

DÁIL ÉIREANN

AN COISTE UM CHUNTAIS PHOIBLÍ

COMMITTEE OF PUBLIC ACCOUNTS

Déardaoín, 19 Meán Fómhair 2024

Thursday, 19 September 2024

The Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Cormac Devlin,	Deputy Verona Murphy,
Deputy Paul McAuliffe,	Deputy Marc Ó Cathasaigh.
Deputy Catherine Murphy,	

DEPUTY BRIAN STANLEY IN THE CHAIR.

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

Business of Committee

An Cathaoirleach: All are welcome to the first meeting of the new Dáil term, which, depending on who you talk to, will be a long one or a short one. We have received apologies from Deputy Imelda Munster. We have the Comptroller and Auditor General, Seamus McCarthy, here as a permanent witness to the committee.

Members are reminded of the provision of Standing Order 218, that the committee shall refrain from inquiring into the merits of a policy or policies of the Government or the merits of the objective of such policies. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official, either by name or in such a way as to make him or her identifiable.

We will go into private session briefly to deal with some sensitive correspondence before resuming in public session. Is that agreed? Agreed.

The committee went in private session 9.32 a.m. and resumed in public session at 10.16 a.m.

An Cathaoirleach: The public business before us this morning is as follows: minutes of the meeting of 11 July 2024; accounts and statements; correspondence; consideration of draft committee work programme; and any other business.

Before we start, I would like to raise the issue of the Leinster House bike shed. The committee has agreed to write to the Accounting Officers of the OPW and the Houses of the Oireachtas to seek briefing material on the cost and work associated with the project. This is to include the following: all documentation relating to the contract or contracts for the design, planning and construction of the bike stand; a breakdown of the totality of costs associated with the installation; a timeline for the concept to delivery to include the schedule of decision-makers and managers working on the project; a copy of the project business case and of the value-for-money report; and information on any issues that may have arisen in relation to the type of contract or framework agreement where there were security implications.

We have agreed to schedule a meeting with the OPW in respect of this matter on 10 October. We are doing it on that date because there is a report to come from the C and AG within a couple of weeks which will have information on this matter. We scheduled a meeting for 10 October along with seeking information on the five points I have outlined.

Do members wish to comment? I call Deputy Catherine Murphy. We will then hear from Deputy Verona Murphy.

Deputy Catherine Murphy: This is the first available opportunity I have had to correct something. In a radio interview, I said that the Clerk of the Dáil was the Accounting Officer. He is not the Accounting Officer for capital works. I was incorrect on that. I would like to withdraw that aspect of my request in terms of the people who we are seeking to come before us, because we should be seeking those who have responsibility. I am clear that he does not have a responsibility in this regard. I wish to make that case. This is the first available opportunity I have had to make that point.

An Cathaoirleach: I thank the Deputy for doing that. Mr. Peter Finnegan, the Clerk of the Dáil, does not have any responsibility for capital works. The committee accepts that. I thank the Deputy for that clarification.

Deputy Verona Murphy: It is important that many aspects of this matter should be looked at by the committee. It is not as simple as merely getting a list of works and what the costings were. There is a need to understand the process as much as anything. When we have the C and AG report on the OPW accounts, it will be our first available opportunity to do that. It may not seem it is in all urgency, but 10 October will be the first opportunity when we will have the documents required to allow us to have an in-depth meeting.

An Cathaoirleach: I thank the Deputy.

Deputy Paul McAuliffe: I thank the Chair for considering the correspondence that I and other members put forward in terms of seeking clarity on this. There is no Member of the House who could not say that over the past number of weeks this issue has been raised with them on multiple occasions. Rightly or wrongly, the public believe that when works take place in Leinster House there is some political oversight of those works and of the costs associated with them. The facts put in the media so far seem to indicate this was a decision made entirely within the OPW itself, but we have to explore that. We have to find out who the decision-makers were. If there was no involvement or sign-off by elected Members on this, we must ask why. It is a flaw in the system that works can take place in this building with no Member or political oversight of that. As with other issues that have come before the Houses, we have to be proportionate, in that €335,000 in the context of what we deal with here week in, week out is a very small amount. It strikes at the heart of people's confidence in how the State spends money, however. Unless we are able to satisfy the concerns of people about this project, they will not have confidence in the State and those of any political colour spending money elsewhere.

I have a number of questions about the works themselves, including how they were requested and approved, who was involved, what the communications line was in all that, what tendering there was, if any, and why tendering might or might not have taken place. As to the works themselves, when one is onsite, one can see the shed was built, but there are also groundworks that appear to connect to four EV chargers immediately alongside. Is that included in the cost? If it was, why was that not detailed in the information released under freedom of information? If it is not included, is that additional spend? All of this must be teased out very quickly. I thank the Chair for suggesting we schedule a date, because the public want accountability on this. Doing it on the date he has suggested will mean we can inquire in full about all the OPW accounts that are coming before us. This is about process as much as an individual thing. People are really angry about this. Public representatives in the Houses are as angry as anybody else, because the people who pay the price at an election will be the politicians, who, it would appear, had no hand, act or part in this. I do not think any Member of the House is prepared to stand by anymore and allow officials to make decisions that come back and impact us. I will be careful what I say because we have to get to the bottom of the truth first, but people are angry and we have a right to investigate.

An Cathaoirleach: I thank the Deputy for his contribution. Deputy Ó Cathasaigh wanted to come in on this.

Deputy Marc Ó Cathasaigh: No, I am content enough. It is a good approach and I am glad we will be able to address other fairly serious issues at that point rather than just have a pogrom based on the bike shed.

An Cathaoirleach: We will have the C and AG's report and we will be teed up for it. There is a meeting scheduled as well with the finance committee on this matter. The OPW comes directly under it. There will be some information at that. We can include the issue Deputy McAuliffe raised regarding the EV chargers in the list of questions to the OPW. I saw the chargers going in because I park over that way sometimes and there were extensive groundworks. Is that included or is it additional? It is a valid question we can include as the sixth point to get clarification on and we will know more before the meeting.

Deputy Catherine Murphy: I agree with a lot of what Deputy McAuliffe said. People cannot conceptualise the spending on this bike shed. Listening to radio programmes and all the rest, people are talking about how much one could buy one for off the shelf. I understand Leinster House is a protected building and something has to fit in properly, but I do not think anyone could conceptualise that it would cost €336,000. The controls are some of the aspects. The piece I looked for was the business case and value for money - that value for money piece has to be known before a piece of work starts - and the location of the building. What will be useful on 10 October will be that we will be looking at a range of other spending from the OPW as well. It is necessary we see that because this is an example and we have to interrogate other spending. The OPW has primary responsibility here because this comes out of its budget and what we are looking at is following the money here.

