

DÁIL ÉIREANN

AN COISTE UM CHUNTAIS PHOIBLÍ

COMMITTEE OF PUBLIC ACCOUNTS

Dé Máirt, 25 Bealtaine 2021

Tuesday, 25 May 2021

The Committee met at 9.30 a.m.

MEMBERS PRESENT:

Senator Colm Burke, Deputy Matt Carthy,	Deputy Paul McAuliffe,
Deputy Cormac Devlin,	Deputy Imelda Munster,
Deputy Alan Dillon,	Deputy Catherine Murphy,
Deputy Neasa Hourigan,	Deputy Verona Murphy,

DEPUTY BRIAN STANLEY IN THE CHAIR.

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

Business of Committee

Chairman: Members are welcome to this online meeting.

Apologies have been received from Deputy McAuliffe, who had to leave for Dáil business, and Deputy MacSharry.

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 will ask Members to confirm their location before contributing to ensure we are adhering to this constitutional requirement.

We are joined remotely by the Comptroller and Auditor General, Mr. Seamus McCarthy, as a permanent witness to the committee.

Those in attendance are asked to mute themselves when not contributing in order that we do not pick up any background noise or feedback. They should also use the button to virtually raise their hands when they wish to contribute and take it down afterwards.

Members are reminded of the provision of Standing Order 218 that the committee will refrain from inquiring into the merits of a policy or policies of the Government, or a Minister, 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 Dáil recently passed a motion to change Standing Orders to use a more gender-neutral term than Chairman. The Dáil has agreed that the word “Cathaoirleach” will be used instead. On that basis, will Members address the Chair as “A Chathaoirligh”? For the committee’s information, the clerk will circulate the relevant changes to Standing Orders following the meeting.

The first item of business is the minutes of our meetings of 18 May and 20 May 2021, which have been circulated to members. Are the minutes agreed? Agreed. As usual, the minutes will be published on the committee’s webpage.

There are no accounts or financial statements for consideration this week.

Moving to correspondence, as agreed, items not flagged for discussion for this meeting will continue to be dealt with in accordance with the proposed actions that have been circulated. Decisions taken by the committee on correspondence are recorded in the minutes of the committee’s meetings and published on the committee’s webpage.

The first category of correspondence under which members have flagged items for discussion is that from Accounting Officers and-or Ministers in follow-up to committee meetings.

The first five items were held over from our meeting last Tuesday, 18 May 2021, for consideration in public session.

The first item is correspondence No. 550B from Mr. Sean Ó Foghlú, Secretary General, Department of Education, dated 30 April 2021, providing information requested by the committee on the transfer of properties from religious congregations to the State.

At our meeting last week, we agreed to note and publish this item. It was also agreed to request a comprehensive report from the Department regarding the overall position on the transfer of properties and payments from religious congregations to the State, including details of the impediments to transfers and payments and why the processes have taken so long. We also agreed to request that the Department keep the committee informed regarding the status of properties that remain to be transferred.

This has dragged on for a long time. The indemnity agreement was made in 2002 and we are now 19 years on.

Deputy Catherine Murphy: We need to seek that report from the Department of Education and finalise the outstanding issues in terms of the transfers. We did get a report on that in relation to this piece of correspondence. As was said, this goes back to the indemnity agreement. The nation was appalled by the Ryan report where there were voluntary transfers. People took it at face value that there would be goodwill behind these, given that in 2009 they were offered.

As it was a long list, the last Committee of Public Accounts focused on it. We started to see a considerable amount of progress made on some of the outstanding transfers. These transfers were offered in the context of reports that absolutely horrified the nation in terms of the abuse of children. It probably would come as a surprise to people that the transfer is still not completed, both from the 2002 and 2009 offers. The State picked up a very sizeable burden while the religious institutions involved got off very lightly in terms of the overall cost.

It is just unacceptable that we still have some of these outstanding at this stage. We must ensure the Department of Education continues to get these properties fully transferred and that we can close off on this. It is obvious that voluntary transfers in this kind of scenario are something from which we should learn a lesson. It simply should never happen again.

Essentially, the people who lose out on this are the people who have been impacted by it. Obviously, we sought this information in the context of Caranua which was set up to assist some of those affected by what was effectively incarceration. We need that report from the Department on the impediments on all of those transfers, as well as the findings and the learnings from the difference between where there was an indemnity agreement and where there was not.

There has to be some closure on this. If it had not been for the last Committee of Public Accounts, that list would be longer. It is unacceptable that we are still at a point where some of those properties have not been transferred.

Chairman: It is important we follow up on this. The State and the taxpayer have taken a big hit in these reparations. It is important this process is completed. We will seek a comprehensive report from the Department regarding the overall position, the remaining transfers and any impediments holding these up.

Deputy Imelda Munster: The committee is engaging on behalf of one of the survivors. As of last Friday, despite being in contact with the Department of Education, the Department has

still not sought permission from this survivor for the committee to engage on their behalf. This survivor had received cheques worth €70,000 for works to be done on their home only to have the rug pulled from under them. The case is still ongoing and not resolved. Will we clarify from the Department that permission will be sought? I suggest we clarify from the Department that permission will be promptly sought, perhaps over the phone to avoid dragging this out any longer for that survivor. It has gone on long enough. I cannot see for love nor reason why the Department would not seek the survivor's permission to engage on their behalf with the committee.

Chairman: As I recall, that survivor, along with another, gave permission to Caranua, as it was until a few months ago, to deal with the committee in respect of their case. I will ask the clerk to make that request but I suggest we do so in writing. A phone call is a phone call, but we should keep a record of our communications with the person. If the Deputy is agreeable, I will suggest that the clerk send a note to the Department to request that.

Deputy Imelda Munster: Can we seek a prompt response from the Department? There is no reason it has not acted on the matter thus far. We should request a prompt response to get it sorted.

Chairman: We will of course. It is important in a case of this sort.

The next item is No. 551 from Mr. Robert Watt, Secretary General of the Department of Health, dated 4 May, providing a response to the committee's query as to whether any expenditure was associated with the dossiers brought to light in a protected disclosure that was the subject of a recent episode of the "RTÉ Investigates" programme. At our meeting last week, we agreed to note and publish the item. The correspondence states that it is in the public interest that State parties to litigation manage those proceedings as efficiently as possible. On the special educational needs litigation, the Secretary General states that the Department of Health, the Department of Education and the HSE concentrate resources where possible to provide an appropriate and complete resolution or, where necessary, to properly defend proceedings. At our meeting last week, we agreed to make further inquiries regarding how this is co-ordinated and the costings associated with that. This item has been flagged by Deputy Catherine Murphy.

Deputy Catherine Murphy: To be honest, sometimes I find it difficult to figure this out. Usually when there is a claim against the State, the State Claims Agency takes that on board. It is difficult to attach a claim to a particular Department in that context. Mr. McCarthy might help us out on this matter. Where exactly is the claim stated? Obviously, the State Claims Agency takes over. We may well be asking the wrong question to the wrong entity, and it would be useful to be sure we are getting to the net point we want to get to.

Mr. Seamus McCarthy: Not all risks are dealt with by the State Claims Agency. There may be certain categories of litigation that are handled by the Chief State Solicitor's office. There is another item of correspondence where that distribution of responsibilities is explained. We can certainly look into it and see if the State Claims Agency is involved. The information given by the Secretary General in the letter suggests this is handled by the Chief State Solicitor's office rather than by the State Claims Agency.

