



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Céadaoin, 26 Márta 2014

Wednesday, 26 March 2014

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

*Paidir.
Prayer.*

Ceisteanna - Questions

Priority Questions

Job Creation Data

1. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the increase in employment in the agriculture sector in the past year; the sectors of agriculture in which this increase in employment took place; the increase or decrease in employment in each NUTS 2 region; the reason for this increase in employment; and if he will make a statement on the matter. [13991/14]

Deputy Éamon Ó Cuív: We have continually heard Government spokespersons talk about an increase of 60,000 in employment in the past year. To achieve this, one would have needed an increase in direct employment in agriculture and fisheries of nearly 30,000. Can the Minister tell me where this employment was created and the regions in which it was created? What type of employment are we talking about?

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The CSO's quarterly national household survey, QNHS, shows that there was an annual increase in employment of 3.3% or 61,000 in the year to the fourth quarter of 2013, bringing total employment to just over 1.9 million. Employment increased in ten of the 14 economic sectors over the year and fell in four.

The increase recorded in agriculture, forestry and fishing was up 29% or 26,800, giving a total of 116,800. The CSO has advised that due to necessary changes in the sampling framework introduced incrementally to reflect the 2011 census of population, the first fully valid year-on-year comparisons for the agriculture sector will only be available from Quarter 4 of 2014.

The CSO does not publish figures for the sub-sectors within agriculture, but QNHS data

for Quarter 4 of 2013 shows that the agrifood sector makes a significant contribution to employment at national and regional levels. Table 1 sets out the employment figures for the total agrifood sector, including primary agriculture, forestry and fishing, as well as food, beverage and wood processing, and calculates its share of total employment by NUTS 2 and NUTS 3 region. This shows that while the agrifood sector accounted for over 9% of total employment in the State as a whole, it accounted for over 14% of employment in the Border, midlands and western, BMW, region. These figures underline the importance of the sector at a regional level, as well as the opportunities for further development that the implementation of Food Harvest 2020 will bring.

I am not sure whether Deputy Ó Cuív has a copy of the reply, but we break it down into the Border, midlands, west, Dublin, mid-east, mid-west, south-east and south-west regions in terms of the percentage of people employed in agriculture as regards total employment in those regions. The highest percentages are 15.3% in the midlands, 15.2% in the south-east, 14.3% in the Border region and 14.1% in the west. Obviously, the lowest percentage is in Dublin at 2%.

Additional information not given on the floor of the House

Table 1

<i>'000s</i>	<i>All Employment</i>	<i>Agrifood Sector*</i>	<i>% of Total</i>
<i>Border</i>	<i>186</i>	<i>26.5</i>	<i>14.3%</i>
<i>Midland</i>	<i>111</i>	<i>17.0</i>	<i>15.3%</i>
<i>West</i>	<i>186</i>	<i>26.2</i>	<i>14.1%</i>
<i>Border, Midlands & Western</i>	<i>483</i>	<i>69.7</i>	<i>14.4%</i>
<i>Dublin</i>	<i>572</i>	<i>11.3</i>	<i>2.0%</i>
<i>Mid-East</i>	<i>226</i>	<i>15.4</i>	<i>6.8%</i>
<i>Mid-West</i>	<i>151</i>	<i>16.7</i>	<i>11.0%</i>
<i>South-East</i>	<i>197</i>	<i>29.9</i>	<i>15.2%</i>
<i>South-West</i>	<i>281</i>	<i>32.3</i>	<i>11.5%</i>
<i>Southern & Eastern</i>	<i>1,427</i>	<i>105.6</i>	<i>7.4%</i>
<i>State</i>	<i>1,910</i>	<i>175.3</i>	<i>9.2%</i>

CSO Quarterly National Household, Q4 2013

* NACE 01, 02, 03, 10, 11, 16

Deputy Éamon Ó Cuív: The Minister might clarify whether the term “agriculture and fisheries” means agriculture and fisheries and not the wider agrifood sector.

Deputy Simon Coveney: Correct.

Deputy Éamon Ó Cuív: Therefore, obfuscating the growth in the agrifood sector does not fool me. Is the Minister really trying to tell me that anybody believes the BMW region outperformed the southern and eastern region in employment growth by two to one? Is he re-

ally telling me that anybody believes the south east was the best-performing region in terms of employment creation in this State, with an increase in employment of 8.4% last year, followed by the Border region, with an increase in employment of 8%, and the midlands region, with an increase of 5%, and that Dublin languished in fourth place with 2.7%? Is he telling me he really believes that 60,000 new jobs were created, or is he telling me that the CSO said that for reasons it pointed out, and to which the Minister has alluded, the figures actually show that employment creation in this State in the past year was half of the figure consistently quoted by Government Ministers?

An Ceann Comhairle: The Deputy is over time. Will he please adhere to the rulings of the Chair?

Deputy Simon Coveney: I do not think the Deputy's assertion is true. I suggest that he speak to the CSO about it, which is what we have done. The CSO is standing over its figure of an extra 61,000 jobs in the economy. What it says is that we should look at the figure in individual sectors with some caution when the make-up of the sample changes somewhat. The overall figure is clear. When one has a sample as broad as those the CSO takes, and as households fill out forms, there are clearly 61,000 more people in work than there were 12 months ago. What the CSO is saying is that we should look with some caution at the make-up of those 61,000 jobs sector by sector, because the sample structure has changed. I can only work with the figures the CSO gives me. It is true to say that the sample to which we referred at the start was the primary agriculture, fishing and forestry sector and the story of the food industry and its performance over the past 12 months and the past three years also includes figures that come under manufacturing and processing, because clearly jobs have been created in companies that are expanding because of the growth in food output in Ireland.

Deputy Éamon Ó Cuív: When one reads the report, one can see it says there was an increase, which was the figure quoted by the Minister, of 26,800 in employment in agriculture and fisheries. Extraordinarily, however, there was no increase in income tax revenue or the number of farmers claiming the single farm payment. Are those concerned all farm labourers or deckhands? Let us get real: the Minister and I know one of the main reasons is that those with a small farm, PAYE job and on jobseeker's benefit could no longer claim the benefit on becoming a full-time farmer. To claim these as new jobs in the economy is nonsense. Is the Minister standing by the claim that there has been a net increase of 30,000 in employment in agriculture and fisheries in the State in the past year?

Deputy Simon Coveney: I am answerable for many things, but I am not answerable for the CSO.