An Cathaoirleach: Notwithstanding the difficulties at the moment in trying to get companies to tender for works, there is the issue of what type of contract was used in this case. So-called framework agreements may need to be discussed. There is the cost of public works that are done under framework agreements, not just by the Houses of the Oireachtas but also by various public bodies. This issue is going to raise questions around all of those. These agreements have been in vogue for the last number of years and may be appropriate. It is about what type of contract was used here. Our discussions will need to look at areas like that to see how that can be reined in. We cannot have blank cheques for relatively minor public works. We will proceed with that and have the hearing. All members are happy with that.

I move to the minutes of our meeting of 11 July. They have been circulated among members. Do members wish to raise any issues regarding the minutes? They do not. The minutes are agreed. As usual, the minutes will be published on the committee's web page.

Moving to accounts and financial statements, there were 60 sets of accounts and financial statements laid between 8 July and 13 September and I am going to ask Mr. McCarthy to address these. There is a long list which members have in front of them. We will go through them now.

Mr. Seamus McCarthy: Gabhaim buíochas leis an Cathaoirleach. As he says, it is a long list. It is usually presented chronologically, but because there are so many we have organised them into groupings. The first grouping is financial State bodies. No. 1 is the national debt of Ireland for 2023. That received a clear audit opinion. I think they are all 2023 financial statements unless I point out otherwise. No. 2 is the National Treasury Management Agency administration account for 2023, which received a clear audit opinion. No. 3 is the Post Office Savings Bank fund 2023, which received a clear audit opinion. No. 4 is the State Claims Agency for 2023, which received a clear audit opinion. No. 5 is the Dormant Accounts Fund, which received a clear audit opinion. No. 6 is the National Surplus (Exceptional Contingencies) Reserve Fund. That received a clear audit opinion. No. 7 is the Ireland Strategic Investment Fund, which received a clear audit opinion. No. 8 is the Ireland Apple escrow fund, which received a clear audit opinion. When my annual report is produced there will be references to

some of those State bodies because there are other issues and obviously with something like the Ireland Apple escrow fund I will have more information.

Deputy Catherine Murphy: Can I ask about that or are we coming back to it?

An Cathaoirleach: We will go through them first.

Mr. Seamus McCarthy: No. 9 is the Credit Institutions Resolution Fund and that received a clear audit opinion. No. 10 is the Strategic Banking Corporation of Ireland, which received a clear audit opinion. However, I drew attention to a disclosure in the account which deals with the deferral of a loan facility repayment of €8.5 million which was due from an on-lender and the renegotiation of the terms of the loan facility with the on-lender to provide additional funding of €20 million.

I move to the grouping of State bodies and subsidiary companies. No. 11 is the Private Security Authority, which received a clear audit opinion. No. 12 is the National Standards Authority of Ireland, which received a clear audit opinion. No. 13 is the Child and Family Agency, Tusla, which received a clear audit opinion, but in that case I drew attention to the disclosure of a material level of noncompliance with the procurement rules.

No. 14 is the Residential Tenancies Board. It received a clear audit opinion but I drew attention to three matters that are actually interconnected. The first is the cost overrun and delay in the delivery of an online management system for tenancy registrations. There is also non-compliance with legislation in respect of the levying of late annual registration penalties and the repayment of penalties that were charged. The third matter is noncompliant procurement of business processing services. All of these were related issues.

No. 15 is the Heritage Council, which received a clear audit opinion. No. 16 is the Environmental Protection Agency, which received a clear audit opinion. No. 17 is the Economic and Social Research Institute, which received a clear audit opinion. No. 18 is the Adoption Authority of Ireland, which received a clear audit opinion.

No. 19 is the Commission for Communications Regulation. The accounting period there is July 2022 to June 2023. That received a clear audit opinion.

No. 20 is the Charities Regulatory Authority, which received a clear audit opinion. No. 21 is the charities fund, which is managed by the Charities Regulatory Authority. That received a clear audit opinion. No. 22 is the Industrial Development Agency Ireland, for 2023, which received a clear audit opinion. No. 23 is the Law Reform Commission, which received a clear audit opinion. No. 24 is the Health and Safety Authority, which received a clear audit opinion. No. 25 is the Office of the Financial Services and Pensions Ombudsman, which received a clear audit opinion. No. 26 is the Irish Auditing and Accounting Supervisory Authority, which received a clear audit opinion. No. 27 is the Approved Housing Bodies Regulatory Authority, which received a clear audit opinion. No. 28 is Transport Infrastructure Ireland, which received a clear audit opinion.

No. 29 is the National Transport Authority, which received a clear audit opinion. In that case, however, I drew attention to the disclosure by the authority of delays and an estimated €40 million, or 27%, cost overrun on the national train control centre project, which is in development.

No. 30 is the Commission for Regulation of Utilities, which received a clear audit opinion.

No. 31 is Rásaíocht Con Éireann-Irish Retired Greyhound Trust, which received a clear audit opinion. No. 32 is Shelbourne Greyhound Stadium Limited, which received a clear audit opinion. No. 33 is Greyhound Racing Operations Ireland Limited, which received a clear audit opinion. No. 34 is Abargrove Limited, which received a clear audit opinion. These four companies are all subsidiaries of Rásaíocht Con Éireann and the group accounts were presented before the summer break; the subsidiaries were submitted a little bit later.

No. 35 is the Sustainable Energy Authority of Ireland, which received a clear audit opinion. No. 36 is the National Oil Reserves Agency designated activity company, which received a clear audit opinion. No. 37 is An Bord Bia, which received a clear audit opinion. No. 38 is the Garda Síochána Ombudsman Commission, which received a clear audit opinion.

No. 39 is Teagasc, which received a clear audit opinion. I drew attention, however, to a sum of €503,000 of settlements paid, or provided for, to 49 farm clients due to unsuccessful applications and other work undertaken by Teagasc on the clients' behalf for a range of Department of Agriculture, Food and the Marine schemes. The advice was given and assistance was provided but the applications failed so these were compensation payments. Associated legal fees of €28,000 were also incurred.

No. 40 is the Land Development Agency, which received a clear audit opinion. I drew attention to the agency's use of a spreadsheet-based accounting system that requires significant manual intervention. The board has stated it is planning to replace the system in 2024.

I will move on to the education sector. No. 41 is Dún Laoghaire Institute of Art, Design and Technology, which received a clear audit opinion. No. 42 is the Residential Institutions Statutory Fund Board, or Caranua, which received a clear audit opinion. No. 43 is the Technological University of the Shannon: Midlands Midwest for the period of account 2022 to 2023, which received a clear audit opinion. No. 44 is An tÚdarás um Ard-Oideachas, or the Higher Education Authority, which received a clear audit opinion. No. 45 is the State Examinations Commission, which received a clear audit opinion. No. 46 is the Educational Research Centre, which received a clear audit opinion. No. 47 is the Dublin Institute for Advanced Studies, which received a clear audit opinion.