Deputy Matt Carthy: I do not know whether Mr. Watts's new job description includes dancing on the head of a pin, but if it does, he may be justified in his new salary increase because this is dancing on the head of a pin if ever I saw it. To quote directly from the correspondence, he states: "[T]he Department of Health has never gathered sensitive medical and edu-

cational information on children involved in court cases in the manner portrayed in the recent media reports.” He goes on to state:

The Minister for Health is named from time to time as a defendant in cases taken against the State. These cases include those related to Special Educational Needs (“SEN”), many of which date back [some period of time] ... The Minister for Education and the Minister for Health are generally named as co-defendants in these cases and both Departments are jointly represented by the Chief State Solicitor’s Office ... It is in the public interest that State parties to litigation manage those proceedings as efficiently as possible. In pursuing a well-managed approach to litigation in the public interest, Government Departments regularly adopt a joint strategy in defending litigation.

I propose we write back to the Department of Health asking it to outline what exactly this joint strategy involves in the collation of information, what costs have been associated with this over the past ten years and which line of expenditure this falls into. Essentially, my proposal is to ask the original questions that were not answered in the response we received from Mr. Watt.

Mr. Seamus McCarthy: On the point that Deputy Catherine Murphy raised, it may be that if the proceedings are for the provision of services on an ongoing basis to a child or a family, that may be handled through the Chief State Solicitor’s office, whereas if it is a claim for compensation or a clinical negligence case, that would certainly be handled by the State Claims Agency. That may be the split, but we can certainly look for a clearer definition of the kinds of risks that are handled in different ways.

Chairman: We will seek clarification from the Department of Health on those issues. The letter does appear to be contradictory and we need an explanation in regard to this. We will ask the clerk to request that information from the Department.

The next item of correspondence is again from Mr. Robert Watt, Secretary General of the Department of Health, dated 4 May, providing information requested by the committee in respect of protected disclosures. This and a number of similar responses were received following our decision at our meeting of 23 March to write to all Departments to request information on protected disclosures since the enactment of the Protected Disclosures Act 2014. We considered 11 responses last week and a further six responses are before us today. The final response has been received and will be circulated for next week’s meeting. The committee secretariat has circulated a synopsis of the responses we considered at last week’s meeting and an updated version has been added to the folder for today’s meeting. There is one outstanding response, which has now been received and will be circulated at next week’s meeting.

The Department of Finance’s response, No. 574B, advises that the protected disclosures central policy unit states that in general, separate annual reports should be published on protected disclosures rather than just including the information in Departments’ annual reports. From the information we have received, this is not happening in all cases. I propose we write to the policy unit in that regard. Is that agreed? Agreed.

Deputy Catherine Murphy has flagged all the responses for discussion.

Deputy Catherine Murphy: It is important we gather the information and set aside time to consider this. Having engaged with some people who have made protected disclosures or who are whistleblowers, I know that not everyone who makes a protected disclosure will be found to be 100% correct or whatever. We are now at a point where it is unsatisfactory for many people

who make protected disclosures, and this committee has met some people in that context. It is important that we gather the full set of replies. There is a directive we have to transpose by the end of the year in regard to widening the number of people who can make protected disclosures, so it would be very useful to have that overview and learning. Not every committee has what the Committee of Public Accounts has, namely, an overview of all Departments, so we are probably well placed to do that. We can gather the information in the first instance but I believe we have to do something more than that in considering just exactly how effective it is. We need this to be effective to help to change practices and for there to be a viable avenue in this regard without people feeling their career is going to take a dive.

Deputy Matt Carthy: I agree with Deputy Murphy's proposition. It is important in the first instance that we have a standard collating mechanism so it will be easy to identify the number of protected disclosure declarations made and the number upheld. The statistics I can glean from the correspondence we have received so far would not inspire many people to make a protected disclosure. The rate at which disclosures and complaints are upheld is incredibly low. It would be useful for this committee, at some stage in the medium term, to carry out a full analysis of the experience of those who make protected disclosures and how they are dealt with by various Departments and agencies. The protected disclosures mechanism was considered by the Oireachtas to be an important route by which wrongdoing, maladministration, error or erroneous practices could be identified safely. We are looking at evidence from across several Departments indicating that protected disclosures are left in an administration process for a long number of years. At the end of the day, no action is taken on the vast majority of disclosures. That is not to suggest that there will not always be frivolous or unsubstantiated claims or allegations in these processes but the number of claims that are dismissed, passed on to somebody else or left sitting idle for many years points to a worrying practice. Therefore, there is work in this regard that this committee could usefully do. I would like that to be included in our deliberations on our work programme.

Chairman: The protection of people who make protected disclosures is important. With regard to the responses, it is important that we highlight that protected disclosures should be reported on separately in the annual reports. We will request that. The clerk to the committee will follow through on that for us.

Deputy Catherine Murphy: We are told that public consultation dating back to June and July of last year helped to inform the approach to the transposition of the directive. It might be worth asking whether people who made protected disclosures were specifically asked to comment on their experience because there is nothing like people who have had direct experience telling you what worked and what did not. At this point, we need to satisfy ourselves on that. Maybe that could also be included.

Chairman: We will ask for that to be included. I thank the Deputy for that.

No. 553B, dated 4 May 2021, is from the European Anti-Fraud Office, OLAF, and concerns its investigation into the so-called "Cabra accounts". OLAF states it is not in a position to provide any additional information concerning the results of its investigation so as not to prejudice any potential follow-up at national level. At our meeting last week, we agreed to note this item. We have discussed this several times.

Deputy Matt Carthy: May I discuss this with No. 491 from the Garda ombudsman? It relates to the same matter.

Chairman: Yes.

Deputy Matt Carthy: We are finding it incredibly difficult to get information from OLAF and the Garda ombudsman on where the process regarding the Cabra accounts is going. We are in a bind because the Garda is saying it will not disclose any information until the investigations are completed. I take it from the OLAF correspondence that its investigation has been completed and that it is not in a position to provide additional information concerning the results because it does not wish to prejudice any potential follow-up at national level. The correspondence we have from the Garda ombudsman's office is dated 30 March, which basically indicates that, due to constraints in terms of resources, there has been no progress, or at least no ability to outline a timeframe. However, on 9 May, I noted in *The Sunday Times* quite an amount of information that at least appeared to be extrapolated from the Garda ombudsman's report. It even goes so far as to indicate it is unlikely there will be any criminal proceedings. Clearly, somebody has information with regard to this. This follows a well-worn pattern with regard to many State agencies in that where allegations of a very serious nature are made, the official response is to delay and procrastinate for so long that, by the time findings are released publicly, it is too late to do something about them or hold those responsible to account. Sometimes this crosses several agencies. I propose that we write back to the Garda ombudsman on the basis of the media reports from 9 May asking for a further update and that we ask the Garda again whether it has received correspondence from the ombudsman and OLAF and whether, on that basis, it can inform us about the current status of these investigations.

Chairman: I have not seen the media report the Deputy is referring to but it is most likely based on confidential information from a source. We can only speculate on that. Could the Deputy clarify his proposal, bearing in mind that OLAF is saying it is not in a position to provide additional information concerning the results of the investigation so as not to prejudice any potential follow-up at national level?

Deputy Matt Carthy: The Garda ombudsman's report essentially states the investigation has not concluded and gives several reasons as to why that is the case. The media report I am referring to was in *The Sunday Times* on Sunday, 9 May. The article is by Mr. John Mooney. The opening paragraph states: "A garda ombudsman inquiry into the misappropriation of EU funds provided to gardai for training courses has discovered money was routinely harvested from grants and used to pay for meals and entertainment." It then states some source has indicated that a prosecution is unlikely in this instance. I will circulate the article to the secretariat. I propose that we write again to the ombudsman asking for a further update following on from its March correspondence and that we write to the Garda again asking whether there is further information with regard to these investigations.

Chairman: We will do that. I thank Deputy Carthy.

