudice anything that is before the court. If I take, for example, my colleagues and I appearing as witnesses at the Committee of Public Accounts, I am not suggesting that I want to separate the two issues entirely but obviously there are witnesses who appear before, for example, committees or courts and different witnesses have different accounts of matters. Some people have a direct evidence account of matters and some have a hearsay account of matters. It is important that the court, the Committee of Public Accounts or any other committee hears all of the evidence in a fair and balanced way. I am not going to second guess here the conduct of the court. What I am saying is that from An Garda Síochána's perspective, to bring it back to the Jobstown issue, it is important that, as members of An Garda Síochána, we are always told professionally to treat witnesses in a fair and reasonable manner-----

**Deputy Mary Lou McDonald:** Absolutely

**Ms Nóirín O'Sullivan:** -----to afford them natural justice and fair procedure and also to bear in mind that different witnesses will have different accounts of events. That does not mean that one witness is right and one witness is wrong. That is why we are always taught to hear things in a fair and balanced manner.

**Deputy Mary Lou McDonald:** Is Assistant Commissioner O'Brien investigating the matter that I put to the Commissioner? It is a "Yes" or "No" answer.

**Ms Nóirín O'Sullivan:** What I am saying is when the totality of the matters before the court are concluded, that will then feed into the review but the totality of the matters that are before the court are not concluded so Assistant Commissioner-----

**Deputy Mary Lou McDonald:** I will take that answer as a "No".

**Ms Nóirín O'Sullivan:** Assistant Commissioner O'Brien has been appointed to review the circumstances leading from the whole situation in Jobstown. When the totality of the matters before the courts are concluded obviously that will be there. It would be quite inappropriate at this point for Assistant Commissioner O'Brien to interfere with matters which are before the courts.

**Deputy Mary Lou McDonald:** Nobody is inviting him to do so.

**Ms Nóirín O'Sullivan:** However, his process will continue.

**Chairman:** I must let other Deputies in.

**Deputy David Cullinane:** With respect, I wish to make a point. As members of the committee, Teachta McDonald and I are entitled to answers to simple questions that are put. I concur that it would be unacceptable if the Commissioner were allowed to filibuster and not answer straight questions. The Chairman has a responsibility, as cathaoirleach, to make sure we get answers to questions.

**Chairman:** I am taking over and concluding on this issue because Deputy McDonald has gone well over her time. I ask the Garda Commissioner to correct me if I am wrong but my understanding is that Assistant Commissioner O'Brien is conducting a review of the events in Jobstown, that arising from the events at Jobstown, there are matters still before the courts and until those matters have been completed, the assistant commissioner will not be able to complete his review of this process.

**Ms Nóirín O'Sullivan:** Yes, Chair, you are correct. As I say, we are anxious that we learn from a lessons learned perspective any issues, let it be from public safety or any other issues, that arise from the whole Jobstown situation.

**Deputy Mary Lou McDonald:** That is exactly the kind of remark that damages public confidence in the organisation the Commissioner heads.

**Ms Nóirín O'Sullivan:** Chair, as I say-----

**Deputy Mary Lou McDonald:** It is the kind of filibustering and evasion that damages the Garda.

**Chairman:** I will try to condense the issue into one sentence. While it may have taken ten minutes to get to this point, the net position is that the operation in Jobstown is being examined, as are the events leading from it, which would include court proceedings but this aspect cannot be dealt with until the proceedings have concluded and at that point, it will be possible to complete a report from the beginning of the Jobstown affair to the end of the court process.

**Ms Nóirín O'Sullivan:** Yes.

**Chairman:** As such, the assistant commissioner will examine the court process at the end of the court process.

**Ms Nóirín O'Sullivan:** No, not the court process because he would have no authority in which to examine it. The courts are an independent institution.

**Chairman:** Will lessons be learned regarding the prosecution?

**Ms Nóirín O'Sullivan:** Any lessons will be learned. I might also say, because I am picking up on Deputy McDonald's point in terms of public confidence in An Garda Síochána, that the purpose of the Garda Síochána Ombudsman Commission being established was that if any person has a concern in relation to any activity on the part of a member of An Garda Síochána, the ombudsman commission is the independent body which can receive complaints about the conduct of any member of An Garda Síochána and that is from a public confidence point of view.

**Deputy Mary Lou McDonald:** That is fine but surely to goodness the Commissioner, of all people, should have a concern.

**Chairman:** Just to clarify for members of the public who may not get the position, even though members might get it, with regard to the possibility of an allegation of wrongdoing having been made to the Garda Síochána Ombudsman Commission, has the Commissioner been notified by GSOC of any investigation it may be conducting arising from the Jobstown affair?

**Ms Nóirín O'Sullivan:** No, not at this point.

**Chairman:** If wrongdoing by members of An Garda Síochána in Jobstown or subsequent to that event is alleged, it will be a matter for the Garda Síochána Ombudsman Commission to do the investigation, rather than the Garda.

**Ms Nóirín O'Sullivan:** That is correct and if I can say, we take all matters in relation to any allegations of wrongdoing against any member of An Garda Síochána with the utmost seriousness.

**Chairman:** I am trying to bringing clarity to the issue. I call Deputy Shane Cassells.

**Deputy Shane Cassells:** I welcome the Garda Commissioner and her team back to the committee. I will focus on the Commissioner's opening statement and the number of gardaí because in all these debates the issue of gardaí numbers on our streets is sometimes overlooked. Is the Garda on course to meet the target it has set of increasing Garda numbers to 21,000 by 2021?

**Mr. Joseph Nugent:** Yes.

**Deputy Shane Cassells:** The key issue that jumps out of the statement is that the focus is very much on the civilian side. Why is that the case?

**Ms Nóirín O'Sullivan:** Part of our commitment and the Government's key commitment is to increase the civilian membership of An Garda Síochána from 2,000 to 4,000 members.

**Deputy Shane Cassells:** In what specific areas will these civilian members be deployed?

**Ms Nóirín O'Sullivan:** There would be a number of deployments and we have a plan in place, which I will ask Mr. Nugent to discuss.

**Mr. Joseph Nugent:** They will be deployed in a number of ways to bring professional competence into areas of specialist skills.

**Deputy Shane Cassells:** What areas of specialist skills?

**Mr. Joseph Nugent:** They could be finance, technology or human resource management. Those are just examples.

**Deputy Shane Cassells:** It is quite a number at 2,000, which is a 100% increase.

**Mr. Joseph Nugent:** That is one part of it. Another part of it is to release those gardaí who have been involved in back office duties, if I can use that phrase, around the country to be available for operational policing roles. Administrative tasks take place around the country and we intend to provide civilian members to free up that group as well.

**Deputy Shane Cassells:** Again, is there a plan for the redeployment of 2,000 gardaí to front-line duty by 2021 in Garda stations throughout the country?

**Mr. Joseph Nugent:** We have a plan for the 500 this year, because that is what has been promised to us for this year. We have a process of developing a workforce plan that will get into the level of detail the Deputy seeks. That will be available at the end of this year. However, our primary focus at present is on the allocation that was sanctioned for 2017 and we have a plan for that.

**Deputy Shane Cassells:** There will be a plan every year, year on year, for the next number of years.

**Mr. Joseph Nugent:** There will be a plan for every year.

**Deputy Shane Cassells:** Can that be provided to us in terms of the Garda stations where those numbers, including the 500 for this year, are being redeployed?

**Mr. Joseph Nugent:** We can provide the committee with the workforce plan that details some of that, and we can revert to the committee as other plans emerge. I do not have a plan for 2018 today, but we will have plans for those periods as we go forward.

**Deputy Shane Cassells:** I wish to focus on one aspect, because it is the most important. I will put it in context. The force has a spend of €1.5 billion and €1 billion of that is on wages, so the focus is on the human element or human capital of where those gardaí will be deployed. Deputy Catherine Murphy mentioned this earlier. Is the focus specifically on urban areas or is there a focus on rural areas as well?

**Mr. Joseph Nugent:** It is urban and rural areas. I will give a practical example. We have a pilot process in four divisions around the country where we are looking at the manner in which those administrative services are being provided with a view to lifting them from district to divisional level. The divisions are in Mayo, Galway and Cork, as well as in Dublin. Our focus is countrywide to examine what is the right deployment model for civilian members in administrative roles in the different types of divisional structures.

**Deputy Shane Cassells:** I will explain why I am focusing on this. There has been much discussion this morning on ICT and the divisional headquarters being built. I pass Kevin Street every morning and it is quite an impressive building. However, the issue is what people do in that building. People listening to this discussion are interested in the Garda's style of policing and what that means. I have attended all the JPC meetings in my home county for over a decade both as a councillor and as a Deputy. There is a fear among the community. The Garda Commissioner might think it is only a perceived fear but it is a real fear. If there was not a fear about policing and crime, the 2,000 people who went to the meeting of the Paul Williams roadshow in Thurles and the 2,000 people who attended the meeting in Trim, in my home county, would not have gone to those meetings. My question is about the style of policing. Is it one in which the Garda Commissioner wishes to see the deployment of gardaí on the street? There is a big fear of anti-social behaviour and attacks on people.

**Ms Nóirín O'Sullivan:** The fear of crime is very real and we recognise that. Earlier, I spoke about our communications strategy and making sure we get messages across. However, the important issue is having people on the street.

**Deputy Shane Cassells:** Okay.

**Ms Nóirín O'Sullivan:** The Deputy asked about the emphasis on civilianisation and having civilian members. That is to ensure that sworn gardaí are out engaging with the community and providing that level of reassurance. In terms of the additional recruitment of members, as I said earlier 198 new members last week went to stations all over the country. By the end of this year we will have 400 additional new members going to the stations. The reassurance of having boots on the street, so to speak, and having gardaí out engaging with the community is palpable and is having an effect. That is something we will have to continue-----

**Deputy Shane Cassells:** It is not happening in my county. It is the biggest issue in my county at present. One could see that from the front pages of the tabloid newspapers last week and from the Joe Duffy show. Following a very serious incident the front cover of my local newspaper referred to crime in Meath being out of control. A shopkeeper was beaten around the head with a glass vase by thugs. The Mayor of Navan, Councillor Tommy Reilly, who is 73 years of age, had to intervene to save his son in that incident. What is shocking is that a Garda car arrived at the scene, spoke to the thugs and then drove off. It sparked a national debate on the front covers of all the national newspapers and on the Joe Duffy show. It is a sad state of affairs for the Houses of the Oireachtas and the Garda Síochána that it takes the Joe Duffy show, apparently, to solve matters. The Garda Commissioner says there is a palpable sense of people feeling confident but not in my county or my town. A 73 year old man, the Mayor of Navan,

had to intervene to save his son. The gardaí are not there. There are no boots on the ground. We do not see it. The context of me putting this question is that the Garda has a spend of €1.5 billion, of which €1 billion goes on wages. The people listening to this want to hear if the gardaí are on the ground doing their job.

**Ms Nóirín O’Sullivan:** I can give the Deputy an example. I extend my sympathies to the individuals the Deputy referred to and obviously it is a matter we are examining. Since recruitment commenced, 36 new members of An Garda Síochána have gone to the Meath division. That does not take account of the consequential transfers. As the Deputy knows, there are always people looking go to Meath division-----

**Deputy Shane Cassells:** There are also retirements.

**Ms Nóirín O’Sullivan:** That factors in the retirements as well. That is the reason we welcome the Government’s commitment to increasing the overall strength of the garda members of the organisation to 15,000. Allowing for an average of 300 retirements per year, that will take time. We very much welcome that by the end of this year we will have 800 new members of An Garda Síochána and we welcome the commitment to that. We cannot distribute everybody at the same time. We have a plan or distribution model where we try to factor in retirements, and I realise it has become an issue in Deputy Catherine Murphy’s constituency, crime demands and population demands.