Deputy Éamon Ó Cuív: The Minister is the one quoting the figures without-----

Deputy Simon Coveney: The CSO is an independent body that compiles and publishes the numbers. They are the numbers we use. If I am asked how many jobs have been created in the economy in the past 12 months, I must go on the numbers of the CSO. They are the numbers I quoted and it is perfectly reasonable for me to do so. The CSO is entirely independent of my Department and the Government.

Deputy Éamon Ó Cuív: Did the Minister quote the caveat?

Deputy Simon Coveney: Of course I have done it.

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An Ceann Comhairle: We are over time. There is another Deputy waiting to ask a question.

Deputy Simon Coveney: I have done it today. The Deputy should not try to undermine what clearly is growth in this sector. Of course, there will not be an increase in the number claiming the single farm payment because the number of farms in the country, approximately 130,000, is not going to change overnight.

Deputy Éamon Ó Cuív: If so, from where does the figure of 30,000 come?

Deputy Simon Coveney: However, if there are more people deriving income from these farms and in full-time employment on these farms because income thereon has increased, that is not a bad thing.

An Ceann Comhairle: Thirty seconds are allowed for the Deputy introducing the question. Two minutes are allowed for the Minister to respond, while one minute is allowed for each supplementary question. Therefore, six minutes are allowed in total. There are other Deputies whom we want to allow to contribute.

Live Exports

2. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he has attempted to procure export markets for live Irish beef to help alleviate the crisis being experienced by farmers here. [13993/14]

Deputy Martin Ferris: The Minister is probably aware of the reduction, not the collapse, in beef prices. My question pertains to live exports. What has he done about live exports? Has he opened new markets abroad? What is the potential in this regard?

Deputy Simon Coveney: That is a very reasonable question. There are difficulties in the beef market, particularly in the case of bull beef. We need to consider and are considering alternative outlets for farmers to try to ensure they get full value for their animals. I am aware of the difficulties being experienced in the beef sector by farmers with regard to certain categories of animals. However, exports of live cattle were up by some 25% in 2013 and from the start of this year to 9 March, the total live export figure stood at 41,943. Indications from live animal exporters are that the higher level of live exports will continue. Live export volumes were further boosted by a recent shipment of 2,500 bulls to Libya. The medium-term effect of the increased live exports will be a reduction in the availability of cattle for slaughtering later in the year and into next year and this should result in higher cattle prices for farmers.

Since my appointment as Minister, I have been very active in developing relationships in new and expanding international markets for dairy, beef and lamb products, with a view to raising the profile of Ireland and increasing international confidence in Irish production and control systems. My aim is to provide a platform for long-term trading relationships in these sectors, particularly in new and emerging markets to which I have led trade missions, including China, the United States, Japan, Algeria and the Gulf states in the Middle East. Moreover, there is ongoing close collaboration between my Department, Bord Bia and Irish embassies on improving market access and these initiatives have led to a number of notable successes in securing access to Irish beef from authorities in Japan, Singapore, Egypt and Iran. As recently as January, Leba-

non agreed to reopen its market to Irish beef, sheepmeat and cooked meats. We are making very good progress in gaining access to the US market which will be very valuable. There is a formal working group, including the Chinese authorities, with a view to trying to gain access to the Chinese market. This work will take a little time. A considerable effort is rightly being made in my Department to try to seek new outlets for Irish meat. Let us not forget that as we export nearly 90% of all beef we produce, we must constantly find and develop new markets, including markets for live exports, particularly at a time when there is clearly an oversupply of a certain category of beef, namely, bull beef, in Ireland. That oversupply will last only for another couple of weeks, after which I hope we will see a normalisation of prices.

Additional information not given on the floor of the House

With regard to the live cattle export trade, I am very conscious that this trade, whether to other EU member states or third countries, serves a dual purpose in stimulating price competition for domestic cattle and satisfying a real demand in overseas markets for specific types of animal. It thus complements the processing beef trade by providing alternative market outlets, thereby underpinning the meat and livestock industry generally.

My Department, in co-operation with Bord Bia and Irish embassies, will continue to support actively the development of both the live export trade and beef trade through the provision of market information, developing market access and promotional activity.

Deputy Martin Ferris: I thank the Minister for the reply. It is welcome that there was an increase in live exports of 25% in 2013. The Minister mentioned a shipment of 2,500 bulls to Libya, which is also to be welcomed. However, there are a number of problems in the beef sector. One is that, despite the Minister's best efforts, not enough bulls are being exported. There are not enough live exports in total. Furthermore, there is a problem with processors' cartels operating. They are able to manipulate the market. An overlapping question concerns the fact that if there is a cartel operating that is manipulating and controlling prices in the market, there is a lack of live exports that would otherwise help to put pressure on the cartels to give market value to the farmer and producer. All of these points must be taken into consideration and none should be considered in isolation. The Minister mentioned China, Japan, the United States and other markets opening up. These are not live export markets.

Deputy Simon Coveney: No.

Deputy Martin Ferris: The immediate problem concerns live exports and, as Deputy Éamon Ó Cuív said, bulls.

Deputy Simon Coveney: Live exports have increased significantly this year. Almost 42,000 animals have been exported live this year. Live exports are really important in providing price competition among the factories and processors in Ireland. However, that is what they should be seen to be doing; we should not be seeking to have a huge volume of live exports because we want to try to keep the processing jobs in Ireland. There is a balance to be struck. Live exports are important to keep the factories honest, as farmers would put it, and provide competition to influence prices here, but we should still be trying to find a way to try to obtain the best price possible and slaughter as many animals as we can in Ireland in order to keep the processing and added-value jobs here.

We are working on trying to open new markets. Last year we worked very hard to try to get shipments to Libya for the first time in many years. This involves a ship-certification process.

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My Department has been working on prioritising this issue. We set very high standards, however, in terms of the quality of ships allowed to transport live animals. This is because we live on an island and realise ships carrying animals to north Africa, for example, must cross the Bay of Biscay in the middle of winter. It is a rough sea at the best of times. Therefore, we need to have the highest ship-certification standards in Europe and we do. The approach is working and there is an outlet which I hope is offering an option to farmers who are not getting the prices they want.

Deputy Martin Ferris: Live exportation removes pressure in terms of oversupply. Where there is oversupply and a cartel is operating-----

Deputy Simon Coveney: As long as the price is right.

Deputy Martin Ferris: I applaud and I am fully supportive of the Minister's point on jobs retention and processing. However, if producers are not making a living, the market will collapse in any case because they will no longer produce. This aspect must be considered also. It is welcome that the Minister is trying to open more markets abroad for live exports in addition to slaughtered beef. While this is welcome, the focus in the short term must be on trying to reduce oversupply through live exports.