The next correspondence is No. 565B. I propose that we take No. 592B along with this because they both relate to the same matter. No. 565B, dated 7 May 2021, is from Mr. Denis Egan, chief executive of the Irish Horse Racing Regulatory Board, IHRB, and provides information requested by the committee on CCTV. At our meeting last week, we agreed to note and publish this item and agreed that any future engagement would include both the IHRB and Horse Racing Ireland, HRI. We also requested clarity regarding the number of racetracks covered by CCTV. The response is No. 597B, which states:

The 2018 Budget provided €60,000 for the installation of CCTV. This was estimated to cover three racecourses at an estimated cost of €20,000 per racecourse. The 2019 budget

provided €80,000 for the installation of CCTV. This was estimated to cover four racecourses again based on a cost of €20,000 per racecourse. The figures included are estimates and had the project commenced a full procurement process would have had to have been completed before the projects could have commenced.

What is peculiar about this is, according to the statement, money was provided for seven. We know from previous engagements when HRI representatives were before the committee that only one racecourse in the three-year period had CCTV provided and there was a plan to provide CCTV in one more. In total, there are 25 racecourses to be covered. The overall figure was, as I recall, €18 million with money being reused for other purposes. The response would seem to be completely unsatisfactory. The response said that the cost of installing CCTV was estimated at €20,000 per racecourse. It seems three or four tracks were covered. It is clear that when we take the combined sum there is money provided for seven.

In further correspondence, reference is made to the procurement process commencing for all racecourses. This has gone on for three years. We are trying to address a simple matter of getting CCTV cameras erected. We need to follow this to ensure it happens because the integrity of the horse racing sector is at stake. It is an important industry and it is important that we protect it. Deputy Catherine Murphy has indicated that she wishes to come in on this.

Deputy Catherine Murphy: That is the point. Sizeable amounts of public funds have been transferred to HRI. The origin of this is the gambling tax. Essentially, we know this industry employs many people. It is an industry that needs to be protected. I would have thought this was one of the basic issues identified. We had queries on the letter of 7 May. It was unclear whether the reference was to three quarters of all tracks covered or three or four. This has made it clear.

Do we have a timeline of when the organisation intends to do this? Those responsible are embarking on a process but what if the money is not available to back it up? When exactly does HRI expect to have this basic oversight for the protection of an industry? When do those involved expect to have the stables in every track covered with CCTV?

Chairman: We received a reply to question 17 that was put to the organisation. The reply says that at the meeting of 1 February the board of Horse Racing Ireland approved funding for the installation of CCTV cameras at all 26 racecourses. HRI confirmed that the tender documents were published on etenders.gov.ie on the week beginning 3 May 2021 with a response deadline of 9 June 2021. The IHRB is the contracting authority. The intention is that systems will be installed at all racecourses prior to the start of 2022 racing season. That is the latest update we have. I wish to bring that to the attention of committee members.

We would be hopeful that this would happen. We dealt with this matter and the organisation earlier in the year. We dealt with the lack of progress and the fact that only one has been done. There was confusion over the earlier response and the way it was written. There was a question over whether the response covered three or four racetracks or three quarters of all racetracks. It is three or four. In fact, it is three.

Deputy Imelda Munster: From looking at the response of the IHRB, anyone would think the provision of CCTV was progressing or proceeding perfectly as normal. This is going back to 2017 and those responsible have one done.

You are right, Chairman. It comes back to the integrity of Irish horse racing. We have to

ask questions at this stage given that we have had representatives before us and we have had engagement. Why would those responsible not seek to speed up the delivery of CCTV given that it would protect the integrity of the sport? What is the reason for the delay? There must be some reason the provision of CCTV is not one of the priorities of the regulatory board. In itself that leads to questions. Those responsible seem to have been dragging their heels a little from the get-go, even to the extent that they transferred money that had been allocated for CCTV for another online portal, which raises serious questions.

The correspondence addresses my reference to the online integrity portal. The board seems to take issue with my language. I wish to point out on the record that my language relating to the online integrity portal was the same as the language used by the chief executive of HRI at the meeting of this committee. Perhaps Mr. Egan might like to check the transcripts of that meeting to satisfy himself.

I can see from the work plan that the work of the regulatory board has been added. Each time HRI and the regulatory board have been before the committee I have found it frustrating. I suggested at a previous private meeting that both organisations should come in together side by side so that one cannot fob off a question or say it is a matter for the other. If we have representatives of both organisations in side by side, it might help us in our work. Perhaps in the latter part of this year we might include both on the same day on our work plan.

Chairman: We discussed that we should have them in again. I hope the regulations will be such that we can have both parties in the room on the same day.

It is welcome. I referred to further related correspondence. Note 17 asks that we be kept updated on the matter. We should write to the IHRB as it is the contracting authority. The board said its intention is that all systems will be installed. We will ask for an update on that, when work will start and a timeline for completion. We will issue the invites as well. Is the committee happy enough with that?

It may be useful to take No. 592B at this point from Mr. Brendan Gleeson, Secretary General, Department of Agriculture, Food and the Marine. It is dated 17 May 2021 and provides information requested by the committee arising from our meeting with the Department. We raised this subject with the Department. We will note and publish this correspondence.

I note that responses have not been provided to two of our queries with regard to the Sea-Fisheries Protection Authority. We are advised that the information is pending.

Before opening the floor on our question regarding Covid-19 inspections at meat plants, it is proposed to request further details on the breakdown of important unannounced and announced inspections. Is that agreed? Agreed.

Members will have noted that the final question, No. 17, provides some further information on CCTV at racecourses. Do members wish to come in on any other aspect of the 17 questions and replies? Deputy Carthy had indicated, as had Deputy Catherine Murphy.

Deputy Catherine Murphy: I am fine. I only wanted to comment on the matter of CCTV. I have spoken on that.

Deputy Matt Carthy: I have a query with regard to Department of Agriculture, Food and the Marine staff costs and administration under point 4 relating to the bovine TB eradication programme. Could we request from the Department a breakdown of staff costs, administra-

tion and supplies? Farmers, in particular, would be interested to learn the full-time equivalents assigned to each of those roles, what the roles are and associated information. Could that be sought as a further piece of correspondence?

Chairman: We will seek that further information. The next piece of correspondence is No. 567 from Dr. Alan Wall, chief executive of the Higher Education Authority, HEA, dated 7 May. It provides further clarification as to the total number of employees, including occasional and hourly staff, in each of the three higher education sectors.

At our meeting last week, we agreed to note and publish this item and to include this topic for discussion in any future engagements with the HEA. We will engage with it later in the year. Analysing the information provided was an eye-opener for me. Of the 27,933 staff in universities, institutes of technology, technological universities and smaller colleges, approximately 10,364 or 38% are occasional or hourly. On foot of the committee's inquires, the HEA stated it does not have a clear definition of "occasional staff" but plans to remedy this and provide the committee with an update. So, as members can see, the HEA has expressed concerns about this. It has been flagged by Deputy Catherine Murphy. Does she want to comment?

Deputy Catherine Murphy: The previous Committee of Public Accounts did some work on this and there is some correspondence which we have agreed would be circulated because there is useful information in it. We have to insist on getting the update. They said some of the responses included overtime and shift work. That is not what we are trying to get at here. We are trying to get at the issue, which came up previously, of a disproportionate amount of precarious employment in a sector. We wanted to see how that would show up in the accounts.

The HEA says it will come back to us with a definition when one is to hand between the universities, the smaller colleges and the institutes of technology. We want to get to that net point about what is the ratio. Essentially, the product of a university is knowledge. It is 1:1, that is, one hour contact to one hour research. We start wondering why our colleges underperform in the rankings and things like that. It will come as a surprise to many people who attend universities how precarious the employment can be for some of those who are delivering lectures. That is the net point we need to get to and I hope that when they come back we set some time aside to give this the attention it needs. There are other aspects in relation to spin-out companies and so on that we need to have another look at. Some things were not closed off from the previous Committee of Public Accounts.