No. 48 is Dundalk Institute of Technology, which received a clear audit opinion but attention is drawn to the institute having an operating deficit of €1.08 million in the year of account. It also incurred deficits in each of the previous three years. Note 2(a) explains the basis on which the governing body is satisfied to present the financial statements on a going concern basis and a plan to move back from operating in a deficit situation.

No. 49 is Mary Immaculate College for the period of account 2022 to 2023, which received a clear audit opinion. No. 50 is the National College of Art and Design for the period of account 2022 to 2023, which received a clear audit opinion. No. 51 is SOLAS, which received a clear audit opinion.

Turning to health bodies, No. 52 is the Irish Blood Transfusion Service, which received a clear audit opinion.

No. 53 is the Health Service Executive for 2023. It received a clear audit opinion on the financial statements but I drew attention to a significant number of issues that are elaborated on in the audit certificate I issued. We noted charges totalling €86.5 million related to the obsolescence of Covid-19 vaccines stocks; a provision totalling €12.5 million related to antigen tests

expected to expire before they can be used; and a further €2.3 million spent on storage of obsolete PPE and hand gel to which I referred to on previous occasions. There was also a charge of €3.5 million concerning claims to a private insurer that were rejected as they had not been completed within the required timeframe. The HSE was unable to recover those charges. I also drew attention to a settlement of €30 million reached between the Health Service Executive and a private health insurer relating to the application of private patient treatment charges. This was income previously raised from the health insurer but there will now be a reimbursement of the health insurer. I drew attention to a continuing material level of non-compliance with procurement rules. The HSE has estimated this at 12% of its procurement but it is using a methodology the HSE accepts has limitations so it may not be a fully accurate picture. I drew attention to transfers to section 38 and 39 bodies not being covered by a relevant form of funding agreement and weakness in controls over fixed assets registered by the HSE. I also pointed out for the second year very high remuneration payments to certain employees, with the highest earner receiving almost €1 million in 2022, and some weaknesses in controls over payments to high earners. I drew attention to a settlement of an employment case involving a termination of employment payment amounting to €1.6 million to one individual, including €1.37 million paid in respect of loss of private income during a period of suspension. The individual was suspended on full pay but this was compensation for loss of earnings he or she otherwise might have had.

No. 54 is the Mental Health Commission, which received a qualified audit opinion. The reason it was qualified is that the accounts give a true and fair view except that they account for the costs of retirement benefit entitlements of staff only as they become payable. That is a standard departure from accounting standards for health bodies. The Health Products Regulatory Authority, HPRA, which is No.55, received a qualified audit opinion on the same basis because of the manner in which it accounted for retirement benefits.

No. 56 is the Food Safety Authority of Ireland, which also received a qualified audit opinion on the basis of its treatment of retirement benefits. However, in that case, I drew attention to the disclosure of a material level of non-compliance with procurement rules.

No. 57 is the motor tax account. These are departmental funds. The motor tax account for 2023 received a clear audit opinion. The finance accounts received a clear audit opinion. The export guarantee account, which is more or less a dormant account, received a clear audit opinion.

No. 60, the credit union fund, received a clear audit opinion. I would just observe that for a group of 60, there does appear to be progress. In particular, there are fewer instances than might have been the case in the past where I am calling out non-competitive procurement. Our focus on it and the committee's focus on it has probably had an effect over time. It is good to note that. If members want to discuss any of those, I am happy to do so.

An Cathaoirleach: I want to ask about the export guarantee account, which Mr. McCarthy said is dormant.

Mr. Seamus McCarthy: The export guarantee account has nil turnover.

An Cathaoirleach: Why is that?

Mr. Seamus McCarthy: There are no liabilities.

An Cathaoirleach: What I am trying to figure out is why it is a dormant account.

Mr. Seamus McCarthy: There is nothing happening on it.

An Cathaoirleach: I know but-----

Mr. Seamus McCarthy: There is no turnover.

An Cathaoirleach: It is called the export guarantee account here.

Mr. Seamus McCarthy: Yes, and it has been in existence for 30 to 40 years. However, it is really no longer active as an account.

An Cathaoirleach: In relation to the Apple escrow account, is there a breakdown of legal or consultancy costs for advice that the Government may have got or for legal representation?

Mr. Seamus McCarthy: From memory, the administration costs in total are about €6 million. I am not sure of the level of detail in that but certainly-----

An Cathaoirleach: Are legal fees included in the-----

Mr. Seamus McCarthy: Any costs associated-----

An Cathaoirleach: Okay.

Mr. Seamus McCarthy: Sorry, I beg your pardon. I think the court case in Europe is a charge on the Department of Finance or the Chief State Solicitor's office.

An Cathaoirleach: I propose that we would seek information on the costs of that.

Mr. Seamus McCarthy: The cost of taking the case.

An Cathaoirleach: Yes, the cost of the Government taking the case not to accept the €14 billion.

Mr. Seamus McCarthy: Yes, I think that is separate.

An Cathaoirleach: I propose that we request that but also information on any spending on consultants or expert advice in terms of what the Government would do with that. That would be useful.

Mr. Seamus McCarthy: Yes and I do have a chapter which will be published on Monday week which looks at that. Most of the expenses are managing the escrow account, investing it-----

An Cathaoirleach: I am not sure if Mr. McCarthy is familiar with discussions going back three or four years about the escrow account and how the total sum therein seemed to be depleted at times. Can he share any information he has on that and remind us why the overall figure seemed to be decreasing at times.

Mr. Seamus McCarthy: There were two significant withdrawals from the escrow account. This is provided for in the escrow agreement. From memory, it was sums in the order of €300 million in each case. There was a tax liability in another jurisdiction on the same profits and it was agreed that there would be withdrawals. I think they were in 2020 and 2022, or maybe it was 2019 and 2021.

An Cathaoirleach: Do I take it that the €300 million or thereabouts that was withdrawn

went to another government that claimed that share of the tax?

Mr. Seamus McCarthy: Yes, that is my understanding.

An Cathaoirleach: It was a European government obviously.

Mr. Seamus McCarthy: I do not know what government it was or at least I cannot recall. It was actually two withdrawals, each of about €300 million.

An Cathaoirleach: I propose that we request information on what other governments have drawn moneys from the fund and have been beneficiaries of it while Ireland was taking a case to not accept the money in it.

Mr. Seamus McCarthy: In terms of the withdrawal, as I understand it, the money would have returned to Apple, which had the liability. It was not, as I understand it, a transfer to another government.

An Cathaoirleach: Yes, but another state benefited from it.

Mr. Seamus McCarthy: Yes, that is my understanding of it. You could look back at the chapter that I produced in previous years because I have had a chapter on this every year. There is more detail in the chapter on how the value of the account has moved. It was also because it was in a negative interest environment and there was not any interest to be gained. However, there was a significant interest gain in 2023. The bulk of the turnover figure that you see there, which is about €400 million, indicates the capacity of the account to generate a return.