**Deputy Shane Cassells:** There is little point in the Garda Commissioner quoting statistics and telling me she in confident there are people on the street, if that is not the reality. That incident proves it is not the reality. Gardai are on my local radio station every week detailing the crime. There is little point in only telling the people about the crime that has occurred when there is no follow-up. Has the Garda Commissioner got a plan whereby she instructs her chief superintendents with regard to how many people are getting back to that basic element of policing? My question is about the style of policing. I acknowledge that policing has changed and that intricate work has to be done with regard to drugs and so forth. However, people are afraid about that basic element of policing, namely, people staving off these thugs who appear to control towns such as Navan, Mullingar and Thurles. They are allowed to wander the streets and not be challenged by the force that is supposed to be protecting people. Why is it that a mother who walks down the streets of my home town of Navan is afraid? These thugs seem to think that they own the streets. They can beat a guy around the head with a glass vase and when the gardaí arrive they have a chat with them and then drive off. It took the Joe Duffy show to implement the arrests. That is crazy.

**Ms Nóirín O’Sullivan:** It is a matter we are taking up with local management. The Deputy asked about the style of policing. There is an assistant commissioner in charge of the eastern region, a chief superintendent in charge of the Meath division and a local superintendent in the various districts in the Meath division, including in Trim. They are responsible for delivering local, responsive policing. When issues such as the one the Deputy identified arise, they are the people with responsibility and accountability for ensuring that the measures are in place. Our responsibility is to ensure that we equip them. On top of that-----

**Deputy Shane Cassells:** However, does the Commissioner wish to know that the style of policing they are implementing for the force is one that gives confidence to people that they can walk down the street and that the gardaí are not stuck in the Garda station in Navan, Mullingar or Thurles or in the new headquarters in Kevin Street? That is the point of my question.

**Ms Nóirín O’Sullivan:** Yes, and in terms of measuring that confidence we carry out our public attitude survey. That is on a quarterly basis-----

**Deputy Shane Cassells:** The public attitude is that it is out of control. This is a picture of his face. He was beaten around the head.

**Ms Nóirín O’Sullivan:** There is no doubt that it is a horrific crime. My sympathies go to the individuals involved and the family of those individuals. We are providing a policing service-----

**Deputy Shane Cassells:** I appreciate that, but the journalists are capturing the public attitude. The Garda Commissioner spoke to Deputies Kelly and MacSharry about the money being spent on PR and making sure that the Garda is not insular. However, the journalists in these counties are capturing the public attitude. Paul Williams is doing so on his roadshow. Is the Garda gathering that information and directing the type of policing that assuages that and gets these guys so they do not feel they control our streets, given the spend of €1 billion on wages?

**Ms Nóirín O’Sullivan:** Absolutely, and part of that is the deployment of new resources. More importantly, part of it is a number of the initiatives we have in place, particularly public safety initiatives such as Operation Thor. We can provide for the committee, if the Chairman wishes, details of the successes of Operation Thor since it was implemented and the high visibility for which it provides to make sure we provide that reassurance for the community. One crime is one too many, but, unfortunately, as I said, we live in a society in which crime is a reality, as it is in all societies. However, we strive to reduce it as much as we possibly can.

**Deputy Shane Cassells:** Regarding Operation Thor, the traffic corps and the transport element, is An Garda Síochána trying to increase and duplicate the mobile force? Again, in my area members of the traffic corps were taken from north Meath and redeployed in south Meath, which means that one part of the county has been left without an available traffic corps. I do not want the witnesses to focus on County Meath, but is An Garda Síochána trying to increase services nationwide or just strip an already stretched service?

**Ms Nóirín O’Sullivan:** One of the measures included in our public attitudes survey is visibility. I have tasked Assistant Commissioner Finn with revamping not just the traffic corps but also roads policing in its entirety to provide exactly the type of service the Deputy has described. It is a matter not alone of ensuring visibility but also the level of engagement. Does Mr. Finn wish to talk about that aspect?

**Chairman:** We are well over time in this slot.

**Mr. Michael Finn:** I am aware of the reconsolidation of the traffic corps in County Meath. It was scattered all over the place and for the moment we have brought it back into one centre. We are putting extra people into traffic policing there, but we need a level of supervision and having the traffic corps scattered all over the place was probably not the most effective way to achieve this. I am aware, from talking to the chief superintendent in County Meath, that he has consolidated the traffic corps in one location. However, as we are providing for more supervision and more people there, he will have a bigger traffic corps by the end of the year.

**Chairman:** I have to move on.

**Deputy Shane Cassells:** That is fine. My only concluding remark concerns the attitude of the public and the focus on it. I ask the witnesses to take away from the meeting the fact that

journalists in my county are capturing the attitude of the public. If a headline reads “out of control”, it reflects the attitude of the public. I ask the witnesses to ensure the style of policing adopted is one that will get these thugs in order that they, not genuine people, will be afraid to come down the street.

**Chairman:** We will conclude this session at 12.30 p.m. because we have to deal with core services and have a slot until voting time. That is what the committee agreed to. Our business in the afternoon will involve the drafting of the report on the Garda College in Templemore, which means that all we will have are five-minute slots. Members will have to put their questions and the answers will have to be given within five minutes. I can extend the meeting until 6 p.m., but we will be here until midnight if we do it the other-----

**Deputy Catherine Connolly:** I would like to make a comment.

**Chairman:** We will have five-minute slots.

**Deputy Catherine Connolly:** The rules were not complied with. We are giving out about a group before us that does not comply with the rules. We agreed to an arrangement, but it was not complied with. Perhaps we might come back to this issue in private session. We are still here at 12.15 p.m., even though we agreed to stop at 12 noon and stick rigidly to that arrangement, but that did not happen.

**Deputy Alan Kelly:** Hear, hear.

**Deputy Catherine Connolly:** I do not know how they could be-----

**Chairman:** I ensured members kept very closely to their allocated time. I have a time limit. Most members took perhaps 12 minutes instead of the ten allocated to them. In one session members took up to 20 minutes instead of ten. That was because of the debate on what had happened at Jobstown. Because the event happened in 2015, was relevant to the deployment of Garda resources and staffing and directly related to the vote today, I let the debate continue. Others might question why we had a debate on what had happened at Jobstown, but it was an event in 2015 and we are here to examine the level of Garda resources in that year. That is why I allowed the debate to continue. We will proceed with five-minute slots. Deputies Catherine Connolly, David Cullinane-----

**Deputy Catherine Connolly:** Will the Chairman clarify how we will have 15 minutes each if-----

**Chairman:** Five minutes.

**Deputy Catherine Connolly:** I beg the Chairman’s pardon. That is five, ten, 15-----

**Chairman:** Only three members have indicated.

**Deputy David Cullinane:** We are losing time.

**Deputy Catherine Connolly:** That is 20 minutes.

**Chairman:** We will finish in 20 minutes.

**Deputy Catherine Connolly:** I would like to be precise and work to rules.

**Chairman:** Four members have indicated. The Deputy has five minutes, starting now.

**Deputy Catherine Connolly:** I thank the delegates for the clarification of the procurement process. I wish to go back to the matter with Mr. Culhane and the Commissioner. I would prefer if, say, in Galway local suppliers could be favoured, but, obviously, they have to comply with the procurement rules. However, what An Garda Síochána seems to be doing, inadvertently or otherwise, is allowing some suppliers to get contracts because of non-compliance with the procurement rules. Is that not right? I see the supply of vegetables and so on listed: “Peters Fruit & Veg - Catering [...] Tender in progress.”

**Ms Nóirín O’Sullivan:** On what page is it listed?

**Deputy Catherine Connolly:** It is listed on page 2 of the list the witnesses gave us. I am not seeking to identify one group. My five minutes will be up if the witnesses continue to check things.

**Mr. Michael Culhane:** Obviously, there is a procurement plan in place to address all of these issues. While there may be one particular item-----

**Deputy Catherine Connolly:** There are 73 items in total. Rather than the witnesses just-----

**Mr. Joseph Nugent:** Let me deal with the generality of the Deputy’s question. She has asked whether it will be reduced. We are saying-----

**Deputy Catherine Connolly:** No. I have now gone beyond that and have a list before me. I am inexperienced in this area, but when I look at the list, I see there are procurement rules. An Garda Síochána’s procurement non-compliance rate is approximately 10%, for which the witnesses have given us the reasons of security and sometimes urgency, but there is no such evidence for a lot of the items. While I accept that sometimes it has to be done, why would it have to be done in the supply of fruit and vegetables?

**Mr. Michael Culhane:** I suspect that it is not actually the supply of fruit and vegetables. On the Deputy’s point about local catering, if there is an event - for example, Prince Charles visited in 2015 - there will be a requirement for catering to support that activity. That could have been the source of the particular item.

**Deputy Catherine Connolly:** Okay. The witnesses have given me a list. Non-compliance in the case of 73 items is unacceptable. This has been the case previously and I would have expected the level of non-compliance to decrease to a small number of items and cases of non-compliance to be accounted for in emergency conditions.

**Mr. Michael Culhane:** It is our objective to reduce the level of non-compliance to as low as possible.

**Deputy Catherine Connolly:** I know. Mr. Culhane has said that. Something in which I am particularly interested is the victim service offices. There is a victims’ directive; a Bill is in progress in that regard and the Commissioner mentioned the provision of specific offices. Will she update me on the position throughout the country?

**Ms Nóirín O’Sullivan:** Yes. We have 28 divisions throughout the country. In every division we have set up a victim service office which is staffed - this speaks to Deputy Shane Cassells’ question about the roles of civilians - by both a garda and a civilian member who are trained. We have had a lot of input from victims’ advocacy groups and support services in

terms of the training provided, which we very much welcome. We have also set up a national protective services bureau and are in the process of rolling out the implementation of divisional protective services bureaux to support more vulnerable victims. This means that a victim can come into a Garda station, to the victims service office, which provides a link. One of the pieces of feedback we have received from victims during the years is that, because of the roster system under which gardaí are employed, a victim may not always be able to obtain an update on his or her case or may not always be able to get in touch with the local garda. The victim service office has all of the details and, particularly in the light of the victims' directive and the right of a victim to be kept updated, will provide them constantly.

**Deputy Catherine Connolly:** Will An Garda Síochána comply with all of its obligations when we pass the legislation required to provide for the actual enforcement or implementation of the directive?

**Ms Nóirín O'Sullivan:** Yes, we will. The victim service offices and the national protective services bureaux were set up to future-proof the implementation of the victims' directive and the Istanbul Convention on domestic violence.

**Deputy Catherine Connolly:** Ms O'Sullivan will accept that on many occasions the victim is lost in the process-----

**Ms Nóirín O'Sullivan:** Absolutely.

**Deputy Catherine Connolly:** -----and the whole idea behind the Istanbul Convention and so on is to make sure he or she is not lost and has rights.

**Ms Nóirín O'Sullivan:** Yes. The Deputy will see in our modernisation and renewal programme a very important part of our cultural shift was putting the victim at the heart of the Garda service. That is why we prioritise the victim service offices and the national protective services bureaux.

**Deputy Catherine Connolly:** What are the non-public duties? They have been referred to. What are the payments for non-public duties?

**Mr. Michael Culhane:** Non-public duties involve the provision of security at concerts, sports events and any other event at which a sponsor requires a policing service.

**Deputy Catherine Connolly:** An Garda Síochána gets back the cost of providing that service.

**Mr. Michael Culhane:** Correct.

**Deputy Catherine Connolly:** There is no question of a profit.

**Mr. Michael Culhane:** No. The provision of such a service is designed on the basis of cost recovery.

**Deputy David Cullinane:** I wish to put a couple of questions to Mr. Finn. I thank him for his earlier answers. He was most co-operative. I come back to the mandatory alcohol testing issue. Who has responsibility for management of the initiative?