Deputy Simon Coveney: We are trying to do that. We are also trying to put pressure on factories to kill more bulls. In this regard, I have met with officials from the factories and farming organisations and have received assurances that the factories will continue to kill a sufficient number of bulls to deal with the over-supply. Approximately 6,000 bulls per week have been killed over the past number of weeks.

Deputy Martin Ferris: That is the reason the price is decreasing.

Deputy Simon Coveney: There is a problem in that the market does not want this type of meat. There is an issue in relation to meat from bulls over 20 months. The markets are looking for steers and heifers from Ireland, generally. That is the view not only of the processors but of the buyers to whom I have spoken about this issue. We have an issue in that there is over-supply of a product that the markets are not currently demanding and this has driven prices down. It is important that an alternative market such as live cattle exports is found in order that we can address the issue of over-supply. That is what we are trying to do.

Statutory Instruments

3. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine his views on whether the provision included in section 6(1) of SI No. 3 of 2014 is fair and proportionate and in compliance with the principle of natural justice; and if he will make a statement on the matter. [13995/14]

Deputy Thomas Pringle: Section 6(1) of SI No. 3/2014 states that points assigned to a holder of an Irish licence remain assigned regardless of any criminal proceedings pending or the outcome of such proceedings in respect of the serious infringement concerned. Is this provision in compliance with the principles of natural justice and appropriate for inclusion in the regulations?

Deputy Simon Coveney: SI No. 3/2014 gives effect to the requirements of Article 92 of

EU Council Regulation 1224/2009 and Commission Implementing Regulation 404/2011. In accordance with the EU regulations, the statutory instrument gives full effect to a points system for the licence holder of a sea-fishing boat. The points system applies where a serious infringement of the Common Fisheries Policy by a fishing vessel - this is applicable to EU and third country vessels - is detected within the exclusive fishery limits of the State or for an Irish vessel wherever it may be.

The statutory instrument was prepared in close co-operation with the Office of the Attorney General. I have full confidence that it is legally sound and consistent with the requirements of the EU regulations, the Irish Constitution and natural justice. The purpose of the EU regulations, as stated in the recital, is to create a level playing field in fisheries control across the EU. All member states have given effect to Article 92 of the Council Regulation in respect of the points system to apply for licence holders.

The points system for licence holders set out in the statutory instrument is not the administration of justice as understood in the criminal sense. It is a separate and parallel administrative system with a lower burden of proof. It is important to note that there will be no immediate sanction for a licence holder following the application of points. Rather, there must be persistent serious infringements leading to an accumulation of a certain number of points before any suspension will occur. The accumulation of points for persistent serious infringements of the Common Fisheries Policy will lead to the suspension of a sea-fishing boat licence for a period from two months to one year. In extreme cases, persistent serious fisheries infringements could lead to the permanent withdrawal of a licence. It should also be noted that provision is made in the statutory instrument for a robust and effective appeals process. Therefore, a licence holder may apply to an independent appeals officer against any proposal to apply points to him or her. I have already appointed an Appeals Officer in accordance with the provisions of the statutory instrument. The statutory instrument also makes provision for appeal on a point of law to the High Court in respect of the decision of an appeals officer.

The Deputy's question is whether points continue to apply following the taking of a legal case which is lost. The answer to that question is "Yes, they do," in the same way that there is a difference between a civil and criminal case in a court of law. It is akin to a person receiving penalty points having been caught driving too fast. However, those concerned may appeal the penalty points to an appeals officer and the High Court.

An Ceann Comhairle: Thank you, Minister.

Deputy Simon Coveney: The levels of burden of proof in a criminal case versus this particular statutory instrument are different.

An Ceann Comhairle: I must ask Deputies to adhere to the time allowed.

Deputy Thomas Pringle: The Minister is trying to make the case that there is a difference between this penalty points system and criminal proceedings. However, where criminal proceedings are taken and they fail, in law no offence has taken place. If there is a difference, this provision should not form part of the statutory instrument. The Commission regulation and Council regulation are silent on this matter. There is no reference in either of those regulations to any national proceedings affecting the penalty points system. I believe that where legal proceedings are taken and they succeed, thereby indicating that in law no offence has taken place, the penalty points should be revoked. It is another matter as to whether any case taken would be

likely to succeed. However, that is a separate issue. In terms of confidence and natural justice, it should be the case that where a case is won the penalty points are not applied.

Deputy Simon Coveney: I put the same question the Deputy is asking of me to the Attorney General and officials in my Department - namely, whether we do could that and remain consistent with the Council regulation. It was made clear to me, under a point of law, that what we are dealing with in this regard is two parallel systems. The Sea-Fisheries Protection Authority, SFPA, will apply penalty points in respect of breaches of the rules. While in this regard a particularly high burden of proof will not be required, proof will be required before points can apply. Those awarded penalty points will have an opportunity to appeal, which is an entirely separate system from going to court. Where a legal criminal case is taken against a skipper or owner of a boat in respect of infringement of the rules, the burden of proof and punishment is much higher. It is a separate system. We cannot, I am told, in law overlap the two systems. They are different systems in terms of the burden of proof and punishments involved. The penalty points system is aimed at being a deterrent, one that is equal in respect of everybody across the European Union. The two systems need to remain separate.

Deputy Thomas Pringle: This section was described recently by the SFPA at a committee meeting as a novel approach. I imagine it is not an approach that is taking place across the remainder of the European Union. It appears that Irish fishermen are again to be treated separately and differently from other fishermen across the European Union in terms of the application of this process.

It is important to note that by the time criminal proceedings conclude the timeframe allowed under the regulations in respect of an appeal will have lapsed. Therefore, the outcome of the criminal proceedings could not be relied upon as a point of appeal in terms of the penalty points. I believe this will be injurious to fishermen in the future.

Deputy Simon Coveney: This will be applied in other countries also. It is not being applied to Ireland and not to other countries. There is a Council regulation that every country is required to implement. Had we not implemented this, there would have been consequences in that the Commission would have taken a case against Ireland. The Commission made very clear that it would do so. It will also take cases against other countries if they do not implement this regulation. This is happening everywhere. It is not only an Irish initiative.

Fishermen should view these two courses of action as entirely different. I believe there will be cases where penalty points are applicable and in respect of which no legal case will be taken. There will equally be cases in respect of which legal cases will be taken and no penalty points will be applicable. There will be some cases that may involve both but there will be two separate enforcement proceedings involved. I am told, with some authority, by the Attorney General's office that the two systems need to be treated separately from one another.

