

DÁIL ÉIREANN

AN COISTE UM CHUNTAIS PHOIBLÍ

COMMITTEE OF PUBLIC ACCOUNTS

Dé Máirt, 11 Bealtaine 2021

Tuesday, 11 May 2021

The Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Colm Burke,	Deputy Paul McAuliffe,
Deputy Jennifer Carroll MacNeill,	Deputy Imelda Munster,
Deputy Matt Carthy,	Deputy Catherine Murphy,
Deputy Cormac Devlin,	Deputy Verona Murphy,
Deputy Alan Dillon,	Deputy Sean Sherlock.
Deputy Neasa Hourigan,	

DEPUTY BRIAN STANLEY IN THE CHAIR.

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

Business of Committee

Chairman: We are now in public session. Apologies have been received from Deputy MacSharry. I welcome members to our online meeting. Due to the current situation regarding Covid-19, only the clerk, support staff and I are in the committee room. Members of the committee are attending remotely from within the precincts of Leinster House. This is due to the constitutional requirement that, in order to participate in public meetings, members must be physically present within the confines of the place where Parliament has chosen to sit, namely Leinster House or the Convention Centre Dublin.

I ask members to confirm their location before contributing to ensure we are adhering to this constitutional requirement. We are also joined remotely by the Comptroller and Auditor General, Mr. Seamus McCarthy, as a permanent witness to the committee. I ask all those in attendance to mute themselves when not contributing so that we do not pick up any background noise or feedback. I also ask that members use the button to raise their hands when they wish to contribute and to take it down again when they have done so. As usual, I ask members to ensure their mobile phones are on silent mode or switched off.

Members are reminded of the provision within Standing Order 218 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 also reminded of the long-standing parliamentary practice 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. The business before us today is as follows: minutes; accounts and statements; correspondence; the draft work programme; and any other business.

The first items of business are the minutes of the meetings of 31 March, 20 April and 21 April, which have been circulated to members. Do Members wish to raise any matters relating to the minutes? Are the minutes agreed? Agreed. As usual, the minutes will be published on the committee's web page.

Financial Statements and Accounts

Chairman: The next item is accounts and financial statements. The following six sets of financial statements and accounts were laid before the Dáil between 26 April and 7 May 2021: the National Museum of Ireland; the Loughs Agency, which is a North-South body; Public Trustee Ireland, which was established under the Land Act 1903; National University of Ireland, Maynooth; the Account of the Receipt of Revenue of the State collected by the Revenue Commissioners; and the Digital Hub Development Agency. The Comptroller and Auditor General issued clear audit opinions for all six but drew attention to a number of areas, which I will ask him to address before opening the floor to Members. I ask the Comptroller and Auditor General to come in at this point.

Mr. Seamus McCarthy: The first thing to point out is that three of the sets of financial statements on the list this morning relate to 2019 and three relate to periods of account ending

in 2020. The most significant one is the Account of the Receipt of Revenue of the State collected by the Revenue Commissioners. This has a through put of €82 billion in revenues. As the Chairman mentioned, there is a clear audit opinion. There are clear audit opinions regarding the other accounts. In respect of the National University, Maynooth, for 2019-2020, I draw attention to the recognition of a deferred pension funding asset. That is a standard reference that I include in respect of universities. In respect of the 2019 financial statements of the Digital Hub Development Agency, I drew attention to a note in the accounts where the agency discloses that it paid a vacant site levy, which was charged by Dublin City Council, in respect of a site that had not been developed. The expenditure amounted to €227,500 in respect of 2019 and €97,500 in respect of 2018.

I signed in respect of the Digital Hub Development Agency on 29 June 2020. It has only been presented as of 30 April. That is longer than is allowed for in the circular. The committee may want to pursue that. I signed in respect of the accounts of the National Museum of Ireland for 2019 on 29 October 2020. Again, that is late for submission.

Deputy Catherine Murphy: I wish to ask the Comptroller and Auditor General about two sets of accounts. In respect of the accounts of the National University of Ireland, Maynooth, I do not know whether the Comptroller and Auditor General would have looked at the difference between the number of staff from year to year or whether it would have shown up. One thing that caused the last Committee of Public Accounts concern was a large number of people on very temporary contracts over a protracted period of time. Would that show up in respect of a change in the numbers or is it something to which the attention of the Comptroller and Auditor General was drawn?

My second question relates to the Revenue Commissioners and bogus self-employment. I do not know if the income streams would draw our attention to that particular component but it strikes me that the Revenue Commissioners are a place for us to go in respect of that topic when we deal with it. They have done that in the House of Commons in respect of the likes of the BBC.

Mr. Seamus McCarthy: In respect of the National University of Ireland, Maynooth and speaking from memory, there would be figures in the account disclosing the number of employees. I cannot recall off hand if there has been a change. We can certainly check that and come back to the Deputy in respect of the numbers disclosed.

On the Account of Receipt of Revenue of the State collected by the Revenue Commissioners, PRSI receipts are collected by Revenue and are accounted for through this account so it is something the Deputy can discuss with Revenue. We are continuing to look at that issue because it is a significant matter of public interest. If I have anything further to report on it, I will report on it in October, but as of now I do not plan to report anything specifically regarding it. One point that I did note in looking at the accounts is that the impact of Covid on PRSI receipts seems to have been different from the impact on income. There may be something there that would be of interest to the committee to pursue for further explanations.

Deputy Catherine Murphy: I thank Mr. McCarthy.

Deputy Cormac Devlin: I thank the Comptroller and Auditor General for presenting these accounts to us. I wish to ask him about the Digital Hub Development Agency and the qualification he made about the vacant site levy. Could he elaborate a little bit more on where that site is and how come it came to be flagged? Has this issue arisen previously or is this a new issue

facing the agency?

Mr. Seamus McCarthy: I am sorry for the delay in replying. The vacant site is part of the land that the agency owns in the Liberties. It is in Dublin city centre. The determination on the site was first identified in 2018. The levy is payable in arrears. It approached €100,000 in 2018 and that was recorded in the 2018 financial statements, but the payment was much more significant in 2019 at €227,500. I would have expected that the payment was going to continue because the agency flagged that it did not have the resources at that stage to develop the site and therefore its expectation was that the site levy would continue to be paid. The agency stated that the Department is conducting a strategic review of the agency and any property development plans will depend on the outcome of the review. There has been publicity recently about the determination to wind up the agency in due course.

Deputy Cormac Devlin: I will come back on the Comptroller and Auditor General's response. Depending on how long the review may take and its outcome, it is important that we might seek to put the agency on our upcoming work programme.

Chairman: I thank Deputy Devlin. Could we agree and note the accounts and statements in the usual way? Agreed. They will be published as part of the minutes.

No. 3 is correspondence. Items that were not flagged for discussion for this meeting will continue to be dealt with in accordance with the proposed actions, and decisions taken by the committee in relation to correspondence are recorded in the minutes of the committee's meetings and published on the committee's web page.

The first category of correspondence under which Members have flagged items for discussion is category B - correspondence from Accounting Officers or Ministers and follow-up to Committee of Public Accounts meetings. We will deal with matters held over for consideration in public from the meetings on 31 March, 21 April, and 28 April, as well as some recent items.

Correspondence No. 459 B is from Ms Orla Flynn, president, Galway Mayo Institute of Technology, GMIT, dated 22 March 2021 providing information requested by the committee following a proposal from Deputy Dillon concerning ring-fenced funding for GMIT's Mayo campus. A working group was established in early 2017 to develop a plan to ensure a sustainable future for the Mayo campus arising from concerns about its financial viability. At our meeting on 31 March we agreed to note and publish this item and we held it over for consideration in public. We also agreed to request further information from GMIT, the Higher Education Authority, HEA, and the Department of Further and Higher Education, Research, Innovation and Science. The responses that relate to the matter are Nos. 547, 536, and 548, respectively, and they are also before us today.