**Mr. Michael Finn:** I do now.

**Deputy David Cullinane:** When did Mr. Finn assume the role?

**Mr. Michael Finn:** December last year.

**Deputy David Cullinane:** When Mr. Finn came into the role, he would have been aware of the issues anyway. What were his thoughts about what he saw?

**Mr. Michael Finn:** I was aware that there was a review related to breath tests going on. It had not been concluded. I was aware that there were difficulties trying to reconcile the figures. As the Deputy might recall from our press conference, I went to the Medical Bureau of Road Safety and I got its data. That was the revelation that we had a serious gap between what we said we had on PULSE versus what was in the Medical Bureau of Road Safety.

**Deputy David Cullinane:** It was a very serious gap, of almost 1 million. On Mr. Finn's current role as a manager, while he obviously cannot be held culpable for previous failures, surely he would have been very alarmed at what he saw?

**Mr. Michael Finn:** Yes. One of my difficulties at the time was that I had the information but I was not able to explain what was going on. I had not gone into the in-depth analysis which my colleague is doing at the moment to see what was going on with it. Was it an IT problem or a recording issue? Those are all things that-----

**Deputy David Cullinane:** Has Mr. Finn spoken to his predecessors?

**Mr. Michael Finn:** Yes.

**Deputy David Cullinane:** What was their response about what happened and what was going on? I know there are two interim reports and we are waiting for a complete report. Surely Mr. Finn would have been trying to satisfy himself that they had some knowledge or understanding of what was happening?

**Mr. Michael Finn:** My initial response was to see if we could sort it out and reconcile our figures to ensure that the process we had in place was robust and stood up, and that we could say that the figures that we are broadcasting are correct. It may very well be 1 million is incorrect and that the discrepancy is not as significant as we thought at the time, but the information that we revealed to the public at the press conference was that we had discovered this and have a big hole here, and while we do not know why there is a big hole, we are not happy with it and we are taking our figures-----

**Deputy David Cullinane:** I ask these questions because I have read the two interim reports cover-to-cover several times and, in my view, they understate the case in some instances. They reference errors, inconsistencies and so on, and they look at systems failures, data gathering and such. There is very little reference to the failure of management or oversight. Somebody is responsible for making sure that something as serious as a mandatory alcohol-testing initiative is done right. Somebody has to be held accountable for that. Mr. Finn and the Commissioner will be aware that if it is the case that the inconsistencies are as great as has been reported, that has huge implications with regard to policy. As they know, policy is set based on data given to the Government and to the Department. If the data is massively incorrect, it has serious implications for policy responses. I am trying to understand why very little attention is given in any of the interim reports that I have read to management culpability or examination of management - including Mr. Finn's predecessors.

**Mr. Michael Finn:** That includes myself. I am here at the helm now.

**Deputy David Cullinane:** Specifically Mr. Finn's predecessors.

**Mr. Michael Finn:** It is my responsibility now. I have to make sure that we call in our regional traffic superintendents and look at and examine the figures. I now have two analysts working for me full-time in the traffic bureau who can give us the type of information that we need going forward. Managers-----

**Deputy David Cullinane:** Is it possible that there were management failures?

**Mr. Michael Finn:** It might be unfair to Mr. Michael O'Sullivan for me to judge, but I have no doubt that there was a serious-----

**Deputy David Cullinane:** Is it possible that there were management failures, Commissioner?

**Ms Nóirín O'Sullivan:** We have to wait until the conclusion of Mr. Michael O'Sullivan's report.

**Deputy David Cullinane:** I understand that, but my question is whether it is possible.

**Ms Nóirín O'Sullivan:** The Deputy asked a question about governance. There are management responsibilities here. When this matter came to light, we brought together all of the assistant commissioners, chief superintendents and superintendents from all over the country to emphasise and re-emphasise to them their responsibility and accountability on these matters. That has been made very clear.

**Deputy David Cullinane:** What I see when I read the two interim reports is a pattern that we had with the Garda training college as well, where there is much emphasis on managing the problem. That has to be done, because Mr. Finn is right that, if there is a problem, it has to be corrected. I do not see the same level of urgency or attention being given to management failures, and people being held to account for what happened. It does not scream from the pages from what I have seen and that concerns me. What level of scrutiny, examination and investigation is there ongoing with regard to potential management failures? Things do not always happen by accident. It may well be an accident but I would surmise that, in this case, it is possibly not. If it was not an accident, somebody is responsible for the system failure and people have to be held to account. Is that part of that ongoing work?

**Chairman:** Deputy Alan Kelly is next.

**Ms Nóirín O'Sullivan:** Yes. One thing that we welcome is that the Policing Authority has commissioned a completely independent body to complete the review and the work that Mr. Michael O'Sullivan has commenced. We welcome that, and I am absolutely sure and confident that it will be an absolutely complete review, and whatever the findings are from that will be fully implemented by An Garda Síochána.

**Deputy Alan Kelly:** I spoke earlier about consultancy and Accenture. Did any major supplier to the Garda sponsor the recent chiefs of police conference held in Dublin?

**Ms Nóirín O'Sullivan:** The chiefs of police conference was hosted by An Garda Síochána but was held by the International Association of Chiefs of Police. We would have to check, but Accenture would be partners of the International Association of Chiefs of Police.

**Deputy Alan Kelly:** So Accenture sponsored the conference?

**Ms Nóirín O'Sullivan:** I cannot say that Accenture sponsored it. We would have to check with the association.

**Deputy Alan Kelly:** Will Ms O'Sullivan come back with the value of what Accenture contributed and the breakdown of that?

**Ms Nóirín O'Sullivan:** Yes.

**Deputy Alan Kelly:** When it comes to the telephone liaison unit how much funding goes into it, what does it do, and how many staff does it have? Has that changed in recent times?

**Ms Nóirín O'Sullivan:** If I may clarify my previous answer, my colleague was telling me that if the International Association of Chiefs of Police had any dealings with Accenture, it was independent of us and not related to us. It is a third party and we would have to see if there are any issues there.

**Deputy Alan Kelly:** Surely, given that it was in Ireland, the association would have worked with the Garda? Ms O'Sullivan can come back to us about it.

**Ms Nóirín O'Sullivan:** We were just hosting the conference. I do not want to give a commitment on the behalf of another agency.

**Deputy Alan Kelly:** Fine. Ms O'Sullivan can try her best.

**Ms Nóirín O'Sullivan:** The association does not belong in this jurisdiction either, so we should be mindful of that.

**Deputy Alan Kelly:** I said that Ms O'Sullivan can try her best.

**Ms Nóirín O'Sullivan:** The Deputy is speaking about the telephone liaison unit. It is part of the security and intelligence branch of An Garda Síochána.

**Deputy Alan Kelly:** How many people are in the unit? Has the volume of people in the unit changed in recent times? What is the budget for the unit? There is an overspend here and I want to get to the bottom of it.

**Ms Nóirín O'Sullivan:** Will the Deputy refer us to the page where the overspend is mentioned?

**Deputy Alan Kelly:** There is an overspend of €1.2 million on communications in total. I understand that most of it is nothing to do with this, but I want to know if there have been any changes with regard to how this unit operates in the last number of years. Have there been changes in the volume of staff, and will Ms O'Sullivan - not here, but through her conduit, Mr. Joseph Nugent - give us a breakdown of it? I do not want to know names, just the structure of the unit and how it operates.

**Ms Nóirín O'Sullivan:** Maybe I could take direction on that. If I understand correctly, the overspend relates to communications. The telephone liaison unit is completely separate if we are talking about the same thing.

**Deputy Alan Kelly:** We did not know that.

**Ms Nóirín O'Sullivan:** The telephone liaison unit is part of the security and intelligence infrastructure. It is overseen by a judge of the High Court who reports annually to the Oireachtas.

**Deputy Alan Kelly:** So it is not part of the Garda's spend at all?

**Ms Nóirín O'Sullivan:** It is part of our spend but it is governed under national security.

**Deputy Alan Kelly:** My three questions, which Ms O'Sullivan can come back to me on, are these. One is whether the spend on the unit has changed, the second is what the structure of the unit is, and if it has changed in the last years, and the third - which is very important - is if any protocols for how that unit operates have changed in the last number of years.

**Ms Nóirín O'Sullivan:** The governance of the national security infrastructure is overseen by a judge of the High Court, particularly with regard to what the TLU comprises. I do not believe there is anything specific in the vote relating to the TLU, because it is not separately ring-fenced in the vote. It is part of our national security infrastructure, and it is overseen by a judge of the High Court who reports annually to the Oireachtas.

**Deputy Alan Kelly:** I understand that. I just want to know the structure of it, if the structure has been changed, the volume of people in it and, in whatever best way Ms O'Sullivan can inform us, the volume of the spend on it.

**Ms Nóirín O'Sullivan:** We do not designate the spend on it because those in it are employees of An Garda Síochána. We can possibly do a headcount.

**Deputy Alan Kelly:** A head count, structure and how the process has changed would suffice.

I have a question on the Charleton liaison committee. I am not going anywhere near the tribunal of inquiry before the Chairman becomes concerned. The Charleton liaison committee was set up. Who was in this, who was hired, when were they hired and why were they hired? What is the purpose of it?

**Ms Nóirín O'Sullivan:** As with all tribunals of inquiry, while I am conscious that the tribunal of inquiry into protected disclosures is currently sitting-----

**Deputy Alan Kelly:** So am I.

**Ms Nóirín O'Sullivan:** -----an office is appointed to liaise with the tribunal. In his establishment, Mr. Justice Charlton set out an ambitious timeframe. In order to comply and to be in a position to fully support the tribunal on behalf of An Garda Síochána, which we are continuing to do, we had two-----

**Deputy Alan Kelly:** To save time, could the Commissioner supply a structure of who is there, the contracts they are on, the date their contracts are from and the dates on which they were signed off on by the Department and the Department of Public Expenditure and Reform? I presume that liaison committee is there for anybody in An Garda Síochána who is-----

**Mr. Joseph Nugent:** It is for liaison directly through the organisation and the-----

**Deputy Alan Kelly:** In respect of the people who were hired, was a legal person hired?

**Ms Nóirín O'Sullivan:** No.

**Deputy Alan Kelly:** So no solicitor was hired as part of this?

**Mr. Joseph Nugent:** No solicitor was hired. We did not hire-----

**Deputy Alan Kelly:** No legal person was hired to be part of this unit?

**Mr. Joseph Nugent:** We did not hire a legal person. We would use the assistance of-----

**Deputy Alan Kelly:** Fine.

**Mr. Joseph Nugent:** To be clear because it is important, a solicitor provided by the Office of the Chief State Solicitor is involved but the solicitor is not-----

**Deputy Alan Kelly:** But An Garda Síochána does not have any separate legal-----

**Mr. Joseph Nugent:** We have not engaged in separate-----

**Deputy Alan Kelly:** In respect of the people who were actually hired as part of this unit, I presume it was open to public competition.

**Mr. Joseph Nugent:** It was discussed with the Department of Justice and Equality at the time.

**Deputy Alan Kelly:** I know but I am asking a specific question. Was it open to public competition?

**Ms Nóirín O'Sullivan:** Specific skills were identified as being required.

**Chairman:** It related to the procurement process.

**Deputy Alan Kelly:** Was this open to public competition?

**Ms Nóirín O'Sullivan:** No.

**Deputy Alan Kelly:** Why not?

**Ms Nóirín O'Sullivan:** It was a time band and involved specific skills that were required.

**Deputy Alan Kelly:** How were these people chosen?

**Ms Nóirín O'Sullivan:** We can send a note to the Chairman in the interests of time.

**Deputy Alan Kelly:** No, I do not want a note on this. I want to know here and now how those people were chosen.

**Ms Nóirín O'Sullivan:** They were chosen based on their knowledge and understanding of the processes and their previous engagement with some of the processes.