Beef Industry

4. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the steps he has taken to date to deal with the current crisis in the beef trade, particularly the bull beef trade; and if he will make a statement on the matter. [13992/14]

Deputy Éamon Ó Cuív: This is a further question in relation to the collapse of prices in the

beef trade, specifically the bull beef trade. I would like the Minister to elaborate further on what immediate actions he has taken to deal with this issue. For example, did he meet the retailers, who I understand he has used as an excuse for our problems in this regard?

10 o'clock

Deputy Simon Coveney: Regarding the current difficulties between farmers and processors, the Deputy will appreciate that, ultimately, price and market specification are matters to be determined between purchasers and the sellers of cattle. For obvious reasons it is neither appropriate nor possible for me to intervene directly in setting prices. My Department monitors the kill figures from Irish meat plants and I note that slaughterings of bull beef in the first 11 weeks of 2014, up to 16 March, stood at almost 65,000. That represented an increase of almost 2,000, or 3%, on the figure for the same period last year. In addition, as I outlined, the number of live cattle exported to the end of 9 March was approximately 42,000, up 6% on the figure for last year.

It should be noted that Irish beef prices were 106% of European Union average last year. The average price change in the first ten weeks of this year is a reduction of approximately 1.8%, but it must be remembered that that is a common price that has decreased slightly in the first quarter of the year. Nonetheless, I know and recognise that there is a specific problem in the bull beef sector. Essentially, there is an oversupply of a certain product, which is very much out of spec in terms of what supermarkets are seeking. That is a problem and it has resulted in prices falling well below what farmers would have been expecting to receive for their bull beef.

I have tried to do everything within reason to speak to both the farming organisations and the processing sector. I have ongoing conversations with retailers on a range of issues, including the spec they are seeking. The problem is that if one is producing large animals, bull beef that is 22, 24 and 26 months old, often steaks from these animals are far too big in terms of what retail outlets want. That is the reason retail outlets, particularly those in the United Kingdom, sourcing bull beef are looking for animals aged 16 or 17 months, which in general we are not producing here. We need to learn lessons from this, both at a processing and a farming level, to produce what the market is looking for to make sure we get the maximum price for what we are producing.

Deputy Éamon Ó Cuív: First, the Minister is probably familiar with the Derrypatrick project and the understanding of farmers that processors, Teagasc and everybody else involved in the project were encouraging them to produce 18 month old bull beef because it was not economical to produce it at the age of 16 months. Now we suddenly find the same processors will not buy such beef.

Deputy Simon Coveney: They are generally not producing 18 month old beef.

Deputy Éamon Ó Cuív: The problem is that the factories want 16 month old bull beef. Does the Minister believe the farmers were badly advised? Second, as the Minister is aware, there is a problem in having cattle slaughtered in the North of Ireland.

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: I understand the Minister believes the problem is related to the specifications of retailers. What discussions has he had with them on this issue?

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An Ceann Comhairle: Thank you, Deputy.

Deputy Éamon Ó Cuív: I seek the indulgence of the Chair as I have a third question. I will be brief. There was a live animal exporter with us yesterday and he explained to us that a company that operated ferry sailings from Dublin was refusing to take live cattle from Dublin. However, he has consistently, without difficulty, carried live cattle from Belfast to Britain.

An Ceann Comhairle: I will let the Deputy in again.

Deputy Éamon Ó Cuív: Has the Minister done anything about that matter?

Deputy Simon Coveney: The Deputy has asked three questions. On whether farmers were advised badly, I have never advocated a significant increase in the production of bull beef in Ireland. On all of the trade missions I have undertaken, particularly in the markets in which we sell beef in Europe, including the United Kingdom, people have been telling me since I became Minister that they want marbled beef, steer cattle primarily and heifers as opposed to bull beef. Many farmers made the economic decision to go down the route of producing bull beef because it suited their systems. They might have less land and may want to keep their animals inside for slightly longer. They will feed them more meal than they would otherwise do if they were grazing them using a grass-based system. This suits some farm structures. The problem is that 20% of our beef is now bull beef and the market is indicating that it wants something different. I still believe it is economically viable to produce bull beef, but if a farmer is producing young bull beef using a predominantly grass-based system, it is impossible to produce, as the Deputy states, 16 month old bull beef. Farmers have to make a choice to either intensively produce bull beef, using high protein meal, or to produce it using a grazing system, supplemented with meal. What needs to happen is a conversation between farmers who want to produce bull beef and the factories they will be supplying to ensure everybody is clear on what will be provided. The farmers who have done this have got a good price for their bull beef animals. The problem has been encountered by farmers who have produced animals without a pre-contract agreement with factories. They bring an animal approximately 22 months old to a factory-----

An Ceann Comhairle: I am sorry, Minister, but we are over time.

Deputy Simon Coveney: -----but there is no market outlet for that animal. Therefore, they are not getting the price that, to be fair, they deserve for what is a good animal. We are trying to resolve that issue. I will come back to the Deputy on the Northern Ireland issue-----

An Ceann Comhairle: No, the Minister cannot because we are over time. The six minutes are up. I cannot do anything about it if Members insist on going over time.

Deputy Éamon Ó Cuív: I kept to the time limit.

An Ceann Comhairle: I do not care. I have told Deputies that there are six minutes per question.

Deputy Éamon Ó Cuív: It is the Minister's way to waffle on-----

An Ceann Comhairle: I have asked Members to adhere to the Chair's ruling. There are other Deputies whose questions are never reached as a result. We have now spent 37 minutes on four questions. We are proceeding to Question No. 5.

Deputy Éamon Ó Cuív: All of the time was not lost-----

An Ceann Comhairle: There are six minutes per question and if the Deputy wants to use his two minutes in that way, I am sorry, but I cannot do anything about it.

Deputy Éamon Ó Cuív: The Minister-----

Deputy Simon Coveney: I am trying to give full answers.

An Ceann Comhairle: The Minister has to do it within the time allocated. That is what I am trying to get across to him.

Deputy Éamon Ó Cuív: I had a one line question-----

An Ceann Comhairle: This is Question Time; it is not about making statements.

Severe Weather Events Response

5. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he has applied for help from the European Union solidarity fund to aid Irish fishermen who have not been able to put to sea for months. [13994/14]

Deputy Martin Ferris: Every Member of the House is aware of the terrible weather we have experienced since the middle of December and the effect it has had on fishing communities. Has the Minister sought any funding from the European Union Solidarity Fund to help alleviate the crisis for inshore fishermen whose boats effectively have been tied up since last December?