In correspondence No. 536, the HEA states that a review of the implementation of the plan set out in the working group's report, Developing a Sustainable Plan for the Mayo Campus of Galway-Mayo Institute of Technology, which was published in late 2017, is currently under way. The proposal before the committee is to request a copy of that review, once it has been completed. Is that agreed? Agreed. This matter has been flagged for discussion by Deputies Dillon, Carthy and Munster.

Deputy Alan Dillon: Thank you for allowing us the opportunity to discuss this, Chairman. The response from GMIT to the Committee of Public Accounts was in some way disappointing and highlights the concerns I have on the problems with the GMIT Mayo campus. In its

response, GMIT only makes reference to one recommendation, No. 31, in which GMIT seeks time-bound, ring-fenced funding to allow its plan to be fully implemented to ensure future sustainability of the campus. The working group's report contained 32 other recommendations that were equally important. It is widely known on the ground that communication between the Mayo and Galway campuses is somewhat strained and needs work.

Recently, I was delighted to see that Justin Kerr was appointed as the new vice president, VP, of the GMIT Mayo campus and also as the head of the newly established school of health science and well-being. That is an important appointment. There are significant opportunities for the Mayo campus as presented by the publication in October 2017 of Developing a Sustainable Plan for the Mayo Campus of Galway-Mayo Institute of Technology. Central to that was new programme development to increase student numbers. That is important and significant. Also of importance is the reference to the further implementation of the new retention strategy. It is important to differentiate GMIT's offerings in multi-campus sites to increase demand. We have not had the necessary leadership and drive to ensure that we have multidisciplinary offerings at the Mayo campus, which is seen as a drain on resources by the GMIT governing board. I accept that a deficit of €1.6 million was identified in 2017 but, let us be honest, that could have been solved in the lifetime of the report of the working group with a clear and strategic approach by the governing board, with a suite of new offerings that could grow the numbers at the Mayo campus. It would have required new programmes to be introduced that reflect the social, economic and business sectors within the region. That is important to note.

I welcome the establishment of the new GMIT school led by the Mayo campus for nursing, health science and social care, but all the graduates will be put back into the public service on the basis of the undergraduate programmes that are being developed. What we now need is a commitment by the governing board, staff, external stakeholders and the wider region to focus on the sustainable model that is required to drive numbers in the Mayo campus. The HEA, as the lead authority, has a significant part to play. I know an independent review is currently under way and Mazars is also working with GMIT on this. The review was due for publication in March, but it has been delayed until May. We still have not received justification for the delay. I look forward to the publication of the review. It is important that it gives a clear understanding of the response that is needed from the Mayo campus and how it outlines the €3.75 million that was ring-fenced over five years to ensure that the campus is vibrant and represents a major opportunity for Mayo. This must work. Thank you for the opportunity to speak on this topic, Chairman.

Deputy Imelda Munster: We have received a fair amount of correspondence on that matter. The gap does seem to be closing or at least was indicative of closing but we still see significant shortfalls in the Mayo campus every year. Am I right in saying that the HEA is still listed for our programme?

Chairman: It is on the work programme. We will come to it afterwards.

Deputy Imelda Munster: Could I suggest that we advise the HEA that we might return to this when it appears before the committee?

Chairman: We can do so. We can ask the clerk to incorporate it into the invite.

Deputy Matt Carthy: Not to repeat what has been said, I agree with Deputy Munster that this requires further scrutiny. Looking at the expenditure per student, which is slightly higher for the Mayo campus than it would be for the main campus in Galway, it appears that there is

a black hole somewhere and a lack of strategy in terms of resources for the Mayo campus. It would be prudent if we were to follow this up again because clearly Deputy Dillon has outlined the benefits of having a strong institute within the Mayo region. It is clearly an area that would benefit from having such a strong cohort of a student body so it is crucial that this committee ensures that there is correct oversight to ensure that level of expenditure is being spent in a way that allows for the campus on Castlebar to expand and become more central to the overall workings of the GMIT group.

Deputy Catherine Murphy: The spend per student can throw one sometimes. An issue I raised with regard to the National University of Ireland, Maynooth is the fact that very often the precarious nature of junior or part-time lecturers might skew the spend. When we look at that, we must look at the reason for it. That was quite a sizeable issue. Primary school teachers have far more rights than people at entry level in universities. It is a constant source of criticism. Sometimes there is an hour of research and an hour of lecturing. It does not improve the output in terms of the quality of what is happening in some of our universities. Some of it relates to the precarious nature of the employment. If we are talking to the HEA, we must include this issue when it comes to drilling down and understanding what is happening.

Chairman: A review of the sustainable plan published in late 2017 is under way. It is proposed that we request a copy of that once the review is completed. It has also been proposed by Deputy Munster that when the HEA appears before us, we would include that item on the agenda. Is that agreed? Agreed.

Item 463 B is correspondence from Mr. Maurice Buckley, Chairman of the Office of Public Works, dated 23 March 2021, providing information requested by the committee regarding Miesian Plaza. At our meeting on 31 March, we agreed to note and publish this item and held it over for consideration in public. It concerns an impending loss of about €10 million of taxpayers' money due to the OPW's mismeasurement of floor space at Miesian Plaza, which is now the headquarters of the Department of Health. The committee requested an update regarding the OPW's engagement with the landlord. The OPW states that it has sought a video conference with the landlord but that:

The Landlord has responded confirming that while they wish to engage constructively with the OPW, their preference is to have a further face to face meeting once this is permissible under Covid-19 restrictions and it is safe for all to attend. The OPW agree that such a meeting would be more beneficial/productive and it is intended to arrange this meeting as soon as possible.

The proposal is to note and publish this item. We have another item of correspondence from the OPW regarding the development at Military Road, which we will come to shortly. The item was flagged by Deputy Catherine Murphy and Deputy Munster.

Deputy Catherine Murphy: Obviously, this is going to form part of the report we will produce. We must keep on top of this. Most of us are managing to do business over Zoom. I am concerned that the idea of this having to be a face-to-face meeting is prolonging this. The important thing is that this is resolved without going down the legal route, which could end up being counterproductive in terms of the overall cost, but it will feature in our report.

Deputy Imelda Munster: Quite frankly, this is a farcical response. Governments, courts and businesses all over the world are conducting their business via videoconference and the OPW seems to be saying that it is unable to do so. All the while, the taxpayer is continuing to

overpay for the OPW's mistake. For months, the OPW has been telling us that it would shortly be engaging with the landlord. It increasingly appears as if the OPW is simply hoping we will lose interest and it will go away. The response is a joke.

Chairman: I would have thought that by now, two parties could meet either side of a screen. Given the vaccination roll-out moving more quickly and things starting to open up, this meeting should happen shortly.

Deputy Colm Burke: I agree with Deputy Catherine Murphy. I am concerned when something like this is allowed to drag on. I wonder whether the other side is just hoping the OPW will go away. This is what it sounds like to me. The OPW should be trying to put a timeline on this because there is no timeline here, which concerns me.

Chairman: When I saw it myself, I thought it was a case of "here we go again" and that it was being put on the long finger again. I suggest that we write to the OPW and urge it to have this meeting as quickly as possible in light of society opening up again and us moving into a better place regarding Covid.

Deputy Colm Burke: We should ask it to come back to us within a specific period of time. Will we still be discussing this in December or this time next year? We should set out that the OPW would come back to us within a specific period of time.