**Deputy Alan Kelly:** Who chose them? Who interviewed them?

**Ms Nóirín O'Sullivan:** We can provide the Chairman with a note on it as I do not have the details.

**Deputy Alan Kelly:** I want an answer here and now. Who interviewed the people who were in the Charlton tribunal liaison committee that was not under public procurement?

**Ms Nóirín O'Sullivan:** We can provide a note on the process and the costs if that is suitable.

**Chairman:** If information is available to the Commissioner or she knows the answer, she should answer the question now.

**Deputy Alan Kelly:** There are two answers here. Either the Commissioner does not know, which would be absolutely extraordinary, or she is not willing to provide the information.

**Ms Nóirín O’Sullivan:** We can provide the information. I am not sure if anybody interviewed these people. I am not aware so we would have to inquire.

**Deputy Alan Kelly:** How could they? This is very important. We have a group that was set up for all gardaí who were involved in the Charlton tribunal. We are not talking about Charlton because this is ultimately a cost to the State. This group was set up. People were put into this unit. There was no public procurement of them and we are saying here that we do not even know if they were interviewed for the job. The Commissioner said earlier on that they had to have the appropriate skills so how could they have the appropriate skills if they were not interviewed? Surely if they were interviewed, the Commissioner would know who interviewed them.

**Ms Nóirín O’Sullivan:** Mr. Nugent is telling me that we do not believe they were interviewed. We can provide the names of the individuals and their skillset. The Deputy asked a question that I would like to answer.

**Deputy Alan Kelly:** That is nice.

**Ms Nóirín O’Sullivan:** The purpose of the tribunal co-ordination office is to fully assist the disclosures tribunal to meet the timeline set out by Mr. Justice Charlton and to be in a position to facilitate the co-ordination from right across the organisation and to provide an interface and conduit with the tribunal. I will be honest with the committee. The fact is that we have been criticised previously about delays in facilitating and supporting commissions of investigation, etc., and in the timeframe set out by the disclosures tribunal, it was far more cost-effective to hire retired individuals than it would be for-----

**Deputy Alan Kelly:** I accept that but I just want to clarify the information I want. First, I want to know who these individuals are. I want to know why the process by which they were chosen was not done through public procurement; if they were interviewed, who interviewed them; and, the costs associated with it. I also want to know about the decision making by the Departments of Public Expenditure and Reform and Justice and Equality and the dates and times.

**Chairman:** The Deputy has got that now.

**Deputy Catherine Murphy:** The witnesses spoke about Stepside Garda Station and the report. Deputy McDonald asked them to provide us with the interim report up to now. The witnesses spoke about the CSO and making a decision about where stations will be opened and deployment of staff. I looked at the census from 1996 to 2006 to see where the big changes occurred. Dublin city grew by 13%, Dún Laoghaire grew by 13%, south Dublin grew by 22%, Fingal by 43%, Meath by 44% and Kildare by 39%. Kildare, Meath and Fingal make up the area that has seen huge growth. There has not been a parallel increase. I know that is not the only measurement because An Garda Síochána looks at crime statistics and a range of other things. On a *per capita* basis, the lowest rate of gardaí to population is found in Kildare followed by Meath and places like Wexford. If there are to be deployment and transfers, will they be on the basis of matching the population growth and crime statistics? What metrics will An Garda Síochána use? It has never been the case that this has played a whole part in this up to now. For the past ten or 12 years, I have engaged with various assistant commissioners about

the deployment of resources because they have never matched population growth. It is part of the reason Deputy Cassells is so frustrated because the same pattern occurs in areas with very high growth. I would have thought that the full opening of Celbridge Garda Station, which opens on a part-time basis, would have come in ahead of Stepside Garda Station given the population increase.

**Mr. Joseph Nugent:** We are more than happy to share information on the distribution of Garda trainees over the past three years with the committee. What the committee will see from that is that the largest deployment of trainees has been into the types of areas about which the Deputy spoke.

**Deputy Catherine Murphy:** From a low base.

**Mr. Joseph Nugent:** I accept that. My point is that this is part of a process. We are not in a position to take in all 15,000 gardaí overnight so we are wrapping up but the figures will show that the largest distribution of new trainees has been in the sort of areas described by the Deputy, including Louth. I will happily share this information with the committee so members can see where people have been deployed. That only relates to new trainees.

**Deputy Catherine Murphy:** The retirements are a counter balance so you need to know-

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**Mr. Joseph Nugent:** I understand that.

**Deputy Catherine Murphy:** We anticipated that we would have the report relating to breath tests. We were told that it would be the end of June and it was then pushed forward to July. At the bottom of the interim report, it stated that it was anticipated that the report would be completed by 31 July assuming work could continue without interruption, which was a matter outside the control of those responsible for the report, all of whom had to carry a heavy caseload. Will sufficient time be available for the people involved in this to complete the report within that timeframe?

**Ms Nóirín O'Sullivan:** There is time. I am assured by the assistant commissioner, who is completing it, that he will complete it. Some of the delays related to the archaic systems and manual systems that need to be searched. I am assured by the assistant commissioner that he will be in a position to provide his final report by the end of July. Last Monday, the assistant commissioner and I met with the company that has been procured by the Policing Authority and we have assured it of our full assistance. We are appointing liaison officers to assist the company with its work so the work will continue at a pace.

**Chairman:** At this stage, we have concluded our questions. On behalf of the committee, I thank our witnesses from An Garda Síochána for participating in the meeting and the materials they have supplied to the committee. I want to get agreement that we dispose of Vote 20 subject to the material we requested to be sent to us in written form. Is that agreed? Agreed.

*The witnesses withdrew.*

*Sitting suspended at 12.39 p.m. and resumed at 12.40 p.m.*

## Vote 22 - Courts Service

**Mr. Brendan Ryan** (*CEO, Courts Service*) called and examined.

**Chairman:** We will now deal with Vote 22 - Courts Service and we will examine the 2015 appropriation accounts. We are joined by Mr. Brendan Ryan, CEO of the Courts Service and Mr. John Coyle, Mr. Tom Ward, Mr. Sean Quigley, Mr. Paul Burns, Ms Geraldine Hurley and Ms Marie Ryan from the Courts Service. We are also joined by Mr. John Burke from the Department of Public Expenditure and Reform and Ms Joyce Duffy from the Department of Justice and Equality.

I remind members, witnesses and those in the Public Gallery that all mobile phones are to be switched off completely, and that means aeroplane mode. Putting them on silent will not be adequate because they will interfere with the recording systems.

I advise the witnesses that by virtue of section 17(2)(l) of the Defamation Act 2009, they are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. The witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable.

Members of the committee are reminded of the provisions of Standing Order 186 that the committee shall refrain from inquiring into the merits of a policy or policies of the Government or a Minister of the Government or the merits or objectives of such policies. They are also reminded of the long-standing ruling of the Chair to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I suspect we will continue until approximately 2 p.m. when the division bells will ring. The witnesses might be pleased or otherwise with the short time we have available. We have a busy schedule today and we want to try to deal with this issue before the summer recess.

**Deputy David Cullinane:** We can always come back in the afternoon.

**Chairman:** No, we have other work in the afternoon. I invite the Comptroller and Auditor General to make a brief opening statement.

**Mr. Seamus McCarthy:** The 2015 appropriation account for Vote 22 - Courts Service recorded gross expenditure of just over €107 million, an increase of 1.6% compared with 2014. I have provided a chart which gives a high level breakdown of the expenditure. As indicated in the chart, expenditure on pay was around €49 million. At year end 2015, a total of 948 full-time equivalent staff were employed in the Courts Service. Members should note this pay figure does not include the salaries or pensions of judges. Those are paid directly from the Central Fund of the Exchequer, and are estimated at around €32 million for 2015.

The Courts Service incurred expenditure of €20 million in 2015 in costs associated with the Criminal Courts of Justice building, which came into use in 2009 under a 25 year public private partnership arrangement. The annual outlay includes elements of both acquisition costs and

premises running costs, which over the life of the PPP are projected to be of the order of €600 million.

The service has also been engaged for a number of years in progressing other PPP projects for the construction or refurbishment of courthouses. Costs of €1.9 million in 2015 associated with developing those projects are included in the spending of €4.6 million incurred on courthouse capital works. Appropriation-in-aid of the Vote expenditure totalled €48 million, of which €44 million was court fees revenue. In addition, court-imposed fines totalling €11 million were received and paid over to the Exchequer and around €6.6 million in fines and excise fees was collected by the Courts Service and paid over to the Revenue Commissioners. At the end of 2015, an unspent amount of €1.14 million was liable for surrender from Vote 22 back to the Exchequer.

**Mr. Brendan Ryan:** I thank the Chairman for the invitation to appear before the committee in my capacity as Accounting Officer for the Courts Service, Vote 22, and I look forward to discussing any aspect of the Vote with him and the members of the committee. I am pleased to report that a clean audit report has been provided by the Comptroller and Auditor General on the 2015 appropriation account. Overall, the Vote was managed successfully and within budget at year end. As the Comptroller and Auditor General stated, a surrender balance of €1,135,706 was recorded on the Vote.

The Courts Service is responsible for the management and administration of the courts. As the committee is aware, the administration of justice is a matter for the Judiciary and, in accordance with the constitutional independence of the Judiciary and the provisions of the Courts Service Act, is outside the scope of the functions of the Courts Service. The committee will appreciate, therefore, that in my discussions with it today I am precluded from commenting on any matter relating to the exercise by a judge of his or her judicial functions or on any matter relating to the exercise of quasi-judicial functions by an officer of the court. I am also, of course, precluded from commenting on matters of Government policy.

Since establishment, the Courts Service has worked to ensure the courts operate effectively and efficiently, that the use of available resources is optimised, that value for money is achieved, and the best possible service is provided to court users. Since the Vote was last considered by the committee in 2014, the Courts Service, in common with other Departments and agencies, has seen a very welcome easing in the severe reduction in funding and staff numbers of previous years. Using the resources available to us, the Courts Service continues to work with the Judiciary to introduce a broad range of changes and reforms, which yield significant savings for the Exchequer while maintaining access to justice and services for the public. The service has diligently cut expenditure and has robust financial measures in place across the organisation to ensure expenditure is kept to a minimum and is incurred only where it is necessary and unavoidable, and that value for money is achieved. We have also, through proactive management, increased court fees, thus reducing significantly the cost to the Exchequer of running the courts.

The Courts Service was established to support the courts in the administration of justice. This is a unique role supporting the third branch of Government. An effective courts system is critical to a functioning modern society. As our society continues to evolve, it places many demands on our institutions, including the courts, and we operate in an increasingly complex environment that has seen considerable change and diversity in the economic, social, demographic and cultural landscape. There are increasing levels of litigation, increased complexity in legislation, greater court user expectations and ongoing technological advances which pose challenges and opportunities. To ensure it continues to fulfil its remit, the Courts Service must

continue to adapt and evolve, responding proactively to promote access to justice and provide the necessary support for the Judiciary and the administration of justice generally.

The Courts Service has had a modernising agenda since its establishment in 1999. In recent years, we have been successful in introducing a range of transformational changes which have delivered significant savings and benefits to court users. The programme of structural, organisational and procedural reform, which continued during the economic downturn, introduced a range of efficiency and productivity measures across all aspects of the Court Service. This programme of reform ensured that despite the severe reductions in staff numbers and funding, the Courts Service was able to continue to support the courts in a challenging operating environment, which included year-on-year increases in court sittings, increased judicial numbers and a programme of legislative reform, much of which impacted directly on the work of the Courts Service.