(Deputy Simon Coveney): I acknowledge that we have had a particularly difficult winter for many fishermen around the coast, with the exception of some of those with the very large pelagic boats. However, in the whitefish sector and the case of the inshore fleet it was virtually impossible to fish, particularly in the months of January and February. The Minister for the Environment, Community and Local Government, Deputy Phil Hogan, has previously advised the House that the costs associated with severe weather events in recent months are well below the threshold for the EU Solidarity Fund and that, therefore, no application is possible. We have checked this out and it is the case. Notwithstanding the non-availability of EU funds, the Government has made significant Exchequer funds available to assist the seafood sector in dealing with the impact of the severe weather. On 12 February I informed the House that, as part of its overall co-ordinated response, the Government had decided to make available an additional €8.8 million for the repair of the publicly owned pier, harbour and slipway network for fisheries and aquaculture. In addition, it decided to allocate up to €1.5 million to assist inshore fishermen in replacing lobster and shrimp pots which had been lost or destroyed in the storms.

On 20 March I announced further details of the special funding allocated to local authorities to repair piers and harbours. The funding of €8.5 million will assist to repair 115 storm damaged harbours and piers owned by 11 local authorities and my Department. I also announced details of my Department's capital programme for 2014, which will see a further €14.6 million provided for harbour development, of which some €11.6 million will go to safety, maintenance and new development works in the six fishery harbours at Howth, Dunmore East, Castletownbere, Dingle, Ros a Mhíl and Killybegs, in addition to fixing the bull nose pier in the north harbour on Cape Clear. The Deputy will get the rest of that response in detail when he gets it. To help fishermen who have not been able to catch their quota in January and February we have

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agreed with the industry to significantly increase whitefish quotas for March and April to help fishermen catch up in terms of cashflow problems they would have encountered. We felt that was the most effective way for us to increase their income and ease their cashflow. That has led to problems with pricing in the market in terms of oversupply in recent days, which is also a problem now.

Deputy Martin Ferris: The Minister hit the nail on the head when he mentioned the effect of oversupply on the market regarding the opportunity to make up for lost quota. From the second week in December up to two weeks ago boats were tied up unable to go to sea. As a consequence the boat owners, skippers and crewmembers had no income. As they are deemed to be self-employed they cannot get social welfare. Those who chose to go down that road find themselves waiting weeks if not months for it to be processed.

I have been to Kilmore Quay. We recommended setting up a mechanism allowing them direct access to the social welfare.

An Ceann Comhairle: I ask the Deputy to put his question, please.

Deputy Martin Ferris: It is a very depressed state. These people have had no income since the end of the second week in December. Funding should be made available to help people during that period and nothing has happened in that regard.

Deputy Simon Coveney: It is not true to say nothing has happened. I have spoken to the Minister for Social Protection, Deputy Burton, who has assured me that social welfare offices in and near fishing ports will prioritise fishermen in what is a very difficult period for them. She has assured me that if fishermen can show they have had no income for ten weeks they will get income support. Many fishermen have been getting income support. Some fishermen feel they should not apply on the basis that they are not entitled to it because they are self-employed - the Deputy is right about that. There is a perception problem here for many fishermen - they do not want to be going into social welfare offices but want to be out catching fish. While they are not used to do it, I encourage fishermen to approach social welfare officers in social welfare offices. They will find they will be treated with the compassion they deserve in terms of the income support they need to get them through a difficult period.

Deputy Martin Ferris: The Minister for Social Protection can make all those things available, but there is a process to be followed. A self-employed fisherman or woman applying for social welfare must have his or her accounts in order.

Deputy Simon Coveney: That is not true.

Deputy Martin Ferris: Yes.

Deputy Simon Coveney: The Deputy is right that that is the perception, but-----

Deputy Martin Ferris: I have dealt with it.

Deputy Simon Coveney: ----- there is an immediate income-support payment they can and will get.

An Ceann Comhairle: This is Question Time. The Deputy should put his question and get an answer.

Deputy Martin Ferris: I have dealt with it. They have to produce the accounts for their income for the previous year. They have to get their bank statements to prove what they have or have not got in the bank and it is a long drawn out process. That is why fishermen are not accessing those special needs payments to which they should be entitled.

An Ceann Comhairle: I thank the Deputy. If he wants a reply I will ask the Minister to be quick.

Deputy Martin Ferris: They might get a few bob from the community welfare officer but they are not getting any social welfare entitlements because they are deemed to be self-employed.

Deputy Simon Coveney: My understanding is that there is an emergency income-support payment available to fishermen.

Deputy Martin Ferris: Through the community welfare officers.

Deputy Simon Coveney: If they have had no income for 12 weeks they can get an emergency income payment immediately from their social welfare office, if they qualify. They should go to their social welfare office to discuss that. The Minister, Deputy Burton, has told me that priority is being given to fishermen and there is considerable sympathy for them given the kind of winter they have been through. I will happily talk to the Deputy about individual cases if he brings them to my attention.

An Ceann Comhairle: I call Question No. 6.

Deputy Martin Ferris: I have just one supplementary question.

An Ceann Comhairle: No. You will not have one. We are way over time; I am sorry.

Deputy Martin Ferris: The Minister referred to them having no income for ten weeks. What are they to do for those ten weeks?

Other Questions

Fallen Animal Collection Scheme

6. **Deputy Martin Ferris** asked the Minister for Agriculture, Food and the Marine if he will review his Department's ruling in January 2014 which restricts knackeries from bringing fallen animals aged more than 48 months to a rendering plant outside a 125 km zone. [13208/14]

Deputy Martin Ferris: I presume the Minister is aware of the 125 km zone and the effect it is having on farmers with fallen animals. I ask the Minister to revisit the directive and revert to the previous situation because it is causing undue hardship.

Deputy Simon Coveney: The TSE fallen animal subsidy scheme ensures primarily that fallen bovine animals over 48 months, which must be BSE-tested in accordance with EU legislation, are disposed of in accordance with all animal, public health and environmental regulations. As the Deputy will be aware the scheme is an integral part of the infrastructure under-

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pinning Ireland's successful livestock and meat processing industries, which had an estimated combined export value of almost €3 billion in 2012.

The operation of the subsidy scheme has been examined in my Department and a number of changes have been introduced. These include enhanced compliance provisions and putting some limits on the distance material can be carried while maintaining choice. This examination took into account a number of factors, including budgetary considerations; TSE testing requirements; animal by-product regulations; the need to maintain competition; and the need for an adequate collection and disposal infrastructure. The importance of having adequate rendering capacity especially in the event of a serious class A disease outbreak was given high priority in the examination of the scheme.