Chairman: It needs to be dealt with.

Deputy Matt Carthy: I second the Chairman's proposal. This is just an indication that the OPW is a very weak negotiating position because it finalised a contract under which, as Deputy Munster noted, the Irish taxpayer is footing the bill for a very serious if not elemental mistake made by the OPW regarding this building. It is not good enough to say that this type of meeting cannot take place on the same basis as every other meeting that has taken place for the past 12 months, if necessary. The lifting of restrictions allows for some physical meetings to take place. The committee should inform the OPW that it expects it to do everything in its power to recoup the Irish taxpayers' money.

Chairman: In light of the discussion, the committee will request that the OPW revert to it within the next month to six weeks, perhaps, by the end of June, confirming that this matter will be addressed directly between the landlord and the OPW. I will allow a brief comment from Deputy McAuliffe as there is a lot on today's agenda.

Deputy Paul McAuliffe: I am happy to support the Chairman's proposal.

Chairman: I thank the Deputy. The clerk will write to the Chairman of the OPW requesting that OPW meet with the landlord, in whatever form, as soon as possible and respond to this committee on the matter within a four-week period. Is that agreed? Agreed.

No. 464B is from Ms Rachel Downes, chief executive officer, Caranua, dated 23 March 2021, providing information relating to the recent wind-down of Caranua. Following a proposal by Deputy Munster, we had requested that Caranua respond to the committee on behalf of certain survivors but Caranua was wound down before the responses were received.

At our meeting of 31 March we agreed to note and publish this item and held it over for consideration in public. We also agreed to request that the Department of Education clarify how Caranua's work will now proceed, provide a timeframe for legislation and an update on

progress resolving outstanding cases, and the responses requested on behalf of certain survivors. That response is No. 519B from Mr. Seán Ó Foghlú, Secretary General, Department of Education, dated 19 April 2021. The Secretary General provides an outline of the role and work of Caranua, the current position following the expiration of the term of office of the board, and how the Department intends to address the committee's request for a substantive response on behalf of three survivors. The letter states that the Department's legal advice is that there is no lawful basis for the provision by the Department of the information requested by the committee. Notwithstanding this, the Department is pursuing this matter and has given an undertaking to contact the individuals concerned, and with their consent, to work to address the issues raised on their behalf by the committee and to revert to the committee in due course.

I understand that the secretariat has been in contact with Deputy Munster's office and in light of the commitment given by the Department, I propose that we allow the Department to complete this work and we will consider the matter again when we receive an update from the Department. Is that agreed? This item was flagged by Deputies Munster and Catherine Murphy. I invite Deputy Munster to comment.

Deputy Imelda Munster: The response from Caranua represents more of the same in terms of what we have come to expect from it. The survivors provided Caranua with permission to engage with us at the last committee hearing and Caranua acknowledged in that committee that it was familiar with those cases. I am not at all satisfied with the Department's response either. It appears to be hiding behind the same practice as Caranua in claiming to be flexible in the interests of survivors. The Department mentioned the pre-approval process and the requirement for additional paperwork, yet Caranua told us it was its practice to be flexible with regard to the number of quotes received, for example. That was the case with the outstanding cases we dealt with.

The Department's response is cold insofar as the people we are speaking about are survivors of institutional abuse. Redress should not be denied on the basis of paperwork or a lack of paperwork. The Department references that all of the time, as Caranua has done, and it has stated that it is satisfied with the appeals process. There are many survivors that are not satisfied. I hope that if the Department proposes to look into this matter, its investigation will be thorough and it will see fit to address the outstanding cases. To say that it is in respect of those particular cases the survivors believe Caranua let them down is an understatement. They are very real and the Department needs to sort this out. The remainder of the funding rolled back. This matter needs to be addressed.

Chairman: By way of clarification, the Deputy had a letter of authorisation from the three survivors which she had supplied to the committee secretariat.

Deputy Imelda Munster: Yes. Caranua had also received correspondence from the survivors informing it that they had given members of the committee permission to speak on their individual cases.

Chairman: The Department's response is that it is pursuing the matter and it has given an undertaking to contact the individuals concerned and, with their consent, to work to address the issues raised on their behalf by the committee and to revert to the committee in due course. I am not sure if the Department is splitting hairs in terms the permission given to allow the committee members to discuss the matter with Caranua before it expired. It may be a fine legal point, I do not know. Perhaps that is the argument it is making. In any case, we need to pursue the matter. The letters of consent are helpful. We will come back to the matter. I note Deputy

Catherine Murphy is indicating.

Deputy Catherine Murphy: I would like to speak on a number of issues. In regard to the Department of Education, we had all expected that it would bring forward legislation winding down Caranua. As yet, that has not happened. This matter will drag on until that happens. In the meantime, what happens to the files and can people have access to their records? I ask that the committee secretariat would check that with the Department.

The learnings from this process are important. One the key issues is that in the future compensation should be on a mandatory rather than voluntary basis. That compensation is not mandatory is part of the problem. In other scenarios, we saw the Department of Education take years to bring in the assets that were to fund some of the compensation schemes. There needs to be some learning as a consequence of this process, including how Caranua functioned. Other reasonable questions are who carried out the evaluation, and what were the terms of reference for it. There needs to be a degree of closure from our point of view. We need to be able to point to what did not work and what could work should something like this happen again.

Chairman: On the legislation, the committee raised the matter with the Department last autumn. The indications are that it is not likely to go to pre-legislative scrutiny until this autumn, which is some time away yet. It is proposed that we allow the Department to complete its work and that we will consider the matter again when we have received an update on it. This is as much as we can do for now, but we do need to push for the legislation to wind up Caranua to be brought before the House. That legislation is some way off yet. At best, it will be brought forward by the end of this year. No. 466B is a reply from the Department of Education about school accommodation at Gaelscoil an tSlí Dála in County Laois. At our meeting on 31 March, we agreed to note and publish this item and hold it over for consideration in public. We made a recommendation regarding the use of temporary accommodation in our report on our engagement with the Department and I want to bring this item to members' attention because it really highlights the lack of value for money when schools rent prefabricated units over a protracted period. As set out in the correspondence, the rental cost for one prefab between 2008 and 2020 was €177,000. After studying that brief, one could buy multiple prefabs for €177,000. These are single rooms. Another cost €152,000. Separately, three prefabs were bought outright and given that the average cost of those three was €49,000, three or four could have been purchased for the cost of each that was rented. These cost a substantial amount. A table came with this correspondence and if one looks at prefab 1, rented in 2005, and prefab 2, rented in 2007, the rent came to €249,622. In 2010, a new prefab, which was superior in quality, was bought for €38,000. We must take it from this that in 2005, it would have been cheaper and may only have been €30,000. Even assuming that it was €38,000, there is a significant disparity in cost and it shows the insanity of the rental and lease of prefabs over a long period.

Unfortunately, Gaelscoil an tSlí Dála is still in the same situation in that it is still housed in a number of prefabs. The Gaelscoil has been successful. It has 48 pupils in a rural area, servicing south Laois and north Tipperary but it needs permanent accommodation. It was given permanent status three years ago. It is in a position now where it has the potential of a permanent site. We might write back to the Department to highlight that the school is in urgent need of that accommodation because the original prefabs that were rented are not in good condition. We need to move on with that. I propose, with the committee's agreement, that we write back and request that in view of the money spent on rental compared with purchase of prefabs, that we would now move, as there is potential for a permanent site, to providing a new building on that site. Is that agreed? Agreed.