Significant performance and efficiency improvements have been achieved over the past five years as a result of a wide range of change projects implemented. Increased productivity is highlighted by the 25% increase in the ratio of court sittings to staff and a 20% increase in ratio of judges to staff which has been achieved during this period. The measures implemented included reform of the court regional and office structures, with the introduction of cross-jurisdictional combined court offices and the closure of smaller offices. This initiative has reduced the number of provincial offices from 65 to 32. This was the most radical reform in the courts administrative structures since the foundation of the State. It introduced an effective single management structure for court offices, maximised the resources available and released county registrars from management functions to enable them use their professional and legal skills to focus on quasi-judicial work to the benefit of the administration of justice. A review of the combined court office project is being carried out to review and assess the benefits realised and identify opportunities for further efficiencies and reform. A programme of rationalisation of court venues was also undertaken, and overall the number of venues outside Dublin is now down to 85 from 267. This has concentrated business in fewer venues of a standard more suitable for the administration of justice. These measures have successfully maximised the use of resources and freed up judicial and staff time to support the hearing of cases.

We have also worked to introduce a substantial programme of legislative and process reform. An ongoing programme to streamline court procedures is under way. We have also, in collaboration with the courts rules committees, sought to address key obstacles to access to justice, including reducing delays and the cost and complexity of proceedings while at the same time promoting and facilitating recourse to alternative dispute resolution mechanisms. For example, the facilitation of mediation initiatives in the area of family law in Dublin and at a number of venues throughout the country offers very effective alternatives to court determined outcomes, resulting in real and significant ongoing benefits for the parties involved. It also provides savings in judicial and staff time. We work on an ongoing basis with the Department of Justice and Equality in proposing areas of legislative reform and supporting the implementation of the legislative reform programme. This focus on procedural and legislative reform has resulted in improved operation of the courts and efficiency in the use not only of Court Service resources but also, and importantly, those of other justice agencies. There has been increased staff flexibility in a number of areas, such as logging of digital audio recording by court registrars and increased in-house ICT and legal support, all of which have yielded significant savings.

The Courts Service has also made considerable progress on the information and statistics provided on the operation of the courts. These are published in the annual report and avail-

able on the Courts Service website. Recognising one of the pillars of the public service reform programme, which deals with greater openness and transparency, the Courts Service continues to progress improved reporting on a range of matters linked to the operation of the courts and intends, through the development of integrated case management systems, as soon as resources allow, to continue to extend the range of data which can be provided.

The Courts Service recognises that technology is a key enabler in delivering improved services to court users and achieving improved efficiencies. Significant benefits have already been achieved through the ICT projects already in place for a range of stakeholders, including savings for the Exchequer and better service to court users. The implementation of our ICT programme has resulted in the optimisation of courtroom and court support technology, including the roll-out of digital audio recording to all court jurisdictions and venues; extended use of video link and video conferencing, which has resulted in significant cross-justice sector efficiencies, particularly in the Irish Prison Service; facilitating data exchange between An Garda Síochána and the Courts Service through the criminal justice interoperability project, which has generated savings for both organisations; court-generated financial transactions, valued at €1.8 billion, have been transformed and centralised in a shared service centre utilising modern financial accounting technology; and the development of case management and e-filing projects, including the case management systems for small claims, the personal insolvency service, the Court of Appeal and Supreme Court, ICT support for the new fines legislation, and e-filing projects, such as the debt claims online project and e-licensing, which are still under way.

The very welcome additional funding provided in 2016 and again in 2017 for investment in ICT has allowed the Courts Service to commence a programme of maintenance and development of our ICT infrastructure, equipment and systems, including a comprehensive cybersecurity programme, which is critical to maintaining the integrity of ICT support for the courts. An ICT strategy has been put in place to ensure ICT development in the next three years is focused on achieving the maximum benefit for the court user and the State.

The Courts Service has also continued its capital building programme with the development of seven public private partnership, PPP, courthouse projects around the country. The first of these projects, the courthouse in Drogheda, was completed in June and was officially opened on Monday. The remaining six projects which will provide state of the art court accommodation and facilities are on target for completion this year.

When these projects are completed only five major projects will remain to be addressed and we are progressing the acquisition of sites where appropriate and necessary to ensure that we are in a position to undertake those projects as soon as funding becomes available. We are also progressing development of a family law and children's court complex and the Hammond Lane site by the Four Courts. This project presents a once in a lifetime opportunity to provide much needed accommodation and facilities for vulnerable people coming before the courts. The accommodation and facilities in Dublin are not adequate and this project will ensure that current and future needs for the hearing of children and family law cases can be met. It is also proposed to provide accommodation for the Supreme Court which publicly acknowledges and recognises its position as the highest court in our justice system. Significant progress has been made on this project and the business case for funding is with the Department of Justice and Equality for consideration.

In addition to the provision of new and refurbished court buildings, the Courts Service is also responsible for ensuring that court accommodation is maintained to an appropriate standard which meets the needs of court users and protects the architectural integrity of our historic

courthouses. The additional capital funding provided in 2016 and 2017 will allow a planned maintenance programme to be put in place to address the deficiencies in court accommodation around the country on an ongoing planned basis.

The Courts Service launched a three-year learning and development strategy in 2016 to ensure the service has the skilled competent and engaged staff needed to support the administration of justice now and in the future. Between 2008 and 2015, as a result of cuts in staffing and funding, there was a significant erosion of resources allocated to training and this was exacerbated by the impact on our corporate knowledge and expertise with the loss of many experienced staff. The learning and development strategy is designed to address these deficiencies and through staff training and skill development play important part in building organisational capability and capacity. The strategy is delivered using a blended learning approach, using in house experts and on line facilities where possible to maximise the resources available. Additional staff and funding have been provided to support the implementation of the strategy in developing a learning culture throughout the organisation and developing technical and management capacity.

It is critical that the Courts Service has the capabilities and operating model to continue our reform agenda, meet the challenges we are facing and capitalise on opportunities as they arise. In keeping with the renewed focus at government level on key reforms in the civil and wider public sectors, the Courts Service is committed to putting in place a co-ordinated and focused approach to the implementation of change in the organisation. To this end a change management office was established in 2016 to clearly define, prioritise and drive change and reform in a co-ordinated manner and to ensure that the full potential benefits of change projects are captured and realised. A three year high level change programme has also been put in place with a strong customer focus and based on delivering improved outcomes with measurable benefits for court users and other stakeholders.

The Courts Service priority always has been and will continue to be the provision of front line core court services to support the judiciary and court users. This can only be achieved through the ongoing review of the organisation and the delivery of services and the continued implementation of our change modernisation programme.

The Courts Service strategic plan for the period 2014-17 sets out the key priorities for the service over the last three years and in the lifetime of that plan considerable progress was achieved in the review and reform of our structures and service delivery with a focus on maximising the use of technology, developing our staff and rationalising processes. The next strategic plan, currently being worked on, will build on these achievements and, informed by the strategies and change programme already in place, will define how the Courts Service can continue to play a key role in delivering improved access to justice, better support for the administration of justice and delivery of improved value for money for tax payers.

**Chairman:** Members have indicated in the following sequence, Deputies Catherine Murphy, Marc MacSharry, David Cullinane, Catherine Connolly and Mary Lou McDonald. We have an hour so I would appreciate if members could bear that in mind so that everyone can contribute in the time available.

**Deputy Catherine Murphy:** I ask the Chairman if he would indicate when I have ten minutes. I welcome Mr. Ryan. The Courts Service has identified a number of land and buildings for disposal. How will they be disposed of? Will it be by public auction? Have they been valued?

**Mr. Brendan Ryan:** Where we have no further use for buildings, we hand them back to the public either to the local authorities, which were responsible for their management prior to 1999, or to the Office of Public Works, which may have some work for them in the public area. To date, we have returned seven buildings to local authorities. These have been in Drumkeeran in County Leitrim, Ballinrobe and Swinford in County Mayo, Castlecomer and Thomastown in County Kilkenny and Ballyhaunis. We also returned Kilmainham courthouse which is now part of the jail experience. There are only three vested properties for which we have no current use, namely Kanturk, Ballinmore and Birr. We have contacted the local authorities to see if they have an interest in them and we have also been in contact with the Office of Public Works. The Courts Service board policy is that we give them back for public use free of charge. If the local authorities or the Office of Public Works do not want them, then the policy is to put them on the open market for sale, but we have not gone that far yet.

**Deputy Catherine Murphy:** On another capital project, the total spend on the building in Washington Street in Cork is expected to be €25 million. Is the Courts Service liable for the repayment of that sum or how is it funded?

**Mr. Brendan Ryan:** Does the Deputy mean the one on Washington Street, rather than the one on Anglesea Street which is ongoing?

**Deputy Catherine Murphy:** No, Washington Street.

**Mr. Brendan Ryan:** The work on that was completed around 2000. To progress that project, Cork city council took out a loan which we repay to it annually. The loan will be finished in about 2025. We pay the loan to the council every year.

**Deputy Catherine Murphy:** What is the liability each year?

**Mr. Brendan Ryan:** About €1 million. It is in the region of €1.2 million annually. I cannot remember precisely but it is just over €1 million.

**Deputy Catherine Murphy:** Okay, that is how it is funded.

**Mr. Brendan Ryan:** That was unique. It was the only time we used a local authority to help fund a capital building programme. Normally the Department of Justice and Equality and the Department of Finance would have funded it.

**Deputy Catherine Murphy:** We have a note on the Courts Service's commercial bank accounts. Some €971,000 was held in a commercial bank account at the end of December 2015. How many bank accounts does it hold? Are there bank accounts for each court? Is there one bank account? How does it operate?

**Mr. Brendan Ryan:** We used to operate numerous bank accounts but we have curtailed the number. My colleague Mr. Seán Quigley is here beside me. His main role in the Courts Service is resource management but he is also its accountant. If the Deputy does not mind, I will ask Mr. Quigley to deal with that.

**Mr. Seán Quigley:** In the past, there were a significant number of bank accounts around each of the court offices. As part of the modernisation of our financial services, we centralised much of that. We closed a significant number of bank accounts. I do not have the number now, but it is quite small.

**Deputy Catherine Murphy:** These are the bank accounts that run the service. There will

also be bank accounts for things such as wards of court, which presumably would be kept separately.

**Mr. Seán Quigley:** Yes.

**Deputy Catherine Murphy:** There are a number of different elements regarding wards of court. For instance in strategy 1 and strategy 4, there are different models of investments. Are they all held individually or is there one consolidated account?

**Mr. Seán Quigley:** In the accountant's office, there is a single current account. It is not where investments are placed. We place investments with our fund managers and it is based on six unitised funds. Each individual owns a certain number of units in the particular strategy in which they are invested. The moneys are not in a bank account, they are in a fund and we can track the value of funds at any one time based on the number of units held, and the price of that unit.

**Deputy Catherine Murphy:** In strategy 4, where it is not being invested in something that would be required in 20 years time, there will be current needs and there will be needs that will have to be funded on an ongoing basis. How does one do that without having cash?

**Mr. Seán Quigley:** I am not clear. When the Deputy says strategy 4, does she mean the growth fund for wards of court?

**Deputy Catherine Murphy:** My understanding is that the funds are categorised according to how the investments are made. People affected might be slightly older and have teenage, rather than very young, children.

**Mr. Seán Quigley:** The growth fund, which is the long-term fund, is used for wards of court. The strategies are changed from time to time based on the advice of our investment advisers. Wards of court have day-to-day needs also. A portion of the growth fund is retained in a cash fund, which is a cash strategy relating to the Euribor plus fund. The equivalent of three years' cash flow is retained in the short-term fund and the other portion is invested in the growth fund for the longer term in order that the short-term money is not exposed to fluctuations in value.

**Deputy Catherine Murphy:** A review was carried out by Aon Hewitt last year. Did the contract for that go to competitive tender?

**Mr. Seán Quigley:** Aon Hewitt was not specifically engaged for this review but, rather, as general advisor several years ago. The review was part of its function. It was asked to be responsible for the review because it was not the investment adviser during the period to be covered by the review and thus was not compromised or conflicted. However, the review was tendered for.