It is important to note that the rates payable under the scheme have not changed. The rendering and disposal costs of fallen cattle over 48 months in category 1 plants are fully covered by the scheme and the collection charge to the farmer is still capped at €54.03, including VAT. Bovines under 48 months are outside the remit of the subsidy scheme, and their collection and rendering is a matter for commercial arrangement.

I have 25 seconds left and am determined to start complying with the rules. There is a problem and the Deputy is right to raise it, as have farm organisations. Since we introduced these changes farmers are telling me they are being charged more for the rendering of their animals. If the changes we made for all the right reasons are being abused by organisations operating rendering systems by increasing their charges, that is not acceptable and we will be considering changing again and reverting to the previous system, which would not be good in terms of overall competition and availability for farmers.

Deputy Martin Ferris: The Minister should look at it again. Restricting fallen cattle aged more than 48 months to a 125 km zone is resulting in collaboration between knackeries in the area to fix the price due to a lack of competition. Those living in Border areas used to be able to take their fallen animals across the Border and it was far cheaper for them. I will ask the farming organisation that contacted me to supply the Minister with the information he requires.

Deputy Simon Coveney: I have spoken to them about this and we have made it clear why we made the changes we did. We had good reason to do that. There was concern that there would be a significant reduction in the number of rendering facilities which would not have been good for Ireland particularly if that location was not even in the State. Of course we want competition but we also want to ensure there are plenty of players in the system so that if we had a significant outbreak, we would have multiple options in terms of rendering facilities. We introduced the distance limits primarily for biosecurity reasons, but we ensured that within that every farmer would have at least two options in terms of competition on price. If there is evidence that that competition is not functioning and the opposite is happening, we need to review that. I have sent a very clear signal to the organisations concerned that it is not acceptable to have a significant price increase as a result of the changes here. We will review it unless that changes.

Animal Welfare

7. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine if he will support the Irish Seal Sanctuary and protect wildlife in captivity by assisting it in the retiring

and rehoming of seals currently being used in circuses. [10555/14]

Deputy Clare Daly: The Irish Seal Sanctuary is of the view that life at a circus is not suitable for a marine mammal and is seeking support to rehome seals in circuses. What are the Minister's views on that and what assistance can he provide?

Deputy Simon Coveney: I was not sure the circus issue would arise. I do not have a strong view on this, but I will think about it now that the Deputy has raised it. I understood the Deputy was asking about the assistance we are giving the Irish Seal Sanctuary from a funding point of view.

The Irish Seal Sanctuary has received funding in the past from the Department of the order of €10,000 in each of the years from 2007 to 2011, amounting to a total of €50,000. The Irish Seal Sanctuary did not submit an application for funding in 2012 from the *ex gratia* funding available for animal welfare organisations. We have significantly increased that funding by approximately 50% in the last two years. I would like to be of assistance to the Irish Seal Sanctuary, if I can be, but it must write to me and explain exactly what it needs.

The issue raised by the Deputy of whether seals should be circus animals is a separate matter. Clearly, I am anxious to be helpful in terms of the functioning of the Irish Seal Sanctuary and the role it plays for our seal population from a welfare point of view, including with funding. However, it must apply, as other organisations do, for *ex gratia* payments or assistance, or at least talk to me if there is an issue on which I can be helpful. I will certainly try to be helpful.

Deputy Clare Daly: I do not know why the Minister did not expect the circuses to be raised. While there are two separate issues, the question was about the specific issue of assisting seals to be retired and rehomed from circus facilities. This practice has already been ceased by Fossetts Circus and Duffy's Circus has been approached by members of the Irish Seal Sanctuary with a view to having the circus work with them to get seals out of circuses and retired and rehomed.

I accept the Minister's statement that the Irish Seal Sanctuary has not asked him for assistance. He said its representatives should apply to him and he would meet them. If that is the case, I am glad to hear it and I am sure they will take that step.

The reality is that a seal in a circus, a marine athlete held in confinement in a completely unnatural environment, is wrong. I respect the fact that the Minister has brought forward animal welfare legislation, but it is not enough. However, the Minister said moneys might be available and that he will work with the sanctuary.

There is another question, which I tried to put on the agenda with the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan. It is entirely inappropriate that the Arts Council funds circuses which use wildlife. My question on this issue has not been dealt with by that Minister in any format. This question was moved to the Minister for Agriculture, Food and the Marine, but somebody must be accountable for public moneys being used to promote a cruel activity.

Deputy Simon Coveney: It is probably no secret that I am not a fan of animals in circuses, but that does not mean I will outlaw it. This is an animal welfare issue that the Deputy has raised. Of course, I will meet with representatives of the Irish Seal Sanctuary and we can be helpful to them in terms of funding through *ex gratia* payments, as we are with many other

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animal welfare organisations. We spend almost €2 million per year on animal welfare organisations. It is not for funding for the organisations but is essentially a top-up fund through *ex gratia* payments to support them in their activities. This year we have prioritised horse welfare for obvious reasons, and the Deputy will be familiar with those. This is an area that I will happily be helpful on if that is possible. I will also happily meet the Deputy with the Irish Seal Sanctuary, if she wishes.

I am sorry I did not specifically refer to circuses in my response. I should have because it was mentioned in the Deputy's question. However, I will certainly follow up on the matter in more detail if the Deputy wishes.

Deputy Clare Daly: I thank the Minister.

Trade Agreements

8. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine the extent to which he continues to use his influence within the European Union in the context of any EU-US trade discussions with a view to ensuring the future of the agrifood sector in this country and throughout Europe; if initial indications in this regard are reassuring in the context of the WTO; and if he will make a statement on the matter. [13210/14]

Deputy Bernard J. Durkan: This question relates to the need for vigilance in any negotiations between the EU and the US in the context of the World Trade Organisation, WTO, in the aftermath of the very successful deal on the agriculture sector in Europe which was worked out by the Minister during the Irish EU Presidency. There is a need to make provision to ensure that it is not eroded subsequently in any further negotiations.

Deputy Simon Coveney: It is one of the priorities of this Government to use our links at EU level to engage actively with the EU institutions and other member states to ensure that EU policies on bilateral and multilateral trade agreements do not place the Irish agri-food sector at a competitive disadvantage. Since I took office in 2011, I have proactively pursued this agenda, most recently at meetings of the EU Council of Agriculture Ministers in Brussels. At the February meeting of the Council, I asked the Greek Presidency to continue the practice of regular updates on the agricultural aspects of international trade negotiations. Since then there has been a good exchange at senior official level and last Monday there was a substantive discussion around the Council table on the current negotiations under way.