No. 476B from the Department of Housing, Local Government and Heritage, dated 24 March 2021, provides further information requested by the committee about the practice of “bond surrenders” by local authorities. At our meeting of 31 March, we agreed to note and publish this item and held it over for consideration in public. We have forwarded the response to the correspondent who raised the matter and we also agreed that the correspondent would submit related information, which they had offered to the committee, and sought their consent to forward it to the Department for consideration.

The following related correspondence was received since our previous meeting. No. 544B from the Department of Housing, Local Government and Heritage, dated 30 April 2021, providing further information requested by the committee in relation to the practice known as “bond surrender”. The Department has committed to reporting on the extent of the use of bond surrender by local authorities and will report back to the committee on this matter. Regarding the difficulties identified by local authorities, I propose that we request that the Department incorporate potential solutions in the report it is planning to compile on the issue and provide the committee with a copy of the report. I also propose that we also forward this item to the correspondent who raised the matter and note and publish it. Is that agreed? Agreed.

We received two letters on that, Nos. 476 and 544, and what concerned me about it was that even with a template set out in appendix 1, which states that while the Department is not aware of any mechanism that would compel a developer to renew a bond, the standardised template for bonds issued through the County and City Management Association in 2018 as best practice includes a clause that requires a developer to provide six months notice to a local authority prior to the expiration of a bond. It states that failure to provide this notice would result in the bond remaining in full force until such time as the six months notice is given. In this way, the bond cannot expire without the knowledge of the local authority. That sounds good but I have had a number of bad experiences in trying to deal with this issue of bonds. That does not stop the bond from expiring, especially if it is an insurance bond. Developers simply have to notify the local authority and if they fail to do it, that is one opt-out clause, and they can also allow the bond to lapse and simply notify the local authority of their intention to do so. Deputy Catherine Murphy raised this. We should be concerned about the fact that we do not have a proper template in place for dealing with this issue of bonds by developers of housing estates.

Deputy Catherine Murphy: Residents of an unfinished housing estate will feel very much that they are the meat in the sandwich where the bond system fails and they have no recourse to get the estate completed. It can delay the estate being taken in charge when it is not completed. It is a significant issue. This is a useful reply. It indicates that there were 20 responses. There are 37 local authorities now. We should look for a complete response since 20 responses is not sufficient, although it is useful to see that it has not occurred in those 20 responses. It was even more useful to see the difficulties that local authorities themselves are facing, such as unnotified expiration of bonds. I have certainly come across that with, for example, the extension of duration of planning permissions.

The only bonds that were ever offered in perpetuity were Anglo Irish Bank bonds but they were not worth the paper they were written on and they ended up being at the end of the list of unsecured creditors. That further exposed people where the estate was not completed. Many of the bonds are only offered for seven years. One may be at snag list stage, the estate may not be fully completed, or it may be a large estate. The adequacy of bonds is another matter. These are all issues that have to go back to the Department to make sure that protections are there for people who buy their homes and have an expectation that those systems are robust enough to

deal with that.

It is perfectly legitimate for developers to have their bonds partially returned if the estate has been concluded as it was planned. None of us would have an issue with that. For example, difficulties with developers obtaining bonds should be a concern for us because that is an impediment to the compliance for construction and output of new houses. There are a number of issues. The other issue is that it does not differentiate between developers who are compliant or not. Local authorities often look for a cash bond where they had a non-compliant developer. The history of a developer does not seem to translate from one local authority to another. Somebody who had done a terrible job in Kildare could go on to develop an estate in county Cork or Kerry without bringing that history along. Each local authority is almost a satellite from that point of view. What must be examined from a national point of view is how to have a register that will ensure we get good quality developments and that protections are in place for people. We should ask the Department exactly how it intends to address the issues that the local authorities have identified as shortcomings in this system because we must ensure that it is remedied. It is very useful that it has been brought to our attention.

Chairman: The Deputy mentioned a register for where a developer has not completed an estate and, perhaps, has moved onto another local authority area or sometimes even in the same local authority area and starts the process again of getting planning permission for another development. There certainly must be a register in that regard. We can highlight that to the Department, but the response in appendix A is concerning. It states that the Department is not aware of any mechanism that would compel a developer to renew a bond and goes on to refer to the standardised template attached. That shows the system is still deficient and that we have learned nothing from the outcome of the so-called housing boom in the 2000s whereby local authorities were left trying to find the money to finish estates. The Department had to come up with some money to make some estates safe, as there were immediate safety issues that had to be addressed. The concerning thing in this reply is that we still do not have a system in place that is watertight in compelling developers to have the work done before it is returned and to ensure the bond is a real bond and not hung on a wing and a prayer as an insurance bond that may not have proper terms and conditions attached to it.

Deputy Colm Burke: I believe we are losing the plot here. The builders have a responsibility, but the local authorities have a responsibility as well. For example, if one contacts a local authority and asks for a register of estates that are not taken in charge, I guarantee one would not be able to get that register. I am dealing with a local authority at present. I wrote to the local authority and I was advised that it is waiting for Irish Water to refer back to it as there were certain things that had to be finished by Irish Water. My office then wrote to Irish Water and found that the local authority had made no contact of any description with the company about the taking in charge of the estate. When I looked back over this I found the local authority has been dealing with the taking in charge of the estate since 2008. It still has not been taken in charge even though the local authority has drawn down the bond fully. The residents, therefore, cannot get certain work done on the estate because it has not been taken in charge. Why does it take 12 years for a local authority to take an estate in charge when it has drawn down the bond?

Let us refer back to the local authorities and ask them if they keep a register of estates that are not taken in charge and if they have a programme set out as regards the end game. If one starts building an estate today and one takes out a bond, that bond is valued at the cost of completing the estate at the time one starts building the estate or within a reasonable time period of two to three years. However, if there are any delays by the local authority in pursuing the

builder, the bond is no longer sufficient to cover that cost. That is the reason we should ask local authorities to have a register of estates that are not taken in charge and the timeframe.

Chairman: To clarify, the Deputy is probably correct if he is talking about the local authority in his own area, but the couple of local authorities I have dealt with on this matter have a register and have always had a register. It is not just a register; they also have a list of progress written down beside each estate, the current position and what the next steps are. The councillors in the functional area of a local authority need to ask that question. If the local authority was supposed to make a request to Irish Water and did not make it, the members of the local authority at district meetings and full meetings of the county council must hold the executive of the council to account, ask why that is not happening and why the council does not have a register. I am open to correction on this, but the local authorities I have dealt with have a full list of estates to be taken in charge and the current status of the estates. One can seek regular updates on them quite easily.

Deputy Colm Burke: Perhaps we should write to the Department on this to find out what information it is getting from local authorities about estates not taken in charge at this stage.

Chairman: Certainly, we can ask the Department that question.

Deputy Colm Burke: This is an issue I have been dealing with in the past month. To get a letter from the local authority which states that it is dealing with this since 2008 does not make sense.

Chairman: There may be other reasons for it, but that should not happen. Questions need to be asked of the local authority in question as to what progress is being made. Regular reports on it can be sought at district meetings or full meetings of the county council. They are sought in other county councils.

Deputy Colm Burke: We should also look to the Department to get that information for us.

Chairman: We absolutely can. What is proposed is that we forward this correspondence to the correspondent who raised the matter. In view of the discussion, I propose that we write to the Department and point out to it that the responses would indicate that the bond system still appears to be not tight enough and that there are potential weaknesses in it. Deputy Catherine Murphy suggested that there would also be a register of developers in the State so that where developers have not completed work on an estate and have applied for planning permission in another local authority area, it would show up at that point. The third issue flagged by Deputy Colm Burke is that we ask the Department what procedures are in place to monitor the progress local authorities are making regarding the taking in charge of estates. Is that agreed? Agreed.