**Deputy Catherine Murphy:** If the review was tendered for and Aon Hewitt was the adviser for the Courts Service, would there not have been a conflict of interest in that regard in view of the fact that Aon Hewitt was advising on investments and then tendered to do the review?

**Mr. Seán Quigley:** It was not the adviser during the period under review. Another set of investment consultants were responsible for advice at that time. Aon Hewitt was, therefore, uncompromised in so far as it would not have been giving advice to the Courts Service during the period under review, which was 2007 to 2009.

**Deputy Catherine Murphy:** It would be useful to see the terms of reference for the review.

Could they be provided?

**Mr. Seán Quigley:** They are contained in the report that was furnished to the committee last November.

**Deputy Catherine Murphy:** I will examine that report. Since the financial crisis, the Courts Service has put two significant risk management strategies in place. Does this suggest that those strategies should have been in place before the economic crash because there was a fall in the return on investments at that stage?

**Mr. Seán Quigley:** It does not imply that. The Courts Service has an investment committee and independent investment advisers. We regularly review what is happening in the financial markets and what the requirements are for investment. We considered what happened during the financial crisis to see if anything was required. Fundamental strategies did not change. However, the measure brought in was the separate cash holding to ensure we do not sell equities when their value is down. That was the main area. I am not sure what the second risk measure the Deputy mentioned was. We are aware that claims have been made that funds were lost during the financial crisis. There is no evidence to support that. One must consider the performance of the funds. In spite of the financial crisis, which was the worst in living memory, our funds have averaged returns, net of fees, of 6% per annum and are currently yielding approximately 8.5% per annum net of fees.

**Deputy Catherine Murphy:** There has been an increase in returns in recent years but in terms of the point made by the witness regarding the downturn, corrective strategies have thereafter been put in place in that cash is held for three years in order that something does not have to be sold when it is at its lowest value. The argument made by some is that that is what impacted on some funds. One set of figures I received shows where the dip occurred. Their ability to recover when it is sold off is negatively affected because there is nothing to recover as money was taken out of the system when it was at its lowest. Does the witness accept that corrective action has been taken as a consequence of a learning exercise in this regard?

**Mr. Seán Quigley:** We are always learning and considering areas where improvement can be made. The implication in the question is that people lost money because of it being in the growth fund and there being no cash holding. There is no evidence to support that. Even if all investment was in the growth fund, there was no separate cash holding and we were selling units out of the growth fund, those funds are above the level at which they were originally purchased and thus no realised cash has been lost. If the Deputy has evidence to the contrary, we would be happy to investigate the issue but we have investigated several cases in that regard and such a situation did not pertain. It was a pragmatic solution to ensure that that risk was taken off the table.

**Deputy Catherine Murphy:** This is a very vulnerable group of people, many of whom do not want to be wards of court. Very often, they are wholly dependent on the Courts Service to properly manage the funds for their care. It is, therefore, an extremely important group of people who must be protected as well as possible. The witness has indicated he expects there will be another review. When will that take place and will it be independent?

**Mr. Seán Quigley:** On the basis of the request of this committee in its report of July 2015 that these reviews might be carried out every two to three years, the next is due in 2019. It will be put out to tender. We fully appreciate the importance of managing these funds effectively and our track record over the 15 years since the Courts Service was established has been very

good in terms of what has been achieved. If the Deputy has examples of specific cases which involve a suggestion that funds have been lost, we will investigate that but we have no evidence thereof.

**Deputy Catherine Murphy:** I might come back to the witness on that point. There is much material in the statement concerning savings, efficiencies, modernisation and so on. Some of the difficulties in regard to the Courts Service relate to the time that people have to wait, particularly at District Court level where it can take an inordinate length of time for cases to be heard. Does the modernisation programme include timescales for dealing with cases because some escalate to higher courts due to delays at District Court level.

**Mr. Brendan Ryan:** Delays and waiting times occur for several reasons, many of which are outside the control of the Courts Service, such as the unavailability of a witness, vital evidence being unavailable or because parties are-----

**Deputy Catherine Murphy:** I am addressing the issue of court dates.

**Mr. Brendan Ryan:** I have statistics regarding court dates. There are not significant delays in the District Court. In the District Court, as in the Circuit Court, criminal matters take precedence, followed by family law matters and then civil matters. In terms of waiting times for family domestic violence cases, 29 of the 34 offices included in the most recent report deal with such cases within a month while the remainder do so within three months. Urgent and barring applications are dealt with on the day – we are talking about domestic violence. As I said, 29 of the 34 offices will deal with cases within a month. In respect of family law, including custody and access, 17 of the offices will deal with cases within one month and the other 17 will have dealt with them within three months.

**Deputy Catherine Murphy:** Let us move into civil matters. What is the position?

**Mr. Brendan Ryan:** Of the 34 offices, a total of six say they deal with civil matters within a one month period. Some 21 offices deal with cases before the end of three months and a further seven do so with a six month period. The committee will appreciate that the Judiciary tends to give priority initially to criminal law and then to family law. Civil law is afforded the least priority.

**Deputy Catherine Murphy:** That does not match my experience on the civil law side, for example, in planning matters, where there can be inordinate delays. It makes a mockery of the system by virtue of the length of time it takes. I will give some separate examples.

**Mr. Brendan Ryan:** I appreciate that. However, Deputy Murphy will appreciate that the Courts Service can only be responsible once parties are ready to proceed. We start counting the time from then. Prior to that, it is a matter between the parties involved in the issue - they are talking among themselves.

**Deputy Catherine Murphy:** No, I am talking about cases that are ready to proceed. They are waiting and constantly told there is another date.

**Mr. Brendan Ryan:** Is Deputy Murphy referring to the District Court?

**Deputy Catherine Murphy:** Yes, that is in the District Court.

**Mr. Brendan Ryan:** If the Deputy could send me the details, I will respond to her.

**Deputy Catherine Murphy:** I certainly will.

**Chairman:** Please respond through the committee secretariat for all inquiries.

**Deputy Catherine Murphy:** It would be useful if Mr. Ryan could give use those statistics as well.

**Mr. Brendan Ryan:** I will of course.

**Deputy Catherine Murphy:** I want to move on to the response to a parliamentary question I tabled in respect of professional media relations. I got the reply on 19 June. A total of €301,000, exclusive of VAT, was spent between 1 June 2014 and 31 May 2017. Is that exclusive? Does the Courts Service have someone *in situ*? Is this additional or is this the totality of it?

**Mr. Brendan Ryan:** That is the totality. We go out for tender on a regular basis for the provision of media relations services for the Courts Service. The figure relates to the costs over a three year period. The annualised cost is approximately €100,000 for the provision of media relations services.

**Deputy Catherine Murphy:** How would they play out? Is it intermittent?

**Mr. Brendan Ryan:** No, the company is Curran Communications Limited. The company works full-time for us. That is the company fee over a 12-month period. We pay the company a monthly fee.

**Deputy Catherine Murphy:** Can we see the details of the contract?

**Mr. Brendan Ryan:** Yes, if it is not commercially sensitive.

**Deputy Marc MacSharry:** I welcome everyone. The first thing is that there are 18 people on the board. Are there gender balance issues, with only four ladies?

**Mr. Brendan Ryan:** I am a member of the board. The Chief Justice and the four presidents of the courts are *ex officio* members. The other five judges are elected by their colleagues within each Bench.

**Deputy Marc MacSharry:** I understand how it comes about. Is there any target for the board? Is the board seeking to change the arrangements to try to address the gender balance issue or to ensure a better balance?

**Mr. Brendan Ryan:** The board is always conscious of gender balance, but it is really outside the control of the board.

**Deputy Marc MacSharry:** Has the board made representations to the Minister for Justice and Equality to see how this might be looked at?

**Mr. Brendan Ryan:** In fairness, the Minister for Justice and Equality is aware of it.

**Deputy Marc MacSharry:** I know he is aware of it. It is a matter of fact. There are 18 on the board and there are four women.

**Mr. Brendan Ryan:** The board changes this November.

**Deputy Marc MacSharry:** Will the board be making representations to ensure a better

balance?

**Mr. Brendan Ryan:** The board does not appoint anyone to the board. The board members are appointed under legislation.

**Deputy Marc MacSharry:** “No” is the answer. Is that it?

**Mr. Brendan Ryan:** Members of the board are appointed under legislation.

**Deputy Marc MacSharry:** I appreciate that.

**Mr. Brendan Ryan:** We will be making representations.

**Deputy Marc MacSharry:** Does the board have a view that it has decided to recommend change, albeit that it has no authority?

**Mr. Brendan Ryan:** This matter has not been discussed at the board.

**Deputy Marc MacSharry:** Can I recommend that the board might discuss it and maybe make a recommendation in advance of the change in October?

**Mr. Brendan Ryan:** Yes.

**Deputy Marc MacSharry:** I note that 14 of the 18 people are legal professionals. Only four are from other walks of life and there is only one accountant. Does Mr. Ryan believe the board has adequate expertise to manage the service with such a budget?

**Mr. Brendan Ryan:** We have a broad range of expertise on the board. The mandate of the Courts Service is to manage the courts and support the Judiciary. I think we have a broad range of services. The Minister-----

**Deputy Marc MacSharry:** It is about money at the end of the day. The board is not presiding over court cases. The board is managing a business, in effect, on behalf of the State. Does the board have adequate expertise for that? There are 14 people with legal expertise. They would probably best say how a court case should go in terms of interpretation of evidence. However, in terms of managing the business of the Courts Service, is that appropriate?

**Mr. Brendan Ryan:** I think we are well covered at the moment. The person with the financial expertise is also chairperson of our audit committee. It is well covered. We also have expertise. Mr. Quigley is the accountant of the Courts of Justice. He is an accountant and we have several accountants within the organisation.

**Deputy Marc MacSharry:** There is no accountant on the finance committee. Is that unusual?

**Mr. Brendan Ryan:** There is no accountant on the finance committee.

**Deputy Marc MacSharry:** Is that wise?

**Mr. Brendan Ryan:** Mr. Quigley, who is beside me, attends all finance committees. He is not a member of the finance committee but he attends all committee meetings.

**Deputy Marc MacSharry:** He is not a member of the board but he attends the finance committee. Is that correct?

**Mr. Brendan Ryan:** Yes.

**Deputy Marc MacSharry:** Therefore, there is no board representative with financial expertise on the finance committee.

**Mr. Brendan Ryan:** No.

**Deputy Marc MacSharry:** Again, I call on the board to look at that.

**Mr. Brendan Ryan:** Yes.

**Deputy Marc MacSharry:** Perhaps the broad expertise might be there.

I want to move on to wards of court. Can Mr. Ryan explain for the record how much money is in control of the Courts Service on behalf of individuals who are wards of court?

**Mr. Seán Quigley:** The accounts office manages funds. In addition to wards of court there are other funds. In total, at the end of September last year, which was the last financial period, there was €1.675 billion in funds.

**Deputy Marc MacSharry:** What are the other funds, other than for wards of court?

**Mr. Seán Quigley:** They include funds for minors and lodgements of defence.

**Deputy Marc MacSharry:** They are similar situations where the beneficiaries were third parties. Is that correct?

**Mr. Seán Quigley:** All the beneficiaries are third parties.

**Deputy Marc MacSharry:** Who manages the fund?

**Mr. Seán Quigley:** Currently we have State Street investment managers managing these funds.

**Deputy Marc MacSharry:** The firm is free to invest according to its best guess. Is that correct?

**Mr. Seán Quigley:** No it is not. We have an investment committee and we have independent investment advisers.

**Deputy Marc MacSharry:** Who is on the investment committee?

**Mr. Seán Quigley:** It is chaired by the President of the High Court. There are representatives from the Circuit Court and the District Court. I am on it as the accountant of the Courts of Justice. We have a person from the National Treasury Management Agency and another external person with investment expertise.