Chairman: The HEA confirmed we needed further analysis and that it "has brought to light anomalies and inconsistencies", in its words. The anomalies around how staff are defined is concerning. There seem to be many "if and when we need you"-type working arrangements, contracts or lack of contracts.

Deputy Sean Sherlock: I support Deputy Catherine Murphy on this. It is an area we need to devote more time to. There are myriad questions arising from that response. The mapping of contracts across the higher education institutions, HEI, landscape is unclear and opaque. Further light needs to be shone on it because it has permutations for the public purse. I would support 100% any attempts by this committee to devote some considerable time as necessary to this issue.

The Minister stated at an Irish Federation of University Teachers, IFUT, conference that he wishes to do something about precarious contracts. I recognise that is a matter of policy; however, it seems that even at ministerial level there is a recognition of the nature of these contracts

and we should continue the work of the last Committee of Public Accounts on this issue.

I would like to explore further the relationship from a spending point of view between Enterprise Ireland and some of the institutes of technology, IOTs, for instance, in relation to things like innovation vouchers and partnerships. There is a whole space that warrants further examination in respect of how funding is used to support the scaling-up and spin-out of companies, and how the spin-out infrastructure is supported within these organisations. Where is the money really going? Is it resulting in the level of output it is supposed to result in, in relation to job creation or the creation of companies that are productive, as opposed to companies sustained within a system, in some cases for inordinate amounts of time? It begs the question about productivity. I would support that call.

Deputy Matt Carthy: I agree with everything Deputies Catherine Murphy and Sherlock have said. I welcome that the HEA is undertaking to compile the information to allow us form a better view of what appear to be tens of thousands of people working in hourly roles across the higher education institutes.

We should not lose sight of the particular line of questioning that arose out of the previous Committee of Public Accounts, dating back to 2019. During a hearing and in subsequent correspondence, it emerged that Maynooth University was operating a bizarre system whereby hourly staff were required to claim their holiday entitlements by submitting paper forms. Hourly workers across society are more prone to being exploited and it is important in a forum such as our higher education sector that we have a robust system in place whereby people receive their entitlements. As well as compiling the detail as to how many hourly workers institutes employ, I suggest we ask the HEA to clarify whether it can say with confidence that all workers with hourly-type contracts receive statutory holiday pay as of course, rather than having to implement some convoluted system for entitlements to be claimed. In our further correspondence, I would appreciate if we put that question to the HEA.

Chairman: In the correspondence, the chief executive says:

Given the complexity and challenges in reporting the above occasional/hourly staff data, the HEA is planning to meet the HEI Representative bodies in order to agree a definition of occasional staff with a view to collecting same in Q2/3 2021 and sharing this information to the committee[.]

We need to see the outcome of that and hopefully we will have it before the HEA comes before us. Along with the correspondence suggested, I further suggest we write to the Minister on this.

People who attend university would be surprised to learn that one third of the staff at the institution they attend are on casual, if-and-when arrangements in terms of their employment. I request the committee's permission to ask the clerk to write to the Minister to highlight the concerns of the committee with regard to this. Resolving these issues needs to be given some importance and a more regular system needs to be put in place. Is that agreed? Agreed.

We move now to correspondence that has not yet been considered in committee. The following four items are in response to information we requested from all Departments in regard to protected disclosures. They arose under No. 552B and have been received from the Departments of Education, Housing, Local Government and Heritage, Further and Higher Education, Research, Innovation and Science, and Justice. As no members have indicated they wish to

comment on them, we will move on.

No. 583 is from the Minister for Public Expenditure and Reform, Deputy Michael McGrath, and is dated 13 May. It is a minute of the Minister in response to our recent report on the examination of the Appropriation Accounts of the Departments of Public Expenditure and Reform and Finance. There was one recommendation to each Department in the report and both have been accepted. The recommendation to the Department of Public Expenditure and Reform concerned the provision of a timeline to move to accrual accounting, while that to the Department of Finance concerned the need to resolve issues relating to the accounts of the Credit Union Restructuring Board. It is proposed that we note and publish the correspondence. It was flagged by Deputy Catherine Murphy, who is not seeking to comment on it.

No. 584B is from Mr. Ken Spratt, Secretary General of the Department of Transport, dated 13 May, providing information requested by the committee in regard to protected disclosure annual reports. Again, unless any Deputy wishes to comment on the specific response, it is proposed that we note and publish the correspondence, as we have already dealt with the matter. It was flagged by Deputies Carthy and Catherine Murphy, who have indicated they are happy to move on.

No. 587 is from Mr. Jim Breslin, Secretary General of the Department of Further and Higher Education, Research, Innovation and Science, dated 14 May, providing a response to our inquiry as to whether consideration was given to the appointment of a visitor at University of Limerick, UL, under section 20(1) of the Universities Act 1997. The Act states: “Where the Minister is of the opinion that there are reasonable grounds for contending that the functions of a university are being performed in a manner which *prima facie* constitutes a breach of the laws, statutes or ordinances applicable to the university, the Minister may, after first advising the governing authority of his or her opinion and considering any explanation given in response, and with the concurrence of the Government, request the Visitor to the university to inquire into any matter giving rise to the Minister’s opinion.”

Pointing out that the Department is always cognisant of this action, the Secretary General goes on to state: “[T]aking into account the limited set of circumstances in which a Visitor can be appointed, the extensive investigations that were carried out and the commitment of UL to the implementation of the recommendations that arose from these investigations the courses of action chosen have not included the appointment of a Visitor.” It is proposed to note and publish this correspondence. I remind the committee that UL is on our work programme for June. The matter was flagged by Deputy Catherine Murphy, who has indicated she does not wish to comment on it. She is happy to wait until June.

Deputy Matt Carthy: It will be a useful exercise when UL comes forward. On the correspondence and the complaints that person C has made, in advance of that questioning it would be useful if we asked the Department to outline as much as possible in terms of timelines of mediation and reviews and so on. That would be useful for our work with UL.

Chairman: I think we agreed to do that at a previous committee meeting, so we will seek it.

No. 589B follows on from our recent engagement with RTÉ. It is from Ms Dee Forbes, director general of RTÉ, dated 14 May, and provides information requested by the committee arising from the meeting of 27 April. On foot of the committee’s meeting of 11 May, an additional six questions were issued to RTÉ on 17 May, and we await responses to those questions. It is proposed to note and publish the correspondence. It relates to the classification of staff

employed at RTÉ and the fact that so many people were employed on a self-employed, contract basis as opposed to being employed as employees. The reply was flagged by Deputies Munster, Catherine Murphy and Carthy.

Deputy Imelda Munster: There are a number of matters to cover in the correspondence, given RTÉ's lack of familiarity with subjects under its remit on the day its representatives appeared before the committee. Judging by the correspondence we have received, it seems to be stonewalling us in every regard.

On the costs of the Eversheds Sutherland report, in response to parliamentary questions Departments regularly publish tables of reports they have commissioned and the associated costs. That is nothing new. There was an entire segment about this on "Today with Claire Byrne" just a few weeks ago. Does the Comptroller and Auditor General believe there is anything particularly sensitive from a procurement perspective that prohibits RTÉ from disclosing the sums spent on this report?

Mr. Seamus McCarthy: I am sorry but because I do not audit RTÉ, I would prefer not to comment on its obligations.

Deputy Imelda Munster: What about generally speaking?

Mr. Seamus McCarthy: As the Deputy pointed out, Departments generally will disclose information in respect of the cost of reports they commission, but for commercial State bodies the matter may be different. I do not audit them, so I do not think it is appropriate for me to comment on their actions.