An Cathaoirleach: I remember that there was a period when it was in decline because of negative interest rates.

Mr. Seamus McCarthy: The strategy that was taken was to be very low risk in terms of the investments that were made with the fund so that there would not be wild swings if it was invested, let us say, in the stock market.

An Cathaoirleach: No large depletions. Thanks for that. Deputy Catherine Murphy wants to come in on the financial statements.

Deputy Catherine Murphy: Yes, I want to raise a number of issues. On the Apple escrow account, in 2023 the amount was €406 million. Obviously, we know the amount in the account is €3.8 billion, according to the net assets listed there-----

Mr. Seamus McCarthy: It was €13.8 billion at year end.

Deputy Catherine Murphy: Sorry, €13.8 billion. Mr. McCarthy mentioned a figure of around €6 million to manage it. Where does the €406 million come from?

Mr. Seamus McCarthy: If we go back to the end of 2022, for example, we can see that the value of the account would have been €13.4 billion, so the €406 million is what it has gained over the year as a result of interest return. That has built the fund back up to €13.8 billion.

Deputy Catherine Murphy: Regarding the Residential Tenancies Board and non-compliance with legislation, this is a significant matter. We are going to have to write to the board and the relevant Department in relation to that. Non-compliance with legislation would not come up very often in the context of things to which the Comptroller and Auditor General draws attention.

Mr. Seamus McCarthy: That is correct. The circumstance there was that the legislation enforces a late payment charge if there is a late registration but there were difficulties with the registration system and the view that was taken by the board was that it was being forced into penalising people who were not able to make registrations because of defects in the system or an inability to get answers. The board took the unusual step of returning money that it was forced to collect, even though there was not a statutory provision for it to repay money. The board recognised that this was contrary to the legislative provision but felt, in equity, that it was better to pay people who were not able to make the registrations. I can see both sides of the argument. The difficulty from my point of view is that the board paid out something like €1.7 million in 2023 that it had been obliged to collect under the law. That continued until March 2024 when the board stabilised and repaired the registration system so that if anybody was late after that, it was the landlord's fault.

An Cathaoirleach: A question arises in that regard that I want to draw to the attention of the committee. There are some people who may be more advanced in years and who own a second or third house. They are retired now. They are not online and they do not have a computer or a smartphone. I have come across a couple of cases where people had extreme difficulty, despite extensive efforts, registering properties. I know that because there are two cases I dealt with that proved nearly impossible to get resolved. I had to go the management of the RTB and jump through several hoops until we eventually got the properties registered. In one case, a retired woman went through a three-year process trying to register a property. She kept receiving penalties. One of the things we might recommend to the RTB - there is a constitutional right at stake - is that there should be a facility for people who own a property or rent out a granny flat, who do not want to go online or are not online, including for reasons of disability. We must allow for that to happen. We cannot continue to say that people must be online and if they are not online that the computer keeps dishing out penalties to people without any recourse. Perhaps the committee disagrees with me, but it is wrong. It is good if people are online and we should help them to get online but in some cases, perhaps because people are dyslexic or whatever else, they are not online. With the agreement of members, we will ask for that in future dealings with the RTB. We will continue with the other points members want to raise.

Deputy Catherine Murphy: The rental sector is a huge sector now and this system has to work. I presume there was a loss of €1.7 million because it had to be repaid.

Mr. Seamus McCarthy: It is kind of hard-----

Deputy Catherine Murphy: Is it the case that they had the potential to earn that, but did not because the system was not in place?

Mr. Seamus McCarthy: What they were returning was penalties imposed on people registering. They collected the €1.7 million even though, as the Chair mentions, there may have been people who tried their best to make a registration. This was also a situation where we had moved from registration at the commencement of a tenancy to annual registration, so there was a change of system. The number of registrations would have multiplied so they needed a new system. The system that they put in place to try and handle that overran by €5.2 million above the original cost of approximately €3.3 million, which was the target. It was delivered 29 months later than planned, and even then there were problems and people could not use the system. Because they had so much difficulty with that, they kept rolling over the contract for the company that was handling queries. That has been rolled over since 2013. I think they originally entered a contract in 2013 for three years with a possible extension to five years, but they rolled it over on numerous occasions since then, with an additional calculation of nearly

€20 million of non-compliant procurement in relation to it.

Deputy Catherine Murphy: I suggest that we put the RTB on our list. We do not know how long this Dáil is going to run for, but that case jumps out at me.

I have two more issues to raise concerning the National Transport Authority. There was a cost overrun of €40 million or 27% for the national train control centre, which I think is in Heuston Station.

Mr. Seamus McCarthy: It is. It is being developed there. There are a couple of other minor aspects to it. Some refurbishment of the existing central traffic control centre at Connolly Station is part of that project as well.

Deputy Catherine Murphy: Is that not complete?

Mr. Seamus McCarthy: No.

Deputy Catherine Murphy: We should at least write to them about the controls that are in place. The sum of €40 million is an estimated increase.

Mr. Seamus McCarthy: Yes, and they have signalled that they are looking for ways to try to pull back the cost overrun and make savings so that it may not fully materialise at €40 million. That is a provisional estimate of what the cost overrun will be.

Deputy Catherine Murphy: We must write to them and get an overview of exactly what is happening there. That is again a stand-out case.

An Cathaoirleach: It is 27%.

Deputy Catherine Murphy: Yes. It is huge.

An Cathaoirleach: Does Deputy Murphy have one more point to make?

Deputy Catherine Murphy: Yes, one more about the HSE. I am looking at the €1.37 million paid in respect of the loss of private income. That is four OPW bike sheds. It is astonishing that compensation is paid for the loss of private work, presumably in a public hospital. I expect most committee members would say that alone is a reason the HSE should come in here at the earliest possible opportunity. The Comptroller and Auditor General has drawn attention to so many issues now, but the last one – the settlement – is the stand-out one for me.

An Cathaoirleach: The HSE is on the schedule for 24 October. I had drawn a circle around the payment because the €1.7 million paid in respect of private income was something that jumped out at me when I saw it this week. My understanding is that all consultants are now on an 80:20 contract and they must spend 80% of their time doing public work and 20% on private work. All new consultants coming into the public system are signed up to 100% public work, in an effort to try to remove the private work out of public hospitals. We should ask a question of the HSE in preparation for our meeting on 24 October. Perhaps the Comptroller and Auditor General could answer a question on the €1.37 million in respect of the loss of private work. Did the matter go to court and was there a settlement outside the court process or on the steps of the court? It would be interesting to know how that came about. We should ask a question about it. I suggest that we ask the secretariat to write to the HSE in preparation for the meeting to find out if there was a court settlement or a settlement prior to a court hearing. We could ask if there were any legal proceedings or if it was just accepted that a consultant was owed €1.37

million for the loss of private earnings within a public hospital.