No. 477B is from Mr. Feargal Hartnett, government accounting unit, Department of Public Expenditure and Reform, dated 24 March 2021, providing the minute of the Minister for Public Expenditure and Reform relating to recent Committee of Public Accounts reports. These are important items of correspondence as they address the reports and recommendations of the committee. I want to address one matter before opening the discussion to the floor. While the majority of the committee's recommendations have been accepted or partly accepted, one has been rejected. It relates to a recommendation to the Department that was made in the committee's report on its engagement with the Department of Education. We recommended that "the Department of Public Expenditure and Reform ensures the reasons for delays in capital projects, across all Departments, are published".

The Department of Public Expenditure and Reform's reason for the rejection is that it publishes regular updates on Project Ireland 2040 delivery through the capital projects tracker and myProjectIreland map, but reporting on delays on capital projects seems to be a best practice suggestion rather than a requirement. The Department states that: "It is up to Departments to report on delays in delivery on an individual project level and to update the tracker with this information on a regular basis". Given that it also states that the tracker is intended to be the: "primary tool for public transparency on infrastructure project priorities, timelines and performance targets", I propose that we write to the Department and request that it makes the timely updating of the tracker in terms of both costs and time lines a requirement. Is that agreed? Agreed.

I will open the discussion to members in respect of any of the other responses to the committee's recommendations that they might wish to address. This item was flagged by Deputies Catherine Murphy, Carthy and Munster. I call Deputy Catherine Murphy.

Deputy Catherine Murphy: I am okay on this one.

Chairman: Does Deputy Muster wish to come in on this item?

Deputy Imelda Munster: Are we dealing with No. 481?

Chairman: No, we are on No. 477.

Deputy Imelda Munster: I am okay on that one.

Chairman: Does Deputy Carthy wish to comment?

Deputy Matt Carthy: I will briefly address the response by the Department to what I consider to be a very appropriate recommendation, that is, that delays within the Department of Education would be explained. Members are aware of countless anecdotes of build delays in every county. These delays can be the cause of significant consternation and frustration for local communities and boards of management. The recommendation of the committee is absolutely sensible in the sense that we have asked that a proviso or a mechanism be put in place through which those delays could be explained. I am disappointed by the rationale of the Department, which essentially states there should be best practice as opposed to it being a guideline. I do not know whether the Chairman or the Comptroller and Auditor General can offer advice to the committee in terms of the procedure through which the committee can engage with the Department on this issue. Should we leave it until the public hearing with the Department of Public Expenditure and Reform or is there another mechanism through which we can engage to find a route that would allow explanations to be received in respect of situations where, in my view, they are absolutely warranted?

Chairman: We will have the Department in regularly. The committee proposed that we write to the Department of Public Expenditure and Reform and request that it makes it a requirement to have a timely updating of the tracker in terms of both costs and timelines. We are asking the Department to address it there, if that is agreed, and if the committee wishes to include that item when we have the Department in, that can be done. Is that agreed? Agreed.

No. 481 is correspondence from the Minister for Justice, Deputy McEntee, dated 28 February 2021. It accedes to the committee's request for an independent investigation with regard to the operation of voluntary mess committees in the Irish Prison Service. We previously agreed to note and publish this item. The item was flagged for discussion by Deputy Munster.

Deputy Imelda Munster: I thank the Chairman. Briefly, as time has elapsed, can the committee write to the Department seeking an update on and a timeframe for the report? The correspondence is good in the sense that it is confirmation that the Department will carry out a review or an investigation into the matters that were raised by the committee with regard to strange and questionable financial practices within the prison service. It is proof, if ever proof was needed, that we should not shy away from raising matters with witnesses. The Department clearly sees merit in what was raised. The correspondence was sent in February, so perhaps we should follow up with the Department and seek an update and an expected timeframe.

Chairman: I thank the Deputy. We will ask the clerk to the committee to do that. The fact that an investigation or an independent review is going to be carried out is welcome. We will ask for a timeline in that regard.

No. 482 is correspondence from Mr. Ray Mitchell, assistant national director of the HSE, dated 25 March 2021. It provides information requested by the committee in respect of the proposed integrated financial management and procurement system, IFMS. We intend to conduct an engagement with the HSE on this project. We will note and publish this item. We have dealt with this issue before with the HSE. This integrated financial management system was proposed back in 2014 and the process started at that stage. Late last year, the committee was somewhat concerned when it came to our attention that this was not even completed at that point. The procurement process was only awarded in 2019 and Covid has now pushed out the date to an unspecified timeline, as I noted from the correspondence I read yesterday. We need to flag that, all of seven years later, not alone do we not have an integrated financial management system, but members will recall that when the HSE and the Department appeared before the committee, their representatives told us they would have 80% of the procurement spend brought into a process such as this by 2024. That 2024 date seems to have gone out the window and there is now no date by which that will be done.'

As Chairman of the Committee of Public Accounts, I consider that response totally unsatisfactory and I am very concerned about it. We have been through the Covid emergency but the fact that the HSE has done away with any attempt to put a final date in place or to have any kind of benchmark or staging post by which stage progress would be made on this has nearly left this on the never-never. I propose that we revisit this issue with the Department, its new Secretary-General and the HSE. This situation is totally unsatisfactory. I could not believe it when the matter came before the committee last year and we were made aware no progress had been made in the six years since the process had started. It has now been seven years since the process started and even the very distant staging post of having 80% progress made by 2024 has now been deleted. That is not acceptable. Deputy Carthy wishes to comment on this issue.

Deputy Matt Carthy: I wish to address the 2019 procurement review. I am really frustrated by the manner in which this line of correspondence with the HSE is going. It has been asked by the Committee of Public Accounts on several occasions to clarify the status of this procurement review, which was apparently paused in 2019, and address whether it was actually cancelled. This correspondence indicates that the 2019 review was paused and that it then resumed but focused entirely on 2020. To me, this spells that the 2019 review has been cancelled. This is important because this is the first year in which this type of procurement review has been conducted. As members know, 2020 was a unique year for all Departments, but particularly for the HSE. We need the 2019 procurement review to be completed in order to have an adequate baseline and base year with which to compare future years. I am not satisfied that just having the HSE appear before the committee will resolve anything because I think its representatives

will run down the clock on this issue. We need to ask them in writing exactly what the status of the 2019 procurement review is and what the intentions are to resume that review this year. We are talking about hundreds of millions of euro of taxpayers' money and there needs to be a full appraisal of whether the procurement process is working in order to ensure we are getting best value. That is my proposal.

Chairman: I thank the Deputy. Does Deputy Catherine Murphy wish to come in briefly on that issue?

Deputy Catherine Murphy: Yes. With regard to the work of the Comptroller and Auditor General in terms of looking at such significant spend and not having an integrated system, what does that present in terms of the issues or problems? We know the HSE has a significant staff and spend. The past year showed the kind of exposure from not having systems in place in terms of not being able to achieve value for money, with various parts of an organisation doing different things. I am curious to hear what difference it would make. I refer to the time it has taken for this to be put in place. I appreciate that funding for some aspects of this was not made available for some time, but how is it possible even to do a comparison?

Chairman: I ask the Comptroller and Auditor General to come in on that point.

Mr. Seamus McCarthy: The difficulty we have always had in respect of procurement is, because there are so many systems, we could not really get a handle on how bad the problem was. We could look at samples in particular areas but we could not extrapolate as to the total scale of the problem. We certainly knew it was extensive because, as we did samples in different areas in different years, we were finding 30%, 40% and 50% of procurement was not compliant with the guidelines. There is a difficulty in knowing the implication of that in terms of the value for money that is being delivered. We certainly know we did not have sufficient assurance that good value was being obtained.