Deputy Imelda Munster: Turning to the staff at Raidió na Gaeltachta, RTÉ's response seems to suggest that we want to know what ordinary staff members earn. That is not the case. RTÉ knows full well that what we requested at that committee meeting was a review of the pay of cláraitheoirí in comparison with that of their Radio 1 counterparts. We made that abundantly clear. They are trying to fudge or block the responses, but that was made abundantly clear. Ms Forbes, on the day, gave an undertaking to the committee to review the situation regarding the workers at Raidió na Gaeltachta and furnish us with the findings, yet this is the response that came back. Can we ask Ms Forbes if she is actually refusing to give us that information? Can the committee write to her to ask her if she is refusing to give that information?

I note the National Union of Journalists indicated the issue of retrospection in the Eversheds report remains ongoing. Can we also follow up on this matter with the NUJ, to see if it has had any input based on the communication to date with RTÉ?

Regarding RTÉ's payment to Revenue, it has to be highlighted again how the very fact that this payment was made had to be dragged out of RTÉ when it was before the committee. That has to be put on public record. RTÉ denied to me multiple times that the State could face a bill, full in the knowledge it had already reached a partial settlement. That is just not good enough. Now the organisation is maintaining its agreement with Revenue does not allow it to disclose how much the settlement is for. It is my understanding, and the Chairman can correct me if I am wrong, that any such settlements and the private nature of the amount settled are tools used by Revenue to encourage those found to owe them. Settlements are often not disclosed in the event of a settlement being reached out of court, for example. I cannot why the Revenue Commissioners would have any interest in this payment remaining secret, as RTÉ seem to want it to be, given the State-funded nature of RTÉ.

Can the committee write to the Revenue Commissioners, in a general sense, asking them in a situation whereby an agreement has been reached involving a voluntary qualifying disclosure, not requiring the details to be made publicly available, whether they would be opposed to a person or persons voluntarily and publicly disclosing the amounts they had paid to Revenue?

Chairman: One of the ways it will be disclosed, and we should not have to wait that long, will be in RTÉ's annual financial report next year. If there was a settlement made, the figure should show up in that.

Deputy Imelda Munster: We should not have to wait that long.

Chairman: Absolutely. That is my point.

Deputy Imelda Munster: It is absolutely disgraceful. As I said, RTÉ denied multiple times it could be facing a bill when it had in fact reached a partial settlement. As it did not give us the response, it is important that we as a committee write to the Revenue Commissioners to ask them whether they have a problem if someone was to disclose the payments they made. As I said-----

Chairman: We can do that. I certainly do not want to wait until next year for it.

Deputy Imelda Munster: No, it is not acceptable.

Chairman: We are not sure of the year because the only answer we got, which came at the eleventh hour, was that RTÉ had made a settlement. It is interesting that there is a parallel audit under way by the Department of Social Protection and Revenue regarding the proper classification of employees as well. That is happening. We will look for that from Revenue.

Deputy Catherine Murphy: We will not know if it is a full and final settlement to start with. The Revenue audit has the ability to look back and we know that is under way. The key issue is that 78 people were essentially offered contracts where there was concern that these were inappropriate temporary contracts. In RTÉ, there are people on genuine contracts on a temporary basis, but these were people who should have been directly employed.

The Eversheds report permitted this form of employment to go back a couple of years. If it goes back a couple of years, but employees have essentially been in casual employment for six, seven, eight or ten years or whatever, that is the status they should have had for that time. It follows from that that there are entitlements from being employed as opposed to being self-employed in the context of, for example, pension or welfare entitlements or whatever. Essentially, it is to get to the net point, in acknowledging whether these 78 people were in permanent employment, that it is retrospective. It the reason we asked about the issues around Revenue because there are Revenue implications if there is a timeline beyond the current year. That might not have been picked up in previous accounts.

We are probably going to be stuck with finding this out in next year's accounts, or those of subsequent years, because it may well not be a full and final settlement. It probably is not if there is a Revenue audit, which could pick up other issues up that may not give us a clean look at what is happening here. The key issue is whether that retrospection is going to happen. We have no indication from RTÉ that this will be the case. If they are now accepted as employees of the company, and they have been doing exactly the same job for a number of years, they have an entitlement to that status for the years they were employed.

Deputy Matt Carthy: I raised a point at the previous meeting regarding the number of top earners represented by the same agent. The correspondence indicates that three of the top ten earners are represented by the same agent, NK Management, which would appear to be a very successful rate if an agency delivers 30% of the high earners.

The fundamental issue that arises is that RTÉ, even in comparison with other semi-State bodies, is unique, in that every household in the country is obliged to pay a charge for the running of that company and that company is also then charged with revealing information that is clearly in the public interest. It is clearly in the public interest when a semi-State body has to make a voluntary contribution to the Revenue Commissioners because its policies were in breach of the law. That is when a contribution and a payment have to be made to Revenue.

The difficulty is that the very people who would normally expose and investigate this work for the company involved and, therefore, there is an impetus and an obligation on RTÉ to be more upfront than any other body in disclosing the exact nature of the payment. The question we put was: how much has it already paid to Revenue? That does not impede ongoing discussions RTÉ is having with either Revenue or with the Department of Social Protection. It is to outline how much has already been expended. As Deputy Munster said, it took quite a number of different questions - and it was the Chair who eventually put the wording in such a way that RTÉ had to respond - to find out that this payment had actually been made. When I further pressed RTÉ on how much that payment was, the response was that the information was not to hand. The piece of paper with the figure on it was not available during that hearing. It now transpires RTÉ had no intention of divulging that information if it could avoid it. The correspondence states that RTÉ made a voluntary qualifying disclosure to Revenue in respect of the engagement of contractors and that under the terms of this disclosure, the details are not made publicly available. We know that. If the details were made publicly available, we would not have to ask for them. In my view, it is unacceptable that RTÉ would hide behind a disclosure provision that information not be made publicly available. I agree with Deputy Munster's proposal that the committee correspond with Revenue on the general position. Anybody who is knowledgeable in this area knows that if somebody makes a payment to Revenue, it will not publish the details in that regard, but it will not object to somebody else publishing them. That is the course these matters take.

To maintain its integrity and reputation and its ability to investigate and challenge others, RTÉ has an obligation to publish this information as a matter of urgency and without undue delay. I suggest that the committee, in its correspondence with RTÉ, outline in the strongest possible terms the committee's dissatisfaction that this figure has not been outlined as of yet and to ask for a timeframe as to when it will be disclosed.

Chairman: To draw the pieces together on this matter, No. 588 from Séamus Dooley, the Irish secretary of the National Union of Journalists, NUJ, is related to this matter. It is brief, but Mr. Dooley states in his letter that he welcomes the interest of the Committee of Public Accounts in the issue of bogus self-employment which has long been of concern to the NUJ, the RTÉ trade union group, and the Irish Congress of Trade Unions. He concludes that the Eversheds Sutherland process agreed with the RTÉ group of unions is ongoing in RTÉ insofar as the issue of retrospection remains unresolved. I bring that to the attention of the meeting so that members will know where the process may be at. Mr. Dooley clearly states that the matter remains unresolved. He does not indicate that there has been any great progress on it. With the agreement of members, we will take No. 586 from Mr. Dooley with this correspondence. He has provided helpful information.

Arising out of the discussion on this matter, I cannot see why a public service broadcaster, which has made a settlement with the Revenue Commissioners, an arm of the State that works on behalf of the taxpayer, cannot disclose to the Committee of Public Accounts how much of a settlement it made to Revenue. I had to drag out of RTÉ that it made a settlement. We need to know the amount of that settlement and when it was made. I propose that the committee secretariat correspond with RTÉ advising it that we expect answers to those questions and that it is unacceptable that the committee has not received answers to date. I also suggest that the committee secretariat ask RTÉ to disclose any financial settlements that have been made with workers who were misclassified and the cost of any retrospective PRSI payments that have to be made.

Deputy Munster previously raised a question in regard to the staff of Raidió na Gaeltachta, which she has raised again this morning. The Deputy is not requesting the disclosure of the pay of individual staff members but, as I understand it, the comparative figure for people on the same grade in RTÉ. Am I correct that that is the information the Deputy is seeking?