Mr. Seamus McCarthy: There were legal proceedings involved and that, if one likes, dragged out the-----

An Cathaoirleach: Was it an award by a court?

Mr. Seamus McCarthy: I do not believe it was an award of court, it was a settlement that was then perhaps subsequently approved by a court. It was drawn out over a period of three years and eight months.

An Cathaoirleach: With the committee's agreement I suggest that we write to the HSE and seek those details.

Deputy Verona Murphy: We could ask whether it was subject to a non-disclosure agreement because we have been advised of that in some cases.

An Cathaoirleach: We will not get the name of the person but we will find out about the process and whether the settlement was agreed prior to a court hearing. We must ask how it came about, at what point the settlement was made, and how the figure of €1.37 million was reached. We could clarify the point Deputy Catherine Murphy asked about whether it was for work within a public hospital. We should ask those questions.

Mr. Seamus McCarthy: There will be a difficulty because of data protection in relation to some of that detail.

Deputy Catherine Murphy: We must get as much information as possible.

Mr. Seamus McCarthy: I have given more detail here than is in the disclosure because I felt it was important that there would be an understanding of what was driving such a high settlement figure.

An Cathaoirleach: This is in addition to the payment of nearly €1 million being paid to one individual within a 12-month period. If I recall correctly, the amount that was received was €900,000.

Mr. Seamus McCarthy: It was €960,000 to €970,000. It is the second year that I have drawn attention to that kind of situation.

Deputy Verona Murphy: I am going to be very brief, as much of what I have to say follows on from what Deputy Catherine Murphy said. Could the Comptroller and Auditor General clarify if the €406 million is interest earned on the return of a low investment from the total sum of escrow?

Mr. Seamus McCarthy: Off the top of my head, I cannot say. It was substantially interest, but there may have been some revaluation of investments as well.

Deputy Verona Murphy: In relation to Tusla, what is the monetary value of the non-compliance in procurement?

Mr. Seamus McCarthy: It is an estimated €4.8 million.

Deputy Verona Murphy: That is quite a sum given its level of funding.

Mr. Seamus McCarthy: It is a significant sum. It has been coming down. Tusla has been taking steps to try to improve. It is obviously working with the HSE's financial management system.

Deputy Verona Murphy: Given our previous conversation, the financial management in the HSE would not be great.

When will Tusla be before the committee again? I am inundated with issues relating to Tusla.

An Cathaoirleach: We had Tusla in. From memory-----

Deputy Verona Murphy: It was months ago. This happened since, and much of it is due to-----

An Cathaoirleach: We can bring it back again. We do not have anything scheduled with Tusla at the moment. The secretariat is just checking the list.

Deputy Verona Murphy: On that basis, I will look at it.

An Cathaoirleach: We can put it in the work programme.

Deputy Verona Murphy: On the NTA, again, I concur with Deputy Catherine Murphy. That seems to be outrageous. We need further detail.

What is the €102 million with the National Oil Reserves Agency, NORA? It is a fund. Is it the value of what it does?

Mr. Seamus McCarthy: No, I think it is trading. It would have been trading in oil. It builds up reserves but it has to keep it moving, as it were. That is an indication of the volume of trading it did rather than profit.

Deputy Verona Murphy: That is money earned; it is not profit.

Mr. Seamus McCarthy: It is not profit; it is turnover.

Deputy Verona Murphy: It is turnover. That is grand.

On the Teagasc compensation payments, I am wondering how that comes about. Is there not separate insurance? Does that come out of the-----

Mr. Seamus McCarthy: It is a charge on its current expenditure. Many State bodies would not have actual commercial insurance. The State insures itself because there are so many risks.

Deputy Verona Murphy: What was the level of compensation?

Mr. Seamus McCarthy: It was €503,000. Some of it was paid and the balance was provided for. It is an expectation that it will be making those payments. They may have been made by now.

Deputy Verona Murphy: What was the level of non-compliance with procurement for the Food Safety Authority?

Mr. Seamus McCarthy: I will have to look for that for the Deputy.

Deputy Verona Murphy: No problem.

Mr. Seamus McCarthy: Sorry, it is €872,000 for the Food Safety Authority.

Deputy Verona Murphy: I do not know any elected representative who has not had an issue with the RTB. I came across instances where it was recognising landlords by their email address. Typically, if an agent was using one email, all the properties were linked to that email address. I had a situation where there were two completely separate individuals but one had been making the applications and that email address was then regarded as the landlord. The actual landlord was unable to access the account in order to do anything with their property. Fines ensued and threats were made. I think people can submit written applications, but they are quite complicated.

An Cathaoirleach: I assure the committee that it was a three-year process for this particular woman. It is very difficult.

Deputy Verona Murphy: It is very difficult.

An Cathaoirleach: The fines kept coming.

Deputy Verona Murphy: I am not sure that even still the RTB's system operates in the way that it should.

Mr. Seamus McCarthy: My understanding was that the landlord would go online or an agent for the landlord would go online.

Deputy Verona Murphy: The agent for the landlord did go online with the same email address and the RTB combined properties from the agent's email address and attributed them to the wrong person because of the email address. It was very challenging. Since then, the landlord has passed away. That is literally how it was remedied. One of the landlords passed away. It is a very difficult agency to deal with.

Deputy Paul McAuliffe: Of all the accounts before us, the HSE's is the one that jumps out. It is not necessarily because of any one of the details but more the scale of the points as well as the figure of €27 billion that falls within its remit. The total State spending this year might be €110 billion. The HSE makes up almost a quarter of that, yet it does not make up a quarter of our activities here. As we go on, we should start to think about that a little more. We have more than one hearing a year with the HSE but it can be *ad hoc* cases or discussion that happens around disability services or whatever. There is a growing feeling among elected representatives of all parties that we need to have greater scrutiny over the HSE in general. Perhaps the Committee of Public Accounts needs to consider how we respond to that too. With €27 billion, it deserves more than one hearing rather than an organisation that may have spending of even €1 billion or far less. Is it the case that we should do a HSE module of three or four hearings and then strategically go away and break those hearings down into four different areas, for example, rather than our raising issues in an *ad hoc* way each year? I see it as one lump there. I think we should consider that in our work programme, perhaps in private discussion first and then bring forward a proposal.

An Cathaoirleach: The Deputy is correct. This is a substantial sum of money, €24.7 billion. Sometimes €22 billion is quoted but this is almost €25 billion in a year. I have no problem with that money going to the HSE but as I have told the HSE here on a few occasions, if we loaded up another €10 billion on an articulated lorry and drove it over to the headquarters of

the Department of Health and landed it there, it would be difficult to figure out what happened before it got to the services. I have spoken to the Comptroller and Auditor General about this many times over the past four years. It is one of my bugbears and I know it is for members. About two years ago, we suggested that we would bring in the HSE and deal with a number of issues in a way that did not do justice to it. We did not get the level of in-depth discussion or analysis of what is going on. In the past year and a half or two years we have tried to focus, and with some success, but the Deputy is correct that it needs to be done with a bit more focus and in a sharper way whereby we focus on a particular area of budget in the HSE and the actual service delivery and what is happening in that space. That is where much of this money is going. Much of it may be used very well, and I am sure it is. There are some very good people in there doing good work but it is a fair assessment that given the hearings with the HSE, and sometimes we have had up to three a year, there needs to be greater scrutiny. The bicycle shed is a scandal but in the context of almost a quarter of all public spending in the State, the HSE deserves an awful lot more attention. Whatever length of time we are here for, we should try to put a better focus on it.