As a small trading nation, we depend on trade to drive our economy and have much to gain from free trade agreements. In that respect we have substantial offensive interests in the agreements being negotiated with the United States and also with Japan, Thailand and Vietnam. We have defensive interests too, related primarily to our beef sector. Our strategy is to push hard for agreements that balance these offensive interests with our defensive ones.

I know the Deputy has a particular interest in the Transatlantic Trade and Investment Partnership, TTIP, and the negotiations taking place between the European Union and the United States. We have much to gain from a transatlantic free trade agreement. We have an extraordinarily strong relationship with the US economy, due to the number of multinationals in this country. We also wish to be able to access its markets for food and drink and we are, I hope, close to accessing its markets for beef.

However, we have a defensive interest too. A huge amount of beef is produced in the United States and we must ensure a number of things happen. First and foremost, we must ensure that hormone free beef remains the food of European consumers. That is a point on which we will continue to insist, as well as limiting any quotas that might be offered to the United States in terms of accessing EU markets for beef.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. Will it be a priority of the Minister and his EU colleagues to ensure that the agrifood industry is not in any way disadvantaged to facilitate other areas of trade, for example, with regard to engineering, technology and so forth, or to improve the bargaining position of other sectors at the expense of the agri-food sector?

Deputy Simon Coveney: This is an ongoing issue. With regard to agrifood, we have offensive interests too. We want to access markets. We export 85% of all the agri-food and drink products we produce, so it is in Ireland's interest to have a platform for international trade that is as wide as possible. However, we have some concerns. Ireland is, effectively, the only large exporter of beef in the European Union. It is the biggest exporter of beef by miles. In fact, Ireland is the fourth largest beef exporter in the world, which is extraordinary for a small country. Irish beef is exported primarily to EU markets. If we allow beef into the EU from South America, Canada, the US and other parts of the world, there will be increased competition and that is a worry for the beef sector. We are seeking to limit that as much as we can. We tried to do it in the agreement with Canada, which has now been concluded. We successfully and very significantly reduced the beef quota that was originally on offer and we will try to do the same with Mercosur and the United States.

We have a very competitive and good beef industry but we are anxious to ensure there is no unfair competition in terms of the standards by which beef is produced outside the European Union, particularly with regard to hormone usage. We will be insistent on that and, so far, the Commission has been very supportive of the Irish position in that regard.

Deputy Bernard J. Durkan: I again thank the Minister. I have a further question regarding husbandry, production, management, traceability and hygiene. We can rely on procedures in that regard being enforced in the EU. Will the same standards that apply here and in the European Union be applied to imports?

Deputy Simon Coveney: This is the level playing field question, which is a fair one to ask. We require farmers in the European Union to produce food under very tight regulation. As a result, we also pay them for that through the CAP in the form of direct payments. That is the deal. European farmers have to produce food to a very high standard in terms of traceability, husbandry, controls, inspection and so on and taxpayers have to pay for that. However, we also need to ensure that if we are importing food from other parts of the world that we insist on the same standards in order to protect consumers. That is what they demand and that should be central to our negotiations concerning food, which is very different from other products such as cars, services and so on. When one is dealing with food, one is dealing with issues such as food safety, animal husbandry, genetic modification, hormone usage and so on. In Ireland we have always insisted on a level playing field. We think that our industry can compete with anyone in the world, as long as the same standards apply here as elsewhere. That is very much part of the negotiations.

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Beef Industry

9. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 612 of 25 February 2014, the names and owners of the ten rendering plants approved by his Department; if these plants are owned by the same person; his views on whether there is sufficient competition in the disposal of offal; if he has concerns regarding anti-competitive behaviour; and if he will make a statement on the matter. [13945/14]

Deputy Seán Kyne: My question asks that the Minister provide the names of the owners of the ten rendering plants approved by his Department and to indicate whether these plants are owned by the same individuals. I also ask the Minister if he believes there is sufficient competition within the sector.

Deputy Simon Coveney: My Department approves and supervises the operation of rendering plants under the terms of the EU Animal By-Products, ABP, Regulation, (EC) 1069/2009. Such plants are approved to handle different classes of animal by-products, with category three being low risk material and category one being higher risk. There are five category three and five category one approved plants in the State at present.

With the exception of fallen animals collected and disposed of under the TSE subsidy scheme, which my Department operates to facilitate testing of bovines over 48 months as required by EU regulations, the rendering of material from meat plants and of fallen animal material is a matter for commercial arrangement. While my Department supervises the operation of such plants to ensure compliance with EU rules on animal by-products, it has no role regarding their ownership or commercial operations. If the Deputy has any specific information indicating possible breaches of competition rules he should pass it on to the relevant authorities.

The following are the details of the ten rendering plants approved by my Department: Waterford Proteins has a facility in Ferrybank, County Waterford; the Munster Proteins facility is in Cahir, County Tipperary; Collee Proteins is located in Nobber, County Meath; Farragh Proteins has a plant in Count Cavan; Dublin Proteins has two plants in County Wicklow; Slaney Proteins has a plant in County Wexford; Western Proteins has a plant in County Mayo; the SRCL plant is in Kylemore, County Dublin; and United Fish Industries runs a plant in Killybegs, County Donegal. As far as I am aware, these companies are in different ownership but if the Deputy has more information in that regard, I will try to be helpful on the matter.

Deputy Seán Kyne: I thank the Minister for his reply. The concern that I have heard expressed often in farming and trade circles - perhaps it is insinuation rather than fact - is that the number of companies involved in rendering is quite small and that there may be some links between them. Again, I am not sure if that is true but it is definitely a concern within the trade. It has been argued to me that because of this, such companies are able to tell the factories to drop their prices or they will not take offal and dispose of it. I asked for the list of companies involved so that the information is out in the open and if there is a connection between the companies, that can be proven. The concern I raise relates to competition and for that reason, it is important to put the company names on the record so that people can be confident that they are not connected.

Deputy Éamon Ó Cuív: There are huge concerns about the concentration of ownership within the beef industry. In view of this, would the Minister be in favour of the introduction of a beef industry regulator, as is the case with other industries which are highly concentrated in

terms of ownership?