Deputy Imelda Munster: That is correct. On the day, Ms Forbes fully understood and said that she would carry out a review and furnish the committee with the findings of it, but all we got in the response was a fob-off. That is not acceptable.

Chairman: The secretariat will correspond on the matter with RTÉ. Separate from that, I will ask the clerk to correspond with Revenue inquiring if it has any problem around the disclosure of settlements similar to this settlement. Revenue will not want to publish the details, but we will ask if it has any problem with a body, company or entity which makes a settlement with it - in this case RTÉ - disclosing the settlement figure? Is that agreed? Agreed.

No. 590B is from Ms Oonagh McPhillips, Secretary General, Department of Justice, dated 17 May 2021, providing information requested by the committee in regard to legal awards and compensation. It is proposed to note and publish this correspondence. Deputy Catherine Murphy flagged this matter for discussion.

Deputy Catherine Murphy: Some of the information is very useful, but it is very hard to piece it together. We have received a letter from the Department of Justice in regard to the legal costs and compensation paid in respect of legal claims managed by the Irish Prison Service. The Department is very definitely saying that the Irish Prison Service manages that area but, as we know, the State Claims Agency will handle some of the claims. This is a dangerous environment so there will be claims. We need to make sure that where something happens, we try insofar as is possible to ensure that it does not happen again. For example, there was a significant TB outbreak in one year.

That same correspondence references the number of claims and the number of them that were handled by the Prison Service. Further on, it references the compensation paid in respect of claims in the years 2014 to 2020, and the number of claims and the amounts are provided. There is a considerable difference between one and the other. The other has to have been managed by the State Claims Agency. It is difficult to properly interrogate this information in the absence of full sight of the issues that arose. In one of the responses, there is a table which shows that exposure to behavioural hazards is pretty high, but one would expect to see that. However, in the case of physical hazards there is no detail on each hazard or the response to make sure it has been addressed.

It is difficult when we get a set of figures and we can see the legal fees in respect to the

claims managed by the Prison Service, but we cannot separate out the compensation or the legal fees from the point of view of the total compensation paid in terms of claims. I would like to know the relationship or ratio in relation to the legal fees aspect. Pretty often, legal fees amount to nearly as much as the compensation claim. This is about how we change how we do things in terms of mediated settlements and so on, as opposed to cases going through the courts system or a very legal process. We need some more information for those years from the State Claims Agency on the ratio of legal fees to compensation and so on.

Chairman: I will bring in Mr. McCarthy at this point.

Mr. Seamus McCarthy: I want to point out to Deputy Murphy that there are two documents from the Department of Justice. The letter seems to be dealing with the cases that are handled by the Chief State Solicitor's office and the annexe, which is headed NIMS - the National Incidence Management System - is the information in relation to cases handled by the State Claims Agency. In relation to that, there are damages amounts, payments in relation to lack of in-cell sanitation and in relation to tuberculosis mass action. Those are the State Claims Agency ones, whereas the ones in the letter itself are the ones that are handled by the Department. There is the difficulty with any of this when one looks at it on a year-by-year basis. One can have legal fees being paid in one year that are associated with compensation paid in another year. There can be a difficulty in getting a clear picture of what is the relationship between the compensation paid and the legal expenses incurred. I do not know if that is helpful to the Deputy.

Deputy Catherine Murphy: The second table is useful. The ratio between the compensation paid and the legal fees is important. If we are going to change things, for example, looking at how we reduce costs, sometimes it is about how we do things in terms of a very legalistic process. For example, where a prison officer is injured in work and is out for six months, there would be medical costs and compensation paid. What is the relationship between that and the legal costs? Is there a kind of an open disclosure approach in the same way there is an acceptance of liability? Does one cut down on costs by virtue of the fact that one does not have to be overly legalistic in some cases?

I am not saying that the State should roll over and pay compensation willy-nilly. It must be properly evaluated. In the absence of knowing what those legal costs are, it is very difficult to see just exactly how these are handled.

Mr. Seamus McCarthy: The suggestion might be for the committee to ask the Department or the State Claims Agency for the compensation paid in respect of cases settled in a particular year and the associated legal costs for those cases. If the committee approaches the data request from that point of view and if they can provide it, that will go some way towards answering the kind of questions that Deputy Catherine Murphy is asking. I can talk to the clerk about how the request might be phrased in a follow-up letter with the Department.

Chairman: That would be helpful. The point made is well made. While there is a detailed list of what compensation was paid for, it is always interesting to see the legal breakdown and the associated legal costs quantified.

I propose the clerk seeks information from Mr. McCarthy on the wording of the request to the Department on the ratio of legal fees.

The next item is correspondence No. 591B from the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, dated 17 May 2021. It is addressed to

that committee and is from the Top Level Appointments Committee, TLAC, declining the Joint Committee's invitation to TLAC to attend a meeting of the joint committee tomorrow, 26 May.

The invitation concerns the agreement between this committee and the joint committee on the examination of the processes and procedures for the determination and review of senior executives' remuneration in the public service. The catalyst for this examination was the recent significant increase in the remuneration for the post of Secretary General of the Department of Health.

We also have correspondence before us today, No. 594B, from the Minister for Public Expenditure and Reform, also declining the joint committee's invitation to appear before it on this matter.

However, I understand that the Minister for Public Expenditure and Reform has now agreed to appear before the joint committee on 16 June and that the Secretary General of the Department of An Taoiseach will appear before the committee on 2 June.

The joint committee is awaiting a reply from the Secretary General of the Department of Health who has also been invited to attend the meeting on 2 June. The joint committee is also awaiting a response from the Taoiseach's office as to when he will be available to appear before it on this matter. As per our agreement with the joint committee, four members of this committee will participate in the meetings on this topic.

At our meeting last week, we agreed to write to the finance committee to convey our dissatisfaction with the fact that TLAC had declined the joint committee's request. However, I understand the joint committee has issued another invitation to TLAC to appear before it on 17 June. On that basis, it is not proposed to write to the joint committee on this matter. It is proposed to note and publish this item.

I spoke to the Cathaoirleach of the finance committee about this. He confirmed it had requested TLAC to come before it on 17 June. In its correspondence, TLAC stated its remit is to recommended candidates to Ministers and the Government for the most senior positions but that it does not have a role in the remuneration, benefits and conditions. It also stated it has no involvement in or knowledge of the processes or procedures by which remuneration, conditions or benefits are determined.

Given what has happened in this case, and as one of the four members of this committee who can attend joint meetings with the finance committee, I feel it is important TLAC appears before us.

Deputy Matt Carthy: I thank the members of the Committee of Public Accounts who are working alongside the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on this matter.

This is crucially important for all the reasons outlined so far. I am glad to hear that the Minister has, after a little bit of persuasion, agreed to attend. The very fact that he was refusing to in one instance is simply disgraceful. Throughout this process when questions have been raised, either by this committee or on the floor of the Dáil, senior Ministers have responded by implying that anybody who suggested that questions needed to be answered were undermining TLAC's authority to carry out its job and questioning the independence of the TLAC process.

It is imperative that TLAC answers questions on the rationale as to how it came up with the

appointment that every single person knew it was going to make back in January or December when it was first announced as a temporary appointment. It is fair that it would answer questions on how that process works to ensure public confidence in it is restored.

Has any further clarification been given as to how that figure was arrived at for the substantial increase in wage level assigned to the Secretary General of the Department of Health? The rationale given in December and January by the Government was that a figure such as this was needed in order to attract the best and the brightest in the world. Little did we know that the best and brightest in the world was just around the corner from us all along in the form of a Secretary General in another Department. Who would have thought it?