Is the Deputy okay with everything else?

Deputy Paul McAuliffe: Could the Chair list that item for discussion at our next private meeting so we can return to it?

An Cathaoirleach: We are due to have the HSE in. We need to use the first hearing we have with it to zoom in in a more focused way and try to get better outcomes. I thank the Deputy.

Can we agree the listing of accounts and financial statements first? Is that agreed? Agreed. As usual, the listing of accounts and financial statements will be published as part of our minutes.

It is 11.10 a.m. The committee is free, if people wish, to break for five or ten minutes for coffee or use the bathroom. As everyone is okay, we will continue.

We are moving to correspondence. As previously agreed, items that were not flagged for discussion for this meeting will continue to be dealt with in accordance with the proposed actions that have been circulated, 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.

Members have flagged items for discussion under category B - correspondence from Accounting Officers and-or Ministers and follow-up to committee meetings.

No. R2726, received from Mr. Ray Mitchell, assistant national director, Health Service Executive, dated 9 July 2024, provides an update on the delivery of the new electronic health record system throughout the HSE. I propose we note and publish this item. Is that agreed? Agreed. I have flagged this item for discussion along with No. R2736. Can we take that item as well, with the committee's agreement? Agreed.

BAM started court proceedings in respect of some of its claims in June. The board is unhappy with BAM and has given the example of a €25 million claim for works on vents that, after a review, the board can resolve for €200,000, among other matters. The full cost of claims and the finish date are still not known up to this date. The correspondence we have outlines that the board met the Committee of Public Accounts in May and states that BAM continues to submit large volumes of claims, including duplication and triplication of claim time and value.

That is an interesting statement on behalf of the board. The board of the hospital is robustly defending the claims which it says it considers to be without merit or to be inflated. In June 2024, BAM had submitted 2,311 claims to the value of €793 million. It is noted that while four sets of proceedings have been referred to the High Court, the net change to date in the overall contract sum is stated to be approximately €34.1 million excluding inflation.

Since the commencement of programme B works in January 2019, the board is stating that BAM has failed to achieve its planned progress and has therefore failed to deliver its contractual substantial completion date of August 2022. Since the last baseline programme was issued by BAM on 29 September 2023, BAM has on average achieved 64% of planned progress. Since March 2020, BAM has changed its forecast completion date multiple times. This is what the board is stating and it set its out in table 1. It is an ongoing issue. The most recent baseline programme that was deemed compliant with the contract by the employer's representative was in quarter 1 of 2021. The board says the latest baseline programme submission was received on 29 September and included a substantial completion date of 29 October 2024. The board states that, as it outlined to the PAC in May, the monthly progress report received from BAM in April indicated that the substantial completion date will be in February 2025. The board is saying that, according to the report it got from BAM and as it reported to us, it now believes the completion date will be February 2025. It says the continued failure of BAM to deliver an updated baseline programme which is compliant with the requirements of the contract means that BAM is not meeting its contractual obligations.

The board intends to move forward with sanctioning allowed in the contract. It will shortly submit a claim to the employer's representative asking for the employer's representative determination to allow for the board to withhold 15% of the certified payments until a BAM programme is determined with the employer's representative that is compliant. I flag that up with the committee. Members can see from that letter what is happening. They are in the planned work programme for the HSE but I think we need to include the board of the hospital in the work programme in view of that letter.

Deputy Verona Murphy: Since we are in 2024, I would like to know, for the timeline to be February 2025, if we have a more recent update, because I am sure it has been extended again. We can see from the history that, month on month, the report extended it by a month. That would mean we are at July 2025 by now.

An Cathaoirleach: If we take it that the company is only performing at 64% of delivery, we can calculate based on form to date that it will go beyond that. Those are the questions.

Deputy Catherine Murphy: I just noted in my inbox, and I am sure all members probably got one, an invitation to visit the national children's hospital. I want to visit when it is finished. I do not need to see a construction site. I want to see children in beds in the hospital. This letter is dated 18 July. I do not understand why the sanction was not used earlier, to be perfectly honest. There has been a series of delays and they are costing money. Obviously, people have to be paid, they are finishing out the hospital and there are not enough resources on the site to do that. Has the National Paediatric Hospital Development Board actually put those sanctions in place? This is July. It put them on immediately. Has it had any kind of impact in terms of giving the up-to-date substantial completion date? If the company does not have sufficient resources on site, there is no point in saying the substantial completion date is going to be met. Is there a new substantial completion date? Is the board satisfied those resources will deliver it by February 2025? Its representatives could not give us guarantees the last time they were before the committee. If the board is not satisfied, what is it doing about it? What date is it working to?

An Cathaoirleach: That is useful. I flagged it because I thought committee members would want to apprise themselves of where things are at, or not at. We can write to the board of the children's hospital and ask if it has imposed the 15% sanction to try to move this along. That is the only stick it has at this stage. We can also ask if it has received an updated timeline for substantial completion, if it is still there. When it says there is 64% performance going back over recent years, a further question is what the current performance over the past three months is. That would be a way of getting a measurement of it. Would that be okay? We will ask those three questions of the board and we will put it on the work programme. We note and publish the correspondence and will look for that and put it on the work programme.

Next is No. R2729, received from Ms Oonagh McPhillips, Secretary General, Department of Justice. This is correspondence to the committee providing further information on the designation of safe countries of origin. I propose we note and publish this item. Is that agreed? Agreed. I have flagged this item for discussion. Very briefly, there was one thing I found unusual from the point of view of the Oireachtas and our work as a committee. We do not want to disadvantage people who are coming from unsafe countries. That is important. However, a lot of people were surprised to see there were only eight countries designated as safe. Two more were added and there was a lot of publicity and fanfare about it. Still, a relatively small number of countries are deemed to be safe. I think there is a question mark over that. The correspondence reads:

A country that has been designated under section 72 of the Act as a safe country of origin shall, for the purposes of the assessment of an application for international protection, be considered to be a safe country of origin in relation to a particular applicant only where—

- a) the country is the country of origin of the applicant, and
- b) the applicant has not submitted any serious grounds for considering the country not to be a safe country of origin in his or her particular circumstances and in terms of his or her eligibility for international protection.