The work being done in respect of the 2019 procurement was being done in the early part of 2020. It literally got blown away by the pandemic emergency. That work was ceased. I am not even sure those responsible can profitably or usefully go back and recommence that work and complete it. The year 2020 will not be a typical year. There are obviously issues around procurement and we are currently looking at some of those in the context of the 2020 annual financial statements.

The hope would be that better systems of oversight by the procurement function within the HSE can be put in place at a current date and as we move forward. Retrospectively we know there has been a significant problem. We want assurance and we need assurance this will not continue to be the case.

Chairman: We will correspond with the HSE in this regard and look for the status of the 2019 review when it will be fully completed. I propose we write to the new Secretary General of the Department with regard to the delay in putting an integrated financial management system in place. I believe it is a major area of concern and a major spend if the systems are not in place. The Comptroller and Auditor General has outlined that the HSE operates several different systems throughout the State. When the officials were before the committee, they outlined to us the difficulties in terms of trying to track or monitor anything. The request would be that we write to the new Secretary General requesting that the matter be expedited and ask for the organisation to come back with a more realistic timeframe. Is that agreed? Agreed.

No. 491 is from Ms Mary Ellen Ring, chairperson of the Garda Síochána Ombudsman Commission, GSOC. It is dated 30 March and provides further information requested by the committee regarding the Garda College in Templemore and the use of EU funds. While the investigation has been ongoing for some time and appears to be concluding, a definitive date is not provided. The chairperson points to the fact there are 40 investigators and 15,000 members of the force. GSOC opened 485 criminal investigations in 2019 and this figure is likely to increase in 2020. Although not specifically stated, it appears GSOC may be under-resourced. Previously we agreed to note and publish the correspondence and request that the chairperson clarify whether she believes GSOC is adequately resourced. The item was flagged by Deputy Carthy and Deputy Murphy. Deputy Carthy will comment.

Deputy Matt Carthy: I will comment on the last point. The delay with this particular investigation in respect of the infamous Templemore funds is frustrating. I understand it is a live investigation so I will not say anything more in that regard.

I will also comment on the apparent contraction in respect of the level of staff in place. It might be a consideration for us to invite GSOC representatives before the committee as part of our work programme. I believe it would make for a useful engagement. GSOC carries out important work with various reports in terms of its effectiveness. It would be useful if we could include that for consideration. I would ask that this would be included on the list of items we might consider in the upcoming months.

Deputy Catherine Murphy: I agree with that. The level of resourcing may well play into that. It would be useful to have an engagement with GSOC. Other than that, I am fine with this item.

Chairman: We will note and publish it and we will ask the chairperson to clarify whether she believes GSOC is adequately resourced. I suggest the secretariat, when corresponding with GSOC would ask whether the commission has the figure for the number of criminal investigations in 2020. The document gives the figure of 485 for criminal investigations for 2019. I was surprised by that in a service where there are 15,000 members. We will seek a figure for 2020. It is noted that the figure is likely to increase.

No. 503B is from Mr. Ian Black, interim chief executive of the Strategic Banking Corporation of Ireland, and is dated 9 April 2021. It provides information requested by the committee arising from our meeting with the SBCI on 9 March. Further questions were responded to in correspondence No. 518B. The SBCI states both items contain commercially sensitive information. We agreed to write back to the SBCI to ask that the corporation indicate which aspects of the two items received are commercially sensitive. We have since received that information. We can see that in the correspondence.

No. 532B is also from Mr. Ian Black, interim chief executive of the Strategic Banking Corporation of Ireland, and is dated 27 April 2021. It relates to the substantive response. We have agreed to consider and identify further areas for follow-up. I call on members to be mindful of the commercially sensitive information involved when addressing the items of correspondence.

We have a further 15 items of correspondence that we have to go through. We are approximately one third of the way through them. I appeal to members to be mindful of that in trying to work through the papers before us this morning. This was flagged by Deputies Carthy, Murphy and Munster.

Deputy Matt Carthy: I will not stray into the commercially sensitive issues at all. Following on from our interaction with the SBCI, I had asked questions on the agricultural cash flow schemes in terms of regional breakdowns and where loans were issued. I also asked about the plans for that scheme or similar schemes in future. I wonder if we could correspond with the body again to ask for an update in that regard.

Chairman: We can do that.

Deputy Catherine Murphy: A number of questions were not answered. We need to have the aged debtor analysis. The whole point in discussing this is to ensure the money was spent on what it was intended to be spent on. The target was the small and medium-sized business sector to fill a gap in terms of ensuring adequate funding sources were available.

I do not believe Bibby Financial Services has answered the question relating to the transfer of money. In December 2019, €45 million out of €60 million was lent to the company by the SBCI with the balance from HSBC. This was used to replace borrowing from Barclays. Is that true or not true? I am keen to see that specifically answered. We are awaiting a further response.

Deputy Imelda Munster: Deputy Carthy has covered my points.

Chairman: Deputy Verona Murphy is next.

Deputy Verona Murphy: I have the same view. We have a good deal of correspondence sent to the SBCI and we are waiting on responses. I am happy to leave it over.

Chairman: We have agreed to consider what we have before us. Each member has considered what is in front of us. If there are further areas to be flagged then please do so with the clerk in a timely manner.

No. 534 B from Mr. Ray Mitchell, assistant national director at the HSE, dated 28 April 2021, provides information requested by the committee in relation to SouthDoc. We will note and publish this item. We agreed at our meeting of 28 April to request further information in relation to this matter and to include it as an area of interest to the committee when we next meet with the HSE. The item has been flagged by Deputy Matt Carthy.

Deputy Matt Carthy: I will be as brief as possible but this is a very important issue. A private company has received substantial funds for carrying out a service that is not actually being delivered, namely, the doctor on call and out of hours service in the south. The committee members may recall that Deputy Thomas Gould had corresponded with the committee on the impact this is having on the Deputy's constituents. As a result, the committee corresponded with the HSE. I am very surprised by what can only be described as a very soft response from the HSE. We are talking here about public health services and substantial funds of money invested. In the HSE briefing there are references to using mechanisms within the service arrangements, but there is no indication as to what these might be or how developed they are. I suggest the committee advise the HSE that we wish to speak with it on the matter when the HSE representatives come before the committee in the coming weeks, and to ask for a more substantive response on how the HSE intends to account for this. It indicates the HSE was advised, following a board of directors meeting on 30 March, that the Blackpool and Listowel treatment centres would remain closed for the duration of level 5 restrictions. Level 5 is, essentially, over now, so the people of those communities deserve answers on when their services will be delivered. More importantly, this committee deserves answers on how we are spending money on a

contract that is not being fulfilled.

Chairman: The second last paragraph of the correspondence notes that the HSE had received correspondence dated 22 April that confirms that the centre in Listowel is open for appointments since 17 and 18 April, and that the Blackpool centre will be available for appointments. It is very limited opening but we should seek clarification on that.

Deputy Matt Carthy: It does not explain why we have been paying for this service for several months now without the service being delivered.

Chairman: What has been reopened is on a very limited basis. The service has been closed for a substantial period in Listowel and in Cork. We will follow through on that.

No. 535 B from Ms Vivienne Flood, head of public affairs at RTÉ, dated 28 April 2021, provides information to the committee following the meeting on 27 April 2021. For members' information, this is separate to the follow-up information arising from the meeting that has been requested by the secretariat and which will come before the committee in due course.