**Deputy Marc MacSharry:** Who is that?

**Mr. Seán Quigley:** Paul Farrell.

**Deputy Marc MacSharry:** Is that a position that the board tenders to try to get someone in?

**Mr. Seán Quigley:** We rotate that position every number of years.

**Deputy Marc MacSharry:** We have three legal people on a committee but no financial expertise determining how best to invest €1.5 billion of people's money. Is that a fair comment?

**Mr. Seán Quigley:** We have three judges on the committee. There are 11 people on the committee in total. We have access to independent investment advisers, who we rely on-----

**Deputy Marc MacSharry:** I am a little confused. Of the 11 people, there are three judges, who will not have any financial expertise. Who are the other eight?

**Mr. Seán Quigley:** We have two people from the accountant's office - myself and the head of the Court Funds Office.

**Deputy Marc MacSharry:** Does Mr. Quigley have specific experience in equities, investment and such things?

**Mr. Seán Quigley:** I am a chartered accountant, but I do not claim to be an investment expert.

**Deputy Marc MacSharry:** In his previous life, would Mr. Quigley have worked for Davy or other such companies managing funds?

**Mr. Seán Quigley:** No. That is why we have access to independent investment advisers. No one on the investment committee is claiming to be an expert. We all bring-----

**Deputy Marc MacSharry:** I am not saying that. I do not want Mr. Quigley to be unduly defensive. I simply want to get to the bottom of it. I realise Mr. Quigley is doing the best he can, as are the three judges. Who else is there? There is an external person and that role is tendered out. Then, there is Mr. Quigley.

**Mr. Seán Quigley:** We have representatives from the wards of court office and the county registrar.

**Deputy Marc MacSharry:** Again, I imagine the average county registrar would not have been trading on the floor of an investment house. There are 11 on the committee. Apart from the one person who the board tenders for to give advice, who is a trader, financial expert or investment analyst?

**Mr. Seán Quigley:** I do not think we have a trader on the committee. In addition, as I mentioned, we have someone from the National Treasury Management Agency.

**Deputy Marc MacSharry:** That is one person. Of the 11 we have probably two people with specific financial expertise, apart from Mr. Quigley, who is a chartered accountant. I realise Mr. Quigley would understand these things but, as he said himself, he would not describe himself as an expert. There are 11 people on the internal investment committee. Two people have expertise specific to investing large amounts of money in stocks, equities etc. Is that a reasonable assessment?

**Mr. Seán Quigley:** It depends on one's definition of expertise, but we rely heavily on our independent advisers. Obviously, we draw on the wide knowledge that is on the committee.

**Deputy Marc MacSharry:** I get that. Of the 11, we have two who have proficiency in investment management. Is that fair to say?

**Mr. Seán Quigley:** We have two, plus we have two accountants, myself and my colleague

from the Court Funds Office.

**Deputy Marc MacSharry:** By his own admission, Mr. Quigley stated he would not have been an expert in that field. Is the other accountant an expert in that field?

**Mr. Seán Quigley:** No.

**Deputy Marc MacSharry:** Two of the 11 people on the committee that advise on these matters-----

**Mr. Seán Quigley:** Let me correct that, they do not advise on these matters.

**Deputy Marc MacSharry:** What do they do then?

**Mr. Seán Quigley:** This is why we have independent investment advisers.

**Deputy Marc MacSharry:** I understand that. What do the 11 people do?

**Mr. Seán Quigley:** We will ask our investment advisers for an opinion on a particular matter. The members of the investment committee, who have expertise in this area, will comment on that opinion. We do not look to those members of the investment committee to provide us with advice. That is why we pay independent investment advisers.

**Deputy Marc MacSharry:** What do the 11 people do when they meet?

**Mr. Seán Quigley:** They will bring to bear their collective experience in terms of the interests of beneficiaries.

The members of the Judiciary, the President of the High Court, who has ultimate responsibility for wards of court will bring to bear their knowledge of the requirements of the best interests of minors and wards of court.

**Deputy Marc MacSharry:** I hear what Mr Quigley is saying, but I am bound to conclude there is no expertise.

**Mr. Seán Quigley:** I thought that Deputy MacSharry and I agreed there were two people.

**Deputy Marc MacSharry:** No, we did not agree. Mr. Quigley said there were two people with specific expertise, nine others do not have that expertise. They do not take decisions and they do not advise, and as Mr. Quigley stated that the work is contracted out to a company. What is the name of that company?

**Mr. Seán Quigley:** Aon Hewitt.

**Deputy Marc MacSharry:** Aon Hewitt are advising. The 11 people meet, ask Aon Hewitt what the Courts Service should do with the cash and then discuss its recommendation. The Courts Service then approves the advice on investments from Aon Hewitt and makes the decision. Is that what happens?

**Mr. Seán Quigley:** Obviously the Aon Hewitt advisers would be subject to questioning and challenged as to how they arrived at their recommendations but ultimately the Courts Service would rely on their expertise.

**Deputy Marc MacSharry:** This is just an opinion, given that just two members of the 11 member committee are effectively qualified to adjudicate on the merit of the recommendation

of third party advice that put the finances of minors and wards of courts at risk. That is insufficient when such amounts of money are involved. Without going into specific cases, what percentage of the resources of wards of court or minors would have been lost due to the crash or poor financial management? How many would have lost 50% of their proceeds of their entitlement as beneficiaries?

**Mr. Seán Quigley:** First, to go back to the composition of the investment committee, that committee was put in place based on the recommendation of Mercer Investment Consultants, who we engaged back in 2001-2002. We did not come up with the composition of the committee, it was based on expert advice on what the composition should be.

**Deputy Marc MacSharry:** It is not personal.

**Mr. Seán Quigley:** My point is that we did not come up with the composition of the committee.

**Deputy Marc MacSharry:** I am not an expert, but it would seem reasonable to me that if I want financial advice, I would not have a committee comprising nine gardeners on an 11 man committee to give me that investment advice. That is not to impugn the fine reputations and work of those people in their individual field of expertise which is not investment of €1.5 billion. That is a suggestion that Mr. Quigley might look at. Albeit that was expert advice, I suggest that the Courts Service needs to design a system that is a bit more robust in the knowledge that some wards of court have lost a very significant amount of money that could have accrued to them, if things were managed better.

**Mr. Seán Quigley:** I have no problem in looking at the composition of the committee. In regard to the suggestion that wards of court have lost funds, we have no evidence to substantiate that. If Deputy MacSharry has evidence to substantiate that we would be happy to look at it.

**Deputy Marc MacSharry:** I understand that. That brings me to my next point. What is the level of oversight? Can the Comptroller and Auditor General for example look into the investment decisions, second guess the investments after the fact, look at the value for money, the outcomes, or is it a secret society?

**Mr. Seán Quigley:** The role of the Comptroller and Auditor General is controlled by legislation.

**Deputy Marc MacSharry:** I know. Who has oversight of the committee?

**Mr. Seán Quigley:** Legally the Accounting Officer of the Courts of Justice is accountable. We have appointed independent external auditors for the past 15 years to audit these funds.

**Deputy Marc MacSharry:** Who are the auditors?

**Mr. Seán Quigley:** It is Grant Thornton at present. We have published the financial statements. We send copies to the Minister for Justice and Equality, the Minister for Finance, Public Expenditure and Reform and we copy the Comptroller and Auditor General. As things stand legally, the audit is outside of the remit of the Comptroller and Auditor General. It is not a matter for the Courts Service to amend the legislation.

**Deputy Marc MacSharry:** Is it fair to say that there is no public oversight of a fund of €1.5 billion on behalf of third parties?

**Mr. Seán Quigley:** It depends on what one means by public oversight, but if the Deputy is saying-----

**Deputy Marc MacSharry:** Public oversight would be oversight by the Comptroller and Auditor General, the Oireachtas, the justice committee, the Financial Services Ombudsman and the Committee of Public Accounts.

**Mr. Seán Quigley:** We are before the Committee of Public Accounts discussing this matter. I take the Deputy's point. At present the Comptroller and Auditor General does not have a role to scrutinise the accounts of this committee. That is not a matter that I have any control over. I have no problem with that.

**Deputy Marc MacSharry:** Mr. Quigley is misunderstanding the thrust of my questioning. None of this is personal. I am not holding Mr. Quigley responsible for the fact that the system may need improvement. I am merely asking a few questions to determine my own gut feeling that it does. Clearly I feel from what I have been hearing today that it does.

Mr. Quigley has stated that no ward of court has ever lost any money and I accept that is what he has said, but I am not in a position to check that, because there is no oversight. I think in the interest of transparency and good standing of the Courts Service, we need a better system. The board might look at that and look at the potential, through legislation, to give a level of oversight to the Comptroller and Auditor General, the NTMA, and the Committee of Public Accounts.

**Mr. Seán Quigley:** To clarify that point, the board of the Courts Service does not have the remit to do this. It is a matter for the Department of Justice and Equality to bring forward the legislation.

**Deputy Marc MacSharry:** We are very familiar with the pigeon holes with the impermeable walls - that is theirs, this is ours, and that belongs to somebody else. What we are trying to do is to streamline it and get everybody working together so that we know what is going on.

**Mr. Brendan Ryan:** Chairman, may I add, the Courts Service has never had an issue with the Comptroller and Auditor General coming in to have oversight of these funds? As Mr. Quigley stated we cannot bring forward legislation. We do not bring forward legislation.

**Deputy Marc MacSharry:** Would Mr. Ryan report to us? If legislation is required along those lines, would Mr. Ryan let us know in a note so that the Committee of Public Accounts can make recommendations?

**Mr. Brendan Ryan:** The Department of Justice and Equality is well aware of our views on this issue and that we have no objections to that. It is a matter for the Department of Justice and Equality to bring forward the legislation.

**Deputy Marc MacSharry:** We will help them along in terms of translating its views and the views of the Courts Service into practice. Will Mr. Ryan send us a note on what needs to be done to give us a level of oversight?

**Mr. Brendan Ryan:** A simple piece of legislation.

**Chairman:** The Deputy has one minute remaining.

**Deputy Marc MacSharry:** A sum of €7.1 million has been spent on courthouse mainte-

nance. Does the OPW not own the property?

**Mr. Brendan Ryan:** No. The Courts Service was established in 1999. Prior to 1999 all courthouses and the maintenance of same was the responsibility of the local authorities. Since 1999 we have been vesting some of the buildings and I just explained to Deputy Murphy that the buildings we do not require are being handed back for public use. We are responsible for the courthouses that we vested. The OPW works with us. We are a client of the OPW and it helps us.

**Deputy Marc MacSharry:** Are they the go-to people when the Courts Service wants something done?

**Mr. Brendan Ryan:** Yes.

**Deputy Marc MacSharry:** In the main is the €7.1 million paid to the OPW?

**Mr. Brendan Ryan:** It would assist in the procurement and tendering process for the various jobs.

**Deputy Marc MacSharry:** Does the OPW do some of the work?

**Mr. Brendan Ryan:** No. The OPW would provide the technical expertise.

**Deputy Marc MacSharry:** A sum of €5,631,000 is spent on training and incidental expenses. What is the nature of incidental expenses? That is a significant amount of money.

**Mr. Seán Quigley:** Training would be a very small element. It would be on a range of day to day expenditure. I do not have the analysis but I am happy to provide it.

**Deputy Marc MacSharry:** Will Mr. Quigley provide the committee with the breakdown of the expenditure, as that would be useful?

I thank the witnesses.

**Chairman:** I call Deputy Cullinane. Even though Deputy Cullinane has ten minutes, I ask him to try to use only eight to give everybody an opportunity.

**Deputy David Cullinane:** I thank the Chairman, I have no problem with that request. I will follow on from the last issue. Am I correct that Ms Duffy is present on behalf of the Department of Justice and Equality?