I just felt that was strange. If I read it correctly, it seems that it is almost the applicant who decides whether it is a safe country. It states, "Applicants from safe countries have the same rights to have their cases considered on their merits and have the right to appeal a first-instance decision to the International Protection Appeals Tribunal". We might say that is fair enough. However, that statement under b) at the bottom of the first page is peculiar. I do not know what other members think of it. It seems to leave a question as to what is considered safe. We do not want to disadvantage people who are fleeing war, persecution or famine but that point b) seems to be open to interpretation.

Deputy Verona Murphy: I may be wrong but I believe point b) has regard to how the Department or migration officials look at the application where nothing is put forward by the applicant deeming a country safe or otherwise. As a result, there would be an automatic rejection.

An Cathaoirleach: The assumption is that it is unsafe. That is my point.

Deputy Verona Murphy: That is because it is on the list. However, where the applicant puts something forward that says otherwise, it is considered differently. It is deemed to be a safe country where there is no evidence to the contrary.

An Cathaoirleach: However, if it is deemed safe and the applicant submits serious grounds for considering the country to be unsafe-----

Deputy Verona Murphy: He or she is then given the same process as anybody else seeking asylum on those grounds.

An Cathaoirleach: My understanding is that the Government or the State decides what is safe or unsafe and that there is a list. I believe there are ten on the list.

Mr. Seamus McCarthy: My reading of the thing is that it is not absolute. It is a statement that the country is considered safe but that is not absolute because there may be circumstances where individuals are persecuted rather than the whole country being a problem.

An Cathaoirleach: Could a situation arise where people in this State could claim that they are being disadvantaged or persecuted if they were going to another state? I am just giving that example. It could be somebody living in England coming here.

Mr. Seamus McCarthy: Such people would have to make the case.

An Cathaoirleach: They would have to make the case but the paragraph before it reads:

A country that has been designated under section 72 of the Act as a safe country of origin shall, for the purposes of the assessment of an application for international protection, be considered to be a safe country of origin in relation to a particular applicant only where

It goes on to list conditions under a) and b). We should look for clarification on that. It is open to a number of interpretations. The State may do the assessment. In fairness, the letter goes into detail as to how that is done. It says:

In making the assessment, it must be taken into account, among other things, the extent to which protection is provided against persecution or mistreatment by:

- The relevant laws and regulations of the country and the manner in which they are applied. [That is good.]
- The observance of the rights and freedoms laid down in specified European and International Conventions. [It is only right that should be taken into consideration.]
- Respect for the principle of non-refoulement in accordance with the Geneva Convention. [That is good.]
- Provision for a system of effective remedies against violation of those rights and freedoms. [That may not be available.]

The correspondence goes on to say “The assessment is based on a range of sources of information, including from other EU Member States, the European Union Agency for Asylum (EUAA), the UN High Commissioner for Refugees, the Council of Europe and other international organisations”. I do not have any argument with any of that. It is good that all of that is taken into consideration. However, this point b) seems to open up an area that is up-----

Deputy Verona Murphy: I am not sure what the Cathaoirleach is saying. Is he saying that point b) should not be there on the basis that a country is either a safe country or it is not?

An Cathaoirleach: I am not clear on what is alluded to with point b). I believe that needs to be clarified.

Deputy Catherine Murphy: My interpretation is that some countries have been deemed

safe but that there are occasional exceptions within them.

Deputy Verona Murphy: That is my interpretation.

Deputy Catherine Murphy: I do not think that is difficult to figure out. There are regions within countries that are deemed safe that the Department of Foreign Affairs advises people not to go to.

An Cathaoirleach: I was going to raise that in respect of some countries.

Deputy Verona Murphy: I am just not sure what the Cathaoirleach is asking.

An Cathaoirleach: It must be read in the context of the previous paragraph, which says that a country will be considered a safe country of origin in respect of a particular applicant only where certain criteria are met.

Deputy Verona Murphy: Is the Chair asking that the Department remove it or clarify it on the basis that it is too broad and that we allow applicants from safe countries-----

An Cathaoirleach: I am asking the Department to clarify what it means.

Deputy Verona Murphy: For what it is worth, I have no difficulty with what it means.

Deputy Catherine Murphy: Neither have I.

An Cathaoirleach: Fair enough.

Deputy Verona Murphy: It means that there are exceptions but that those exceptions will be examined in the same way as with all other applications from non-safe countries.

An Cathaoirleach: I think it is unusual in the context of all of that. It is unusual in terms of how the system works. I am just raising that point.

Deputy Verona Murphy: I believe it is just that one rule does not fit all and that, in this case, there can be certain instances where it does not. It depends. It could be based on your religion, your sexual orientation or things like that.

Deputy Catherine Murphy: It could also be based on your political opinions.

An Cathaoirleach: When you take it in the context of paragraph 2, where the process by which the current countries have been designated is outlined-----

Deputy Verona Murphy: If it moves us on, I would say the Chair should just ask for clarity but I am happy with what is there.

An Cathaoirleach: I would like to have clarification on it but I would also like to ask whether the Department has considered regionalisation, that is, assessing regions of countries. The Deputy has referred to that and I have made a note to raise that issue as well. We should ask whether the Department does any assessment of different regions, because we know certain countries-----

Deputy Verona Murphy: I would interpret it as coming under that same section. I imagine if there are regional issues, that is where you would stipulate where the issue is. That is where the opportunity arises.

An Cathaoirleach: We will ask for clarification about that point B.

No. 2736, dated 18 July, is from David Gunning, chief officer of the National Paediatric Hospital Development Board. It is correspondence to the committee providing a response to issues raised at the meeting of 30 May 2024. It is proposed that we note and publish this item. Is that agreed? Agreed.

Deputy Catherine Murphy: We have dealt with that.

An Cathaoirleach: We have dealt with it. It is gone.

Next is No. 2748. It is from Ms Laura Byrne of the RSA and is dated 31 July. It is correspondence to the committee providing a response to a question raised by an individual. It is proposed to note and publish this item. Is that agreed? Agreed. I have flagged this item. There is a question here about the €3.8 billion allocated as part of the road safety strategy being spent. The RSA said that this is an estimate and that it cannot be quantified. It said that it is accounting for €3.8 billion but cannot say where it is spent.

Deputy Verona Murphy: Is that a misprint? Should it be “million” or is it “billion”?

An Cathaoirleach: It is “billion”, yes. The other thing is that the timeline under which it is to be spent is not clear from the correspondence. It says something else at one point. I will try to find the relevant piece.

Deputy Verona Murphy: I question the €3.8 billion.

An Cathaoirleach: The figure of €3.8 billion is correct.

Deputy Verona Murphy: Perhaps the Comptroller and Auditor General could clarify that.

Mr. Seamus McCarthy: My understanding of it is that it is across all activities related to road safety. It could relate to works on roads to eliminate black spots, research or An Garda Síochána rather than being the Road Safety Authority’s own budget.