I should put on the record that Ms Flood wishes to clarify two matters raised at the meeting. On the first matter, Ms Flood said in her correspondence that:

In response to a question raised as to the number of individuals who had been offered employment by RTÉ, Ms Eimear Cusack incorrectly stated that three individuals did not accept contracts of employment and had left the organisation. By way of clarification, two of those individuals are no longer with the organisation. The third individual was designated an employee in that they continued to work for RTÉ with all relevant statutory entitlements being applied.

Ms Flood wished to clarify a second matter and said in her correspondence that:

Further to a question raised by Deputy Murphy as regards a recent settlement on a defamation claim, Ms Forbes stated that the cost of the payment in question had [come] through a claim on our own insurance. On this occasion that was not in fact the case since the amount was below the insurance reserve within our policy.

We will note and publish this item and I will open the floor to members for further consideration. We had raised the issue of the Eversheds report with the RTÉ representatives. The members will note that 36% of workers were misclassified as being self-employed, but actually had all of the conditions that would be deemed necessary for employment.

In answer to a question I asked the witnesses, it was said that RTÉ had made a settlement with Revenue with regard to outstanding PRSI contributions. This was due to the fact that 36% of those workers were wrongly classified as self-employed. Deputies Carthy, Munster and Catherine Murphy have flagged this issue.

Chairman: Deputy Murphy is having some technical problems so, in the meantime, I call Deputy Munster.

Deputy Imelda Munster: On the correspondence we have received from RTÉ, it appears that RTÉ is being very selective in its responses. Many other questions were posed to the witnesses that they have not responded to. I understand that this current response is separate from the follow-up information, as the Chairman said, but I cannot see why many of the more serious matters raised are not addressed. At the committee I had asked how many of the top earners

were considered, in any of the strands of the Eversheds report, to be deemed to have attributes akin to employment or self-employment. That question has not been fully addressed.

I also raised the issue of the pay disparity between workers at RTÉ and at Raidió na Gaeltachta. Ms Forbes had agreed to carry out a review on that but we have not had anything back on it. Perhaps the committee will follow up to seek further information.

When RTÉ representatives were before the committee I had specifically asked the question about whether or not they were aware there was going to be a bill coming from Revenue as a result of the self-employment contracts. I asked if RTÉ had received a bill or if it anticipated a bill. On two occasions the respondent said that they were not aware of it. I find this absolutely shocking. On the third attempt, in response to a question from the Chairman, the witness suddenly went from being totally unaware of a bill and being oblivious to any bill forthcoming or received, to deciding to tell us that RTÉ had received a bill. Third time lucky. Deputy Carthy asked how much the bill was for. None of this information is included in the correspondence. I find it shocking.

Chairman: To be helpful to the Deputy and to clarify, RTÉ said it had received a bill and had made a settlement. The response we have today is simply a clarification on two matters that were discussed in replies given by RTÉ representatives, a clarification I have just read out for members.

The list of questions on the issues raised at the meeting has been sent to RTÉ by the secretariat, including the issues referred to by Deputy Munster just now. We are waiting on the response to that correspondence. We do not yet have that response but hopefully we will have it quickly. The Deputy is correct that a number of serious items flagged at that meeting need a response.

Deputy Imelda Munster: I hoped the committee would have received that response very promptly. A response to the question posed about how much the bill paid to Revenue was could have been included in the correspondence today. I found it astounding that when initially asked if they were aware of a forthcoming bill from Revenue for the self-employment contracts, or whether RTÉ had received a bill, twice we were told that they were not aware of any such bill. Then, on being pressed by the Chairman, suddenly a bill had been received and RTÉ was aware of it. We need to find out about this and whether other bills are due.

Chairman: I was hoping we would have had the figure on that day for the settlement with Revenue. We await that figure.

Deputy Imelda Munster: There is no reason we should not have had it.

Deputy Matt Carthy: Acknowledging the Chair's point that we have not yet received a substantive response, I agree with Deputy Munster that the figure of the settlement that was already concluded with Revenue should have been available on the day. This is the Committee of Public Accounts, we were talking about the finances of an organisation and there was a specific line of inquiry. I expect we will receive that figure fairly quickly as it will give us a sense of whether or not our public service broadcaster is in line for even more payments down the line.

I asked a question about high earners and who their representative agents were. Can I confirm that is being included in our list of questions to RTÉ? That would be useful.

Chairman: Deputy Murphy had flagged this.

Deputy Catherine Murphy: It is about what the reply does not say. I wanted to deal with retrospection. I believe the Deputy Murphy referred to was Deputy Verona Murphy. I will wait until the next reply comes and hope that it will deal with the issue of retrospection and employment rights.

Chairman: Members should be aware that on 5 May a response was requested within ten working days. I suggest that when writing back to RTÉ we ask if, along with the settlement made to Revenue on foot of that, a settlement was made with workers in terms of PRSI entitlements and other benefits forgone by virtue of the fact they were not employed properly as employees and were wrongly employed as self employed.

Deputy Verona Murphy: That was in answer to my query in relation to the defamation claim. I would be quite concerned if the threshold for settling claims is over and above €20,000. We are dealing with the public's money. Can we ask RTÉ how many of these settlements are there, or have been in the last year or two? I asked for figures going back five years, if I am not mistaken. Maybe someone else may be able to confirm that. It is extraordinary that an excess would appear to be in the range of €20,000 on insurance. Maybe we could ask it about that.

Chairman: The Deputy raised that with RTÉ at the meeting. We will request the information.

Deputy Matt Carthy: I have one final point on RTÉ and an additional piece of correspondence. This week the BBC initiated a new programme where it publishes the external gigs or work carried out by its employees and journalists. In the interest of transparency, it is a very good practice. It would be appropriate if we were to write to RTÉ asking if it had any plans to do the same. It would create transparency around some of the questions we touched on at the meeting.

Chairman: We will request that along with the other information.

No. 537B is from Mr. Maurice Buckley, chairman, OPW, dated 29 April 2021, providing information requested by the committee in relation to a new facility being constructed at Military Road, Kilmainham, Dublin 8 and plans for property that An Garda Síochána has vacated or is due to vacate.

On Military Road, the OPW states that the development was progressed based on a brief submitted to OPW by An Garda Síochána in 2016, and that it will accommodate the 850 to 890 personnel in Harcourt Square. However, it is not clear that subsequent increases in Garda numbers and changes to its operating model led to any review of the suitability of the Military Road site.

We will publish this and incorporate relevant material into the committee's draft report on its engagement with the OPW, which will be circulated this week. We will take it up again next week. This item is flagged for discussion by Deputy Catherine Murphy.

Deputy Catherine Murphy: We have to go back and look at how this site was chosen. It was not on the original list. I drive by it quite often, or crawl by it, more accurately, because it is a very difficult site to get in and out of. I would have thought that access alone would have excluded this particular site as there would be quite a lot of movement from this building. This building would never have been big enough to accommodate all the staff from Harcourt Square. How it ended up as the chosen site is mind boggling. We must keep a very close eye on this. The timeline is very tight. There could be excess spend because they have to accommodate

staff if the site is not completed and fitted out in time. It still looks like a hole in the ground and it is supposed to be completed and occupied by the end of next year. It would be a minor miracle. We need to look at the origins of how this was selected as a site at all. That is the big issue.

Chairman: We will publish this and incorporate relevant material into the committee's draft report on its engagement with the OPW, which will be circulated next week and we will follow up on that.

No. 540B is from Mr. Ray Mitchell, assistant national director, HSE, dated 29 April 2021, providing information requested by the committee in relation to the use of HSE services by Tusla. We discussed this recently. We will note and publish this.

This item is flagged for discussion by Deputy Munster.

Deputy Imelda Munster: It seems Tusla makes full and extensive use of the procurement services available to it via the HSE.