We need to get a further rationale as to the basis of that increase and why it was agreed and warranted. Can we get some clarification or indication as to whether the Department of Public Expenditure and Reform sees this increased salary provided for this post as the basis for future pay claims? If and when a vacancy arises in another Department, will this pay scale have any implications for that? All of this is a matter of concern for the Committee of Public Accounts.

I again thank the members of this and the finance committee for working on this to get answers to all of these questions. They are absolutely in the public interest. We need answers. We do not need people involved in this process trying to shirk their responsibility to appear before Oireachtas committees to answer those questions.

Deputy Catherine Murphy: I have full confidence that the members representing the Committee of Public Accounts on Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, will follow up on this thoroughly. It would be useful to have a note after each of those meetings so that we have a consistent record of who attended and the agenda pursued. It would be helpful for those of us who are not on it. I am not looking for a long note, just the key points.

One of the concerns was about how did this happen. There are different grades of Secretaries Generals. The Department of Public Expenditure and Reform, the Department of Finance and the Department of the Taoiseach were on the top tier. Suddenly the Department of Health - perhaps it should have been at that level – has leapfrogged, very substantially. There was discussion and concern about the knock-on consequences, and that increased salaries have been from the top-down rather than the bottom-up. We know there are many people in various sectors who have been told that there are potential knock-on consequences. We must get to the net point of what the knock-on consequences are here, and we must find out how this came about.

I have full confidence that those who represent the Committee of Public Accounts will follow up on that. The message must go out loud and clear that this will be followed until we are satisfied that we have all the answers on how this came about and what the knock-on consequences might be. I would appreciate it if we could get a note after each of the meetings because it would keep the rest of us in the loop and it would be helpful.

Chairman: There should not be any problem with that. Deputies Verona Murphy, MacSharry, Carroll MacNeill and I are the four representatives. I am confident that we will keep our eye on that ball. I am happy to report to members that from my conversations with some members of the finance committee, including the Cathaoirleach, they are anxious to examine this matter fully and thoroughly, and to get to the bottom of it. We will keep members up to date on that.

We have already dealt with correspondence No. 592B from Mr. Gleeson, Secretary General of the Department of Agriculture, Food and the Marine. Correspondence No. 593B is from Ms Oonagh McPhillips, Secretary General of the Department of Justice, dated 18 May. It provides information requested by the committee as to concerns regarding procurement in the Irish Prison Service. This item arises from concerns raised in correspondence Nos. 404C and 405C, which came before us in March. We will note and publish this item, and I propose we request a copy of the independent review mentioned in the correspondence once it is finalised. I also propose to provide the correspondent with a copy of it. Are these proposals agreed? Agreed. It was flagged by Deputy Catherine Murphy. The Deputy can address correspondence No. 593.

Deputy Catherine Murphy: No, it is fine.

Chairman: The Deputy is happy enough. Correspondence No. 594B, from the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, dated 19 May, encloses correspondence from the Minister of Public Expenditure and Reform detailing the information before it. As discussed, the Minister is scheduled to appear before the committee on 16 June. We note and publish that item. I wanted to bring that to members' attention.

Correspondence No. 595B from Ms Katherine Licken, Secretary General of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, dated 19 May 2021, provides information requested by the committee on protected disclosures annual reports. We have already considered this topic. Do any members want to address it directly? Are members okay with correspondence No. 595B?

Correspondence No. 601B, which I referred to earlier, from Mr. David Gunning, chief officer of the National Paediatric Hospital Development Board, dated 19 May, provides information requested by the committee arising from our meeting with the board on 9 February. We requested this information on 16 February. At this stage, it is well over two months overdue. We note and publish this item. Regarding this item of correspondence, No. 601B, from Mr. Gunning, chief officer, I do not know about the rest of the members, but I find this process totally unsatisfactory, that he answers and comes back on a number of issues we raised. He raised an issue and quoted me as saying, "As soon as the findings of that report are available, I ask that they be forwarded to the secretariat of the committee." He answers that but he said that the National Paediatric Hospital Development Board's analysis has been submitted to the Department of Health for independent analysis and scrutiny.

Members will recall that last November, we asked members of this board and a representative from the Department of Health to come before us. They subsequently requested that the meeting be delayed until January because their report on progress of the children's hospital project was not ready, nor was there any indication of the final cost. We put it back to January and they subsequently looked for it to be deferred to February, which we did. Board members came before us on 11 February and at that meeting, they promised to have the report before us in March. We are now sailing close to the month of June, halfway through the year, and we still do not have that report, and we do not have that board in front of us. Board members were due to come before us two weeks ago, but they were not in a position to do so because the report was not ready.

The process has dragged on for an inordinate length of time. I note that one of the central issues we raised with them on the day there were before us was in relation to claims made by the main contractor. Many of us were surprised to hear that there were in the region of 700 financial claims being made by the main contractor against the board. The reply in this correspondence

stated that 450 of them entered a dispute management process. Since the day they were before us, 100 extra claims have been made. The correspondence goes on to state that there are now four cases, there were three, before the High Court and that the National Paediatric Hospital Development Board initiated High Court proceedings relating to the contractor disputing the validity of phase B. The board has initiated that case. It is still of great concern.

The other issue that I am concerned about is that the position of chair has not been filled. It is stated in the correspondence, that the previous chair, Fred Barry, indicated in January that he was to resign, and he bowed out in February. It is understood – there is nothing definite about this - that the Public Appointments Service will work through the applications in the coming weeks and should a suitable candidate be identified from this process the names will be forwarded to the Minister for Health for consideration for appointment. It is very much up in the air at the moment. I am very concerned about the whole project.

A number of members have indicated that they want to come in on this. Do members want to comment on this piece of correspondence, No. 601B from the National Paediatric Hospital? Are there any members who want to comment on this or are they happy with it? Board members are due to come back before us. I ask members to be mindful of the fact that correspondence No. 601B came in late to us. It does not give us much comfort.

Correspondence No. 546C is from Councillor Fiona McLoughlin Healy-----

Deputy Catherine Murphy: At what point does the Comptroller and Auditor General get sight of, or sign off on, some of the accounts we discussed last year? We might be able to see some of what is happening when we can see those accounts. Obviously, the Joint Committee on Health is dealing with this issue as well. It is very much a current issue. I am asking about getting sight of firm numbers.

Mr. Seamus McCarthy: The field work for the audit for 2020 has been completed. We are reviewing the outcome. I expect that we will complete the audit of the 2020 financial statements in the next month or so, after which we will report. There may be some delay while the accounts are presented to the Oireachtas but the committee should have them by July.

Chairman: I hope we will have them before the board is due to come before the committee. Obviously, it depends on the report the board is supposed to be working on with the Department of Health. We will have the board in for a session to try to get to the bottom of some of this.

Deputy Neasa Hourigan: In reading that letter, I see that the board has agreed a moratorium on all further disputes with the contractor until June 2021. That should be borne in mind when scheduling any meetings because we might find ourselves reviewing what happened in 2020 and a raft of disputes at a time when we are facing into a new set of disputes. I just wanted to flag that. The June 2021 deadline is unusual. I have not seen that in a contract or agreement before. It might change the context of any future meeting slightly.

Chairman: The letter reads:

I am happy to report to the Committee that the NPHDB has reached agreement with the main contractor that a period of moratorium on claims will apply. This will be in place until June 2021.

We will take that to mean 1 June. The letter continues, “The moratorium applies to conciliations and adjudications and High Court proceedings.” I thank Deputy Hourigan for highlight-

ing that point.

We move to category C, correspondence from and related to private individuals and any other correspondence. No. 546C is correspondence from Councillor Fiona McLoughlin Healy, dated 4 May. The councillor requests that the committee consider making inquiries in respect of the valuation and disposal of land by Kildare County Council. As local authorities are not directly accountable to the committee and as the councillor has made contact with the Minister for Housing, Local Government and Heritage, I propose that we seek the councillor's consent to refer this matter to the Joint Committee on Housing, Local Government and Heritage, which is best placed to examine this matter further. I will open the floor before seeking agreement to that proposal. Deputy Catherine Murphy has flagged this item.