An Cathaoirleach: That is alluded to in the correspondence but a timeline for completion is not given. It is vague. When we have the RSA in again, we should go through this. I would just suggest that. It is a lot of money and the answers are vague.

No. 2788 was received from Ms Fiona Murphy of Children’s Health Ireland, CHI. It is dated 5 September. It is correspondence to the committee regarding non-compliant procurement. It is proposed to note and publish this item of correspondence. Is that agreed? Agreed.

Deputy Catherine Murphy: What number was it?

An Cathaoirleach: No. 2788. It is from CHI. The Deputy might want to take a look at it. Having read the correspondence, the reason I flagged it is that the State had it as a matter of fact regarding non-compliant procurement. We normally get a reason why. The reason might be that there was only one tender or that it is a specialised service, but we did not get an answer like that. I have read the correspondence a number of times but I cannot see why this reference has been made. The tables show the CHI spending.

Deputy Verona Murphy: Is there an appendix to that?

An Cathaoirleach: There is, but it is a statement of fact and I do not think it is explanatory

in terms of how it happens. I would like to flag it.

Mr. Seamus McCarthy: I think there is some explanation in the appendix. For example, on the laboratory payments, they say it is often neither feasible nor practical to go to the market to seek competitive quotes, that is, the laboratory chosen is that with the expertise required and with which there is an established relationship and level of confidence. These are explanations that they have provided previously but it is important to keep the emphasis on it and keep drawing attention to it.

An Cathaoirleach: It refers to substantial non-compliance.

No. 2792, from Mr. John McDonagh, Waterways Ireland, dated 9 September 2024, is correspondence to the committee in relation to information requested at the meeting of 4 July 2024. I propose that we note and publish this item. Is that agreed? Agreed. We sought information and it may be useful in regard to Deputy Verona Murphy's area, given there is information on the River Barrow and other works that have been carried out that relate to the questions we have raised. I note Waterways Ireland answered the questions that we raised regarding Laois and Offaly.

Deputy Verona Murphy: The OPW will be of interest with regard to those questions when it comes before us.

An Cathaoirleach: That concludes our consideration of correspondence for this week.

The next item is our work programme. At our last meeting, on 11 July, we agreed the following engagements for this term. Next week, on 26 September, we will engage with Uisce Éireann on its 2023 financial statements. It is proposed to flag the Shannon to Dublin water supply pipeline as an area of interest for this meeting. Is that agreed? Agreed. I ask that we also raise with Uisce Éireann the area of spending on pipe replacement. When Irish Water was established, it was said that we had to establish it because the water system throughout the country was leaking at a rate of 50% and higher in some places, and the only way to get around that was to put in place this national utility, as it was called at the time. It has not been audited by the Comptroller and Auditor General up to 2023.

Mr. Seamus McCarthy: This is the first year.

An Cathaoirleach: This is the first year that it comes under our remit. It is the first meeting of the Committee of Public Accounts with this body that has received billions in funding. I am flagging this for the members' attention. If members have items that they want to put on the agenda for that meeting, it is important to flag them in the next day or two with the secretariat so we do not have a situation where Uisce Éireann comes in and we are raising something for the first time, and it does not have an answer. If anyone has a major issue, they should flag it with the secretariat. We should certainly raise the issue of capital spend.

The other issue that I would like to raise concerns the transfer of responsibilities from the county councils to Uisce Éireann. I do not know whether other members have had this experience, which concerns the facilities available, so it does cover public spending. The main issue is the response provided to public representatives, both local councillors and TDs. When we have an issue with Uisce Éireann, there is an email address but that is not always adequate. People sometimes wait for a response but the response that comes back does not deal directly with the issue raised. I am asking for accountability to public representatives, particularly county councillors, and I suggest we raise that issue with Uisce Éireann. Is that agreed? Agreed. Council-

lors had water services in their hands up to recent years but a problem has arisen in that regard.

Deputy Catherine Murphy: Many problems have arisen.

An Cathaoirleach: The Deputy has had the same experience. Councillors in my area raise this issue with me.

On 3 October, we will engage with the University of Limerick to resume consideration of the 2021-2022 financial statements and the Comptroller and Auditor General's Special Report 117 on property acquisitions in Limerick city, which was published last Friday. It had been intended to examine the university's 2022-2023 financial statements but I understand that these will not be ready in time. Specific areas of interest flagged for this meeting include governance and associated due diligence of the university's purchase of the Limerick city centre site in 2019 – the former Dunnes Stores site - and houses for student accommodation in Rhebogue in 2023.

There is a change that I want to agree regarding the meeting on 10 October, when we were due to meet the Land Development Agency. We have discussed bringing in the OPW with regard to the bike shed and other matters. Is it agreed that we will bring in the OPW on 10 October and we will put the LDA back to a later date? Agreed. The secretariat will notify the LDA of that.

Deputy Catherine Murphy: When we are dealing with the OPW, will we flag that we also want to raise issues in regard to the National Concert Hall and the children's science museum?

An Cathaoirleach: I suggest we also discuss the security hut at Agriculture House.

Deputy Catherine Murphy: I think that is for the Department of agriculture.

An Cathaoirleach: I think the OPW was the agent carrying out the work.

Mr. Seamus McCarthy: Yes, it would have been. Any of those works would have been done by the Office of Public Works.

Deputy Verona Murphy: We might also discuss the conversion of the Oireachtas Library to a committee room, given there is no planning permission and it is listed.

An Cathaoirleach: We can include that. Is Deputy Murphy a member of the commission?

Deputy Verona Murphy: No, I am not a member. I was a proxy member for the day, just for that meeting, but that is all.

An Cathaoirleach: On 17 October, we will engage with the Charities Regulator on the 2023 financial statements.

On 24 October, we will engage with the Health Service Executive on the 2023 financial statements. Specific areas of interest flagged for this meeting include the roll-out of the integrated financial management system, which we have gone through many times in the last four years; non-compliant procurement; staffing and remuneration; and the capacity of the UL Hospitals Group. I am in the committee's hands on this but in view of the discussion today and going back over the last year and a half, I suggest that we try to keep this focused and not have too broad an agenda. Unless members have something very important outside of those four items, I ask that we stick to those. Is that agreed? Agreed.

Mr. Seamus McCarthy: I will be drawing attention in my opening comments to the items

that I have listed in the audit certificate. Many of them are relatively self-contained issues that the committee could dispose of at that meeting.

An Cathaoirleach: Thank you. Do members wish to flag any areas of interest with regard to the meetings scheduled? If not, that concludes our consideration of the work programme. We will add the RSA to the future work programme, particularly with regard to how the figure of €3.8 billion was reached and what it is going to be spent on. If there is no other business, we will adjourn until 9.30 a.m. on 26 September, when we will engage with Uisce Éireann.

The committee adjourned at 11.40 a.m. until 9.30 a.m. on Thursday, 26 September 2024.