May I ask the Comptroller and Auditor General what he thinks of its percentage turnover that is non-compliant? It appears quite substantial.

Mr. Seamus McCarthy: I think I have drawn attention to that in the certificates for the last number of years. My recollection offhand is that it is not as substantial as the case in the HSE but it probably suffers from some of the same problems and difficulties because it is doing some procurement through HSE anyway.

Chairman: We will now move on to the next category of correspondence from and related to private individuals and any other correspondence. No. 511C is from Senator Gerard Craughwell, dated 15 April 2021. He raised the matter with me some months ago and I suggested that he write to the committee. The letter is requesting that the committee review a contract for a search and rescue service that has been managed by the Department of Transport. At our meeting on 28 April, we agreed to write to the Department to request that it respond to the matters raised.

I remind members that this relates to a contract which may be subject to a new procurement very shortly and that in light of the EU procurement principles of fairness, equity, transparency and non-discrimination, the committee and the individual members thereof cannot express a view that indicates a preference or favour for any particular tenderer, nor tenderers of any particular EU member state. I ask members to keep this in mind when discussing this matter. There is a commercial sensitivity around this.

This item was flagged for discussion by Deputies Catherine Murphy and Matt Carthy. The original contract certainly needs to be reviewed. There are certainly issues in it that would raise an eyebrow or two. It is certainly worth examining.

Deputy Catherine Murphy: The key issue was whether the Defence Forces or Air Corps would be considered. I sent on a couple of replies to parliamentary questions on a review that was done. The structure of any procurement process will determine what will be possible. If it is for the complete service, the possibility will obviously be excluded. It appears it would be perfectly possible for at least part of the service to be carried out by the Air Corps. That would seem to be prudent, but obviously there is a tender process.

Deputy Matt Carthy: On the advice of the Chair, I will keep it very brief. It would be useful to know if a review of the previous procurement process and an appraisal of the previous service were carried out prior to advertising a new procurement process. Could we have clarification on that?

Chairman: I look forward to a response to the questions we raised, particularly on the purchase of the helicopters. As I understand it — I am not an expert on this — you could be talking about a sum in the region of €125 million. It is a question of what happens to the helicopters and equipment on the renewal of a contract. It is a question we need to follow up on because there is a sizeable contract. By no means does it involve a small amount of money. It could have major implications. We will await the response from the Department and return to this matter.

Does Deputy Verona Murphy wish to comment?

Deputy Verona Murphy: No, I am fine. I will wait for the further correspondence.

Chairman: No. 526C, dated 24 April 2021, is from an individual and raises further concerns regarding the use of public funding by the Irish Prison Service. We will note the item. We are awaiting a response from the Department of Justice. We requested on 15 April a response on previous related matters, namely, Nos. R0404 and R0405. A reminder was sent to the Department last week. It is proposed to advise the correspondent accordingly. Is that agreed? This item was flagged by Deputy Munster. I do not know whether she wants to comment briefly on it.

Deputy Imelda Munster: No, I am satisfied.

Chairman: The Deputy is happy enough with No. 526C. The next three items are responses to parliamentary questions submitted by Deputy Catherine Murphy, who has provided them for the information of the committee. I will set them out. Although we have addressed the issues concerned, the Deputy may address them if she wishes. The first item is No. 533C, dated 27 April. It is a reply to a parliamentary question.

Deputy Catherine Murphy: It is fine. I just sent them for the committee's attention.

Chairman: The Deputy is happy enough with the items. They have been circulated to members for their attention. They can review them.

On the work programme, the revised meeting arrangements for committees will see this committee engaging with public bodies on Thursday mornings at 9.30 a.m. We hope to have a public meeting slot for business, such as that today, at least every other week. A revised work programme has been circulated among members and, as things stand, our next confirmed meeting is with An Bord Pleanála this Thursday, 13 May, at 9.30 a.m.

An invitation — this is the tricky one — has been issued to the National Paediatric Hospital Development Board for Thursday, 20 May, and we requested that the long-overdue progress report on the project in regard to the cost and timeline for completion be made available to the committee in advance of that engagement. I understand the board was requested to confirm its availability by last Tuesday but did not do so. I asked that the clerk request confirmation not later than yesterday. However, the board's position as of yesterday on its availability and on making the progress report available in advance of the meeting is:

The National Paediatric Hospital Development Board is currently engaging with the Department of Health on this matter. We are unable to confirm attendance at this time but plan to respond later on this week.

I will ask the clerk to keep Members updated on this. It is enormously frustrating.

Members will recall that, late last year, we were looking for the progress report on the costs and completion date. We deferred our meeting with the National Paediatric Hospital Development Board until February of this year in the hope the report would be in front of us. We did not have it. We had the witnesses in here. We requested the report again and we were to have it in March. It has been long-fingered since then. I ask that the clerk relay to those concerned that the situation is unsatisfactory and we expect this to be dealt with quickly. We should also correspond with the new Secretary General of the Department of Health asking that he use his office to have this matter expedited. The board is saying it is dealing with the Department on this matter. This has been long-fingered repeatedly and the public needs answers on this issue. We are being fobbed off on this. Mr. Robert Watt should be requested to revert to us regarding a date for the report, both in terms of the expected final cost and a timeline for completion. I ask the clerk to request that representatives of the National Paediatric Hospital Development Board appear before this committee in the near future.

Inquiries have been made with the Department of Transport in regard to 27 May. I will open the matter to the floor because members can see there is an issue regarding 20 May. We cannot invite in an Accounting Officer or a Secretary General at such short notice. He or she would have only a week, which would not give reasonable time in which to prepare. Members may have other suggestions for the date. Inquiries have been made with the Department of Transport regarding 27 May. Does any member wish to comment? They are happy enough.

What I have outlined will take us until the end of May. We are provisionally scheduled to engage with either the Department of Foreign Affairs or the Department of Housing, Local Government and Heritage on 6 June. There are important matters to be dealt with in this regard. To allow preparations to be made, I will ask members to make an input if they have suggestions. Representatives from the Department of Foreign Affairs have not been before the committee since 2018. Matters for examination include the appropriation account for 2019, Vote 27 - International Co-operation, and Vote 28 - Foreign Affairs and Trade, as well as chapter 8 from the Report on the Accounts of the Public Services 2019 – controls over humanitarian assistance funding.

Regarding the Department of Housing, Local Government and Heritage, we could resume our consideration of its 2019 appropriation accounts, Vote 34 - Housing, Planning and Local Government, as well as the Local Government Fund and expenditure on the housing assistance payment and the rental assistance scheme, or hold a stand-alone meeting on emergency accommodation. How do Members wish to proceed? Some of us have requested a stand-alone session on the Local Government Fund and the expenditure on the housing assistance payment and the rental assistance scheme. Is it agreed we continue to look for this? I take it as agreed. Deputy Hourigan flagged the issue of emergency accommodation. Since no member wishes to comment on that, we will ask the clerk to include in the invitation a direction requesting a focus specifically on the Local Government Fund and the expenditure on the housing assistance payment, the rental assistance scheme and emergency accommodation. Is that agreed? Agreed.

That concludes our consideration of the work programme. Does anyone wish to raise any other matter?

Mr. Seamus McCarthy: Deputy Catherine Murphy asked me earlier about the staff numbers in Maynooth University. Note six in the financial statements discloses that there was an increase in staffing numbers of 39 between the end of the 2019 financial statements and the 2020 financial statements. They give a breakdown in the staff numbers and there are some significant enough changes. The Deputy might like to have a look at that.

Chairman: I thank the Comptroller and Auditor General for that information.

The committee adjourned at 11.21 a.m. until 9.30 a.m. on Thursday, 13 May 2021.