**Ms Joyce Duffy:** Yes.

**Deputy David Cullinane:** Ms Duffy heard the discussion between Deputy MacSharry and Mr. Quigley on oversight of the moneys of the wards of court and the words Mr. Ryan used were that a simple amending Bill would suffice to deal with the issue to allow the Comptroller and Auditor General to have an oversight role and be able to audit the accounts. Is that something that is being or has been considered by the Department?

**Ms Joyce Duffy:** It is a matter for consideration but I do not think it is quite that simple. There would need to be some discussions with the Departments of Finance and Public Expenditure and Reform and also with the Office of the Comptroller and Auditor General. It has been brought to the Department's attention.

**Deputy David Cullinane:** Will Ms Duffy outline the process? A lot of things are complicated but there is a solution to everything. It can be done, I would imagine, notwithstanding the complexities.

**Chairman:** I see a Vote on the monitor.

**Deputy Alan Kelly:** We will have to finish because we have to come back afterwards and do something totally different.

**Chairman:** If we have to finish prematurely, we will, but it looks as if we have time to allow one or two more speakers.

**Deputy David Cullinane:** I will keep going for as long as I can.

**Deputy Alan Kelly:** I have 15 seconds remaining for questions.

**Deputy David Cullinane:** On the discussions that were taking place, at what level were they and when was the last time a meeting took place?

**Ms Joyce Duffy:** I am sorry, but I do not have those details with me.

**Deputy David Cullinane:** Will Ms Duffy furnish them to us in a note?

**Ms Joyce Duffy:** Yes.

**Deputy David Cullinane:** I will quickly put a question to Mr. Ryan. Which court deals primarily with mortgage arrears? Is it the Circuit Court?

**Mr. Brendan Ryan:** Is the Deputy talking about repossessions?

**Deputy David Cullinane:** Yes.

**Mr. Brendan Ryan:** It would be the Circuit Court.

**Deputy David Cullinane:** Was there a commitment in the programme for Government to have a stand-alone court to deal with mortgage arrears?

**Mr. Brendan Ryan:** There was indeed.

**Deputy David Cullinane:** What is the status of that commitment?

**Mr. Brendan Ryan:** The matter is with the Department of Justice and Equality.

**Deputy David Cullinane:** Will Ms Duffy explain the position in that regard?

**Ms Joyce Duffy:** It is a matter that is under consideration. In terms of statistics, the current caseload has actually reduced.

**Deputy David Cullinane:** I have seen all of the parliamentary questions and I am aware of all of that; what I am asking about is the establishment of the court.

**Ms Joyce Duffy:** It is still a matter for review. It is being considered in consultation with colleagues in the Courts Service and also with the President of the Circuit Court. There is a plan that could have in place dedicated Circuit Court sittings on dedicated days with dedicated judges.

**Deputy David Cullinane:** Therefore, it would not be a specific court; rather there would be dedicated sittings of the Circuit Court.

**Ms Joyce Duffy:** Yes, dedicated, specific sittings.

**Deputy David Cullinane:** Is that matter still being considered?

**Ms Joyce Duffy:** It is still being examined very carefully.

**Deputy David Cullinane:** Let me put a question to Mr. Ryan. I understand a lot of these cases first go before a registrar.

**Mr. Brendan Ryan:** A county registrar.

**Deputy David Cullinane:** I have attended some of the hearings where one has the borrower, the lender, legal teams and the Money Advice and Budgeting Service. Was there a High Court judgment on the role of the registrar?

**Mr. Brendan Ryan:** Not that I am aware of, off the top of my head.

**Deputy David Cullinane:** It is my understanding there was. I know that in Waterford the registrar is no longer dealing with such cases. He defers all cases because the role of the registrar has been called into question. I think the High Court's judgment was that only a Circuit Court judge should adjudicate on these matters, not a registrar. Does anybody know if that is the case?

**Mr. Brendan Ryan:** My colleague, Mr. Coyle, will respond in a minute, but on repossessions, the county registrar can only grant an order for repossession with consent.

**Deputy David Cullinane:** Yes, I know that, but it is my understanding the competency of the registrar was the subject of proceedings in the High Court. Does Mr. Coyle wish to add something?

**Mr. John Coyle:** There was a question in the High Court about the EU consumer directive. As part of the consideration of an application for repossession the court should undertake an assessment of the fairness, if one likes, of the arrangement with the borrower in the context of the EU directive. As I understand it - I may be wrong - the issue was raised in a case. A comment was made, but it was subsequently to be part of a further hearing in the High Court, if my recollection serves me right. As far as I am aware, that has not yet taken place, but I may be wrong. The issue concerned the proficiency of county registrars to adjudicate on repossessions. As the chief executive said, the county registrar can only grant a repossession order with consent or by agreement.

**Chairman:** I ask Deputy David Cullinane to conclude.

**Deputy Catherine Connolly:** The Chairman will have to make a ruling one way or another. We are all waiting our turn. Are we coming back to this issue on another day?

**Chairman:** No, we are wrapping up. There are votes in the Chamber and members are free to go to vote.

**Deputy Catherine Connolly:** That is right, but we have to bring the meeting to an end.

**Chairman:** The first vote is on the defence motion.

**Deputy Catherine Connolly:** I would not like to miss it and it is my turn next, but Deputy David Cullinane has not finished. The Chairman will have to indicate what will happen in the future. We cannot deal with the issue today. Can we come back to it?

**Chairman:** No.

**Deputy Alan Kelly:** Will Deputy David Cullinane conclude?

**Deputy David Cullinane:** I will conclude for the purpose of moving the meeting on.

**Chairman:** Does Deputy Catherine Connolly wish to speak?

**Deputy Catherine Connolly:** I do, but I will not have the time to do so as I do not wish to miss the votes. When someone plays by the rules here, he or she deserves to have an opportunity.

**Deputy David Cullinane:** We all play by the rules.

**Deputy Catherine Connolly:** The Chairman gave an indication that there would be five-minute slots, but we cannot do that now. He has to make a ruling; therefore, the meeting is over if we cannot return to the issue.

**Chairman:** I am making a ruling. A vote has been called and it is up to members to vote if they wish to do so. I can choose to vote or not to vote. I can also choose to abstain. I do not have to vote.

**Deputy Catherine Connolly:** I am not missing the vote, but I would certainly like the opportunity to ask further questions.

**Deputy Alan Kelly:** I would like to proceed as I am next to ask questions.

**Chairman:** Yes. We will then adjourn.

**Deputy Catherine Connolly:** I would certainly like the opportunity to ask further questions about the Courts Service. I have been sitting here all day.

**Chairman:** When does the Deputy wish to do so?

**Deputy Catherine Connolly:** I will leave it in your good hands.

**Deputy David Cullinane:** If the meeting is being adjourned, will the Chairman allow me back in?

**Chairman:** It will be adjourned until the autumn.

**Deputy David Cullinane:** I had two minutes out of ten.

**Deputy Catherine Connolly:** I thank the Chairman.

**Deputy David Cullinane:** I just want to know if I can come back in a second time.

**Deputy Alan Kelly:** I will ask my questions while members are having a domestic.

**Chairman:** The Deputy has 20 seconds.

**Deputy Alan Kelly:** Thank you. Do people see the way I am treated? What system is

in place for Oireachtas Members to ask genuine questions about court awards? If there is no formal system in place, will the witnesses consider putting one in place? That might ease everyone's lives a little as such issues arise frequently.

On asset disposal, for instance, I have been asked about the courthouse in Borrisokane. Obviously, there are valuations, but is there a process in place whereby such buildings are offered to local authorities? Has that happened in the case of the courthouse in Borrisokane?

**Mr. Brendan Ryan:** Yes.

**Deputy Alan Kelly:** What was the response?

**Mr. Paul Burns:** The building was returned to the local authority and the education and training board-----

**Deputy Alan Kelly:** That is right.

**Mr. Paul Burns:** -----with no consideration.

**Deputy Alan Kelly:** I am sorry, but what did Mr. Burns say?

**Mr. Paul Burns:** There was no charge.

**Deputy Alan Kelly:** I know what happened. I just wanted to know if there was a payment.

**Mr. Paul Burns:** No.

**Mr. Brendan Ryan:** We were not here earlier, but a question was asked about this matter. When we return facilities to public service use, we do not charge.

**Deputy Alan Kelly:** Okay; there was no charge, which is fair enough. I knew what had happened to the building; I just wanted to know if there was a transaction charge.

**Mr. Brendan Ryan:** No; we would not charge.

**Chairman:** We will conclude. Mr. Ryan mentioned that five major towns had not yet been dealt with. Portlaoise is one of them.

**Mr. Brendan Ryan:** I am well aware of it.

**Chairman:** Mr. Ryan should not tell me that he is in consultation with the OPW and the local authority. I have been hearing that for about three years. Will he give me a more specific reply? We are down to possibly one or two sites being looked at.

**Mr. Brendan Ryan:** Yes.

**Chairman:** Will Mr. Ryan give us as specific a note as he can?

**Mr. Brendan Ryan:** Do you want a note, not a verbal response?

**Chairman:** If Mr. Ryan could give me the information, that would be great.

**Mr. Brendan Ryan:** Mr. Burns was down with the CEO.

**Chairman:** We will be adjourning the meeting at 3.30 p.m. Voting could take an hour. It is now 2 p.m.

**Deputy Alan Kelly:** Let us say 3 p.m..

**Chairman:** Is that agreed? Agreed. What about Portlaoise?

**Mr. Paul Burns:** In the last year we have looked at a number of properties there in conjunction with the local authority. The county council has been very helpful in suggesting potential sites. Most recently, a site was identified reasonably close to the county council offices, which we visited. Our colleagues in the OPW have made an assessment of it. From an architectural point of view, we are getting the valuation side of the OPW to examine the site and discuss matters with the local authority.

**Chairman:** To do with the acquisition of the site.

**Mr. Paul Burns:** Its potential acquisition, subject to achieving value for money.

**Chairman:** Is it for sale or is it owned by the local authority?

**Mr. Paul Burns:** It is linked with a local authority road project. There are a number of issues with the site, the first of which is access to it because the road has not yet been built. Second, there are electricity wires running across the site which would need to be rerouted. Obviously, the cost of the site is another issue.

**Chairman:** Portlaoise is unusual. Does Mr. Burns liaise with the Irish Prison Service because the biggest prison complex in the country is to be found in Portlaoise?

**Mr. Paul Burns:** In the design of any courthouse we consult the Irish Prison Service on the provision of facilities. There is a standard design that takes into account its requirements in the transmission of prisoners.

**Chairman:** Is the plan to include it as a PPP bundle in the next batch?

**Mr. Brendan Ryan:** That decision will be outside our control. We will get the batch ready and if capital funding is available, we will run with it, but if it is to be part of another PPP bundle, we will run with it in that way.

**Chairman:** Reference was made to five towns. Is Mr. Ryan waiting to have all five included?

**Mr. Brendan Ryan:** No; we already have sites in Wicklow and Roscommon. I hope we will resolve the issue in Portlaoise shortly. Tralee and Galway are the other two places mentioned. We do not have to wait for all of the ducks to be in a row.

**Chairman:** Will one or two projects proceed on their own?

**Mr. Brendan Ryan:** Very much so.

**Chairman:** But there is as yet no timetable for the site.

**Mr. Brendan Ryan:** No.

**Chairman:** At this stage we will adjourn the meeting. I cannot sign off on the Vote for the Courts Service because we were caught for time. Officially, we will adjourn the disposal of the Vote until we meet again some time after the summer recess. From a practical point of view, it will be in the context of the audit report that will be issued by the Comptroller and Auditor

PAC

General in September. When we come back to look at the Courts Service in the next Oireachtas term, we will wrap up anything that was not wrapped up today as part of our consideration of the 2015 Vote. Is that agreed? Agreed.

*The witnesses withdrew.*

Sitting suspended at 1.50 p.m. and resumed in private session at 3.30 p.m.

The committee adjourned at 6.25 p.m. until 9 a.m. on Thursday, 21 September 2017.