Deputy Catherine Murphy: It is fine with me if the matter is referred to the Joint Committee on Housing, Local Government and Heritage.

Chairman: The Deputy is happy enough if it goes there.

No. 586C is correspondence from Mr. Seamus Dooley, secretary of the National Union of Journalists. We have dealt with this. Would anyone like to add anything further?

The final item is No. 602C, correspondence from Deputy MacSharry, dated 19 May 2021. The Deputy requests that the committee consider including Cork Institute of Technology, CIT, on its work programme. I understand that Deputy MacSharry has also submitted correspondence in respect of the Strategic Banking Corporation of Ireland, SBCI, representatives from which are due to come before us next week. Is it agreed to add CIT to the work programme? It is important. I have discussed the matter and I believe it would be worthwhile to have representatives of CIT come before the committee. Obviously, we cannot bring them in between now and the summer because we have a fairly full schedule but, if members are agreeable, we will add it to the work programme further down the line.

Deputy Colm Burke: CIT has been amalgamated with the Institute of Technology Tralee. There is very much a new team in place. The person who headed CIT has retired and the new institution has a new president and board of management. I have no problem with bringing in representatives but I wonder whether we will be able to get all of the information we require in that scenario.

Chairman: Does the Deputy know the timeline for the changeover? Has the amalgamation gone through?

Deputy Colm Burke: It went through on 1 January. The new president is in place, although she has not taken up her position yet. I believe there is an acting president. The new board of management has also more or less been in place since 1 January. The previous head of the college retired at the end of November. There has been a fairly substantial changeover in management but that does not necessarily mean that there has been a changeover among the people who were managing the finances. I just wished to flag that. I have no problem with the proposal but just want people to be aware of that changeover.

Chairman: I thank the Deputy for that information.

Mr. Seamus McCarthy: The final set of financial statements for CIT relate to a 16-month period up to 31 December 2020. The audit of those financial statements is in progress. I expect to complete it over the summer. It is expected that the new university and its chief officers will

be able to give a full account of the closing-out of the institution of technology. There should not be any difficulty in getting the explanations required.

Chairman: I thank Mr. McCarthy for that. Is it agreed that we will add CIT to the work programme for further on in the year, perhaps autumn? Agreed. That concludes our consideration of correspondence.

The fourth item on our agenda is the work programme. As agreed last week, we will engage with the Department of Transport this coming Thursday on its 2019 appropriation accounts. Items flagged for discussion include expenditure on BusConnects, the driving licence process and the delays currently associated with it, the western rail corridor and helicopter search and rescue contracts. With regard to the search and rescue contract, we received correspondence from Senator Craughwell and agreed to forward it to the Department of Transport for response. I understand that a response has been received from the Department and this will be circulated to the committee before Thursday's meeting.

On 3 June, we will engage with the Department of Housing, Local Government and Heritage. We will resume our examination of the Department's 2019 appropriation accounts. Specific areas flagged with the Department are expenditure and value for money in respect of the rental accommodation scheme, the housing assistance payment, HAP, the repair and leasing scheme, the enhanced long-term social housing leasing scheme and emergency accommodation. We also have a stand-alone meeting on our work programme with regard to emergency accommodation but it has been flagged to the Department as an area of interest to the committee for next week's meeting as well. I know that some members wanted a more detailed examination but it may be useful to open up an initial conversation on the matter.

A meeting with the University of Limerick is provisionally scheduled for 17 June and a meeting with the Department of Foreign Affairs for 24 June. By July the HSE's 2020 accounts should be available to the committee and we have agreed to schedule a meeting with the HSE on 1 July. Do any members wish to comment? Deputy Colm Burke has indicated.

Deputy Colm Burke: I apologise. I should have taken down my hand from the last time. I am sorry about that.

Deputy Matt Carthy: I have a proposal with regard to the work programme as distinct from a comment on what is currently on it. Should I come in now?

Chairman: The Deputy should feel free to comment on what is already there or to make a proposal.

Deputy Matt Carthy: I would like to make a proposal. It may not necessarily be a matter for this committee to deal with. The proposal relates to Home Building Finance Ireland. Under its establishing legislation, that body is accountable to the Committee of Public Accounts. It has been reported that, since 2018, Home Building Finance Ireland has provided €264 million in funding to developers for developments that were already subject to forward purchase agreements with investment funds. Of the €300 million momentum fund established last May, €190 million or 63% of the fund has been given to developers for units known to be subject to forward purchase agreements with investment funds. It is a matter of grave public concern that taxpayers' money is being given to developers for homes that are known to be sold to these investment funds and then rented out for extortionate rates without a single cent of tax being paid on the rental profits. Under the legislation, Home Building Finance Ireland, HBFI, is account-

able to the Committee of Public Accounts but I am aware the expertise probably lies within the finance committee. I propose we write to that committee to ask whether it intends to follow this matter. If it does not, it is appropriate that we would consider Home Building Finance Ireland on our work programme.

Chairman: We can do that and see what the response is.

Deputy Catherine Murphy: It is welcome that representatives from the Department of Housing, Local Government and Heritage are coming in but there is a wide remit in that Department, including local government and there is quite a lot that requires scrutiny. We are all finding the meeting unsatisfactory. One can do very little in five or even 15 minutes and this is a gigantic area. We have to accept, even before they come in, that there will be a need for this to be on the work programme. It will probably take two sessions. One session would be to go back to the issue of housing but there are other issues related to this Department as well. Covid will have had an impact on the income for local authorities. There are issues around local property tax as a funding mechanism. As we start to look at work programmes, we need to look at the big-ticket items and that Department is one of them.

Chairman: The time limit of two hours is very restrictive and I have tried to stretch that five minutes out, particularly where a member is in the middle of trying to get an answer or an Accounting Officer is in the process of answering a question. I have tried to stretch it to six or seven minutes and to get a second round of questions in. We have managed that, I think, at every meeting since last September. Please God everything will go well with vaccinations and with Covid-19 and we will move into a situation where we can have longer meetings and get all members into one room, where I will be able to see the whites of members' eyes. There is better chemistry where people are in one room. Online is an improvisation but it is not as satisfactory. For now, however, we are bound by the health regulations. We can reschedule another meeting. We will be bringing them back in on emergency accommodation. For the other matters, we should seek to do that as well. There is a big spend on housing, which is welcome. Some of us would argue for more but that is a separate issue. It is important we deal with that Department as fully as possible. We will try to do that.

Last week, we agreed our draft report on our engagement with the Office of Public Works, OPW. We asked the clerk how we might launch the report. A launch on the Plinth is not seen as practical for committee report launches as there are difficulties with physical distancing, limitations on numbers attending and the weather, although it is supposed to pick up. The AV room also has restrictions on the numbers that can attend.

It is possible to launch the report on Teams. While we would need a committee room for it to be a public broadcast, we could also hold a launch on Teams that is not publicly broadcast. The advantages of that are we would not need a committee room to do it, there are no restrictions on the numbers of members or journalists attending, members can join remotely from a place of their choosing as it is not a formal meeting of the committee and the launch can be recorded and published on the committee's web page. I propose that, subject to the necessary arrangements being made on time, we launch the report at 12 noon on Thursday after our public meeting with the Department of Transport. As usual, a press release will be sent out by email and shared on social media. Are members happy to agree to that approach? Agreed.

If no member wishes to raise any other matter, we will adjourn until Thursday, 27 May at 9.30 a.m., when we will engage with the Department of Transport.

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The committee adjourned at 11.26 a.m. until 9.30 a.m. on Thursday, 27 May 2021.