Deputy Simon Coveney: I will respond to Deputy Kyne's point before dealing with the issue raised by Deputy Ó Cuív. I have information on the associations which own the aforementioned companies which might be of use to the Deputy. Munster Proteins and Waterford Proteins are owned by the ABP Group; Dublin Proteins, which runs two facilities, is owned by the Ronan Group; Slaney Proteins is owned by Slaney Foods International; Western Proteins is owned by Dawn Meats; SRCL is part of the Stericycle Group; and United Fish Industries is a subsidiary of Welcon Invest AS. There is different ownership here. People talk all of the time about some kind of cartel operating in the beef industry but all I can say, based on my own experience, is that there is a lot of competition between the various beef companies. Companies like Dawn Meats, Kepak, ABP and so forth are in intensive competition with each other in terms of the markets they supply. There is also a host of other, smaller companies involved in the industry such as Kildare Chilling, Slaney Meats and so forth. We produce a lot of meat in Ireland, far more than our own market could support. We export huge volumes of meat and companies have been built on the back of those exports. I believe there is competition in the industry, although that might not be a popular thing to say. If there is any evidence to suggest that anything else is occurring in the marketplace, I would like to hear about it and will follow up on it.

I do not think we should put a beef regulator in place, independent of the Government, because that would suggest that there is something seriously wrong here. I am not sure that there is any evidence to support that suggestion. At the moment we have a very successful beef industry in Ireland which we are looking to build on further. If there is any evidence to suggest that there is something fundamentally wrong in terms of the structures or dominance within the market, the Competition Authority can investigate that. Let us not start raising concerns about the industry here without having some evidence to back them up.

Fishing Communities

10. **Deputy Mick Wallace** asked the Minister for Agriculture, Food and the Marine the reason the scheme of assistance for pot fishermen is capped at 50 pots for boats under 12 m, rather than 100 pots as is the case for 12 to 15 m boats in view of the fact that the majority of vessels affected by recent events are under 10 m in length; and if he will make a statement on the matter. [13223/14]

Deputy Mick Wallace: My question refers to the fact that the smaller fishermen who work from the coastline out to the six-mile limit are being penalised because their boats are too small, which seems unfair, given that they are in most need of the Minister's help. I ask him to give his views on the matter.

Deputy Simon Coveney: Deputy Wallace has raised a point that fishermen have also raised with me. I asked BIM to put together a scheme that could help inshore fishermen who have lost lobster pots, crab pots and so on. The intention was that the Department would pay 40% of the replacement costs. BIM representatives came back to me with a proposal. They asked me how much money was available and I told them the budget was €1.5 million. I am not getting any extra money from the Exchequer for this but have to take money from other areas in my Department, unlike the situation with the piers and harbours fund, for which we are getting money through a Supplementary Estimate. At the moment, we are committing €1.5 million to this

sector. We then had to try to prioritise within the sector. BIM made the straightforward recommendation that generally bigger boats have more pots. That is why we said that we would limit the aid to 50 pots for boats under 12 m and 100 pots for vessels under 15 m, which I thought was reasonable. However, when we go through the initial application of this scheme, if we have not spent the full amount we will look at reallocating the remaining funds in certain cases. It is too early to say if that will happen, but we have committed to a certain scheme. The reasoning behind it is that, generally, larger boats have more pots; therefore, we wanted to give them access to more funding as in all likelihood they would have lost more pots. That is the rationale behind the decision. There is no hidden reason for it. We thought this was a straightforward way to go, but, obviously, we will re-evaluate the matter once the initial funds have been allocated.

Deputy Mick Wallace: Fishing boats between 12 m and 15 m are practically non-existent in Wexford. The fishermen who got on to me reckon there are 50 boats working inshore, but only one of them is between 12 m and 15 m. Most of the 12 m to 15 m fishing boats work off County Donegal. However, the fishermen who have suffered the most are those with smaller vessels. They claim they have lost between 200 and 300 pots, but they will only be eligible to have 50 replaced. These are the guys who most need the Department's help. Will the Minister examine this issue again to maximise the potential to help those who most need the Department's help? The smaller boats in the Wexford area were the worst affected by the recent storms.

Deputy Simon Coveney: I have got some feedback and know most of the boats in Wexford are smaller. We will re-evaluate the scheme, but we cannot change it because it is in the process of being applied. I cannot change any scheme midstream. If there are moneys left over, we will look at how best we can spend them to the best possible effect. My objective is to help as many people as possible. There are many onshore fishermen who are in real difficulty after the winter storms. Many of them have lost a lot of gear and I am looking to help them to replace it. However, I only have a limited amount of money to spend and I am trying to spread it thinly across the sector. If the €1.5 million allocated for the scheme is not fully spent, we will look at how we can reallocate it as fairly as possible. I will take on board what the Deputy said in that regard.

Deputy Mick Wallace: I realise the Minister has a limited amount to spend and that €1.5 million will not go far among the many fishermen affected. Will he, however, prioritise giving the maximum help to those who most need it, namely, the smaller guys? It looks to me that the guy who is better off with his larger boat and who can probably better take the knock is getting more help than the guy with the smaller boat, the one who suffered the most in the storms. The Minister has made the point that he has decided what moneys will be distributed. Obviously, there will be no money left over from the initial allocation; therefore, I appeal for the application of fairness. Without a shadow of doubt, the bigger one is, the more power and influence one has the greater the chance of getting a fair deal. The smaller one is, the more challenging it is. Will the Minister seek to bring more fairness to the scheme?

An Ceann Comhairle: The Deputy has made his point.

Deputy Simon Coveney: There are plenty of owners of boats between 12 m and 15 m in length who are in difficulty too following the storms. The problems are not solely confined to boats under 12 m. I would like to have much more to spend in this sector. We are examining broader actions we can take to help the inshore sector, which is not before time either, but I only have €1.5 million to spend. We will see the existing scheme, which is appropriate, through and if we have money left over, we will look at how we can allocate it as fairly as we can to those who need it most.

Commonage Framework Plans

11. **Deputy Seán Kyne** asked the Minister for Agriculture, Food and the Marine the negotiations that have taken place between his Department and the Department of Arts, Heritage and the Gaeltacht regarding the implementation of the commonage review; if liaison committees are proposed for the shareholders of each commonage in conjunction with his Department, the National Parks and Wildlife Service and farm organisations; the timescale for the implementation; if he acknowledges that every commonage requires a different plan; and if he will make a statement on the matter. [13946/14]

Deputy Seán Kyne: Will the Minister outline the negotiations that have taken place between his Department and the Department of Arts, Heritage and the Gaeltacht on the implementation of the commonage review? Have liaison committees been set up for discussions between the shareholders in each commonage in conjunction with his Department, the National Parks and Wildlife Service and farm organisations?

(Deputy Simon Coveney): This is an ongoing process about which I spoken to the Deputy on several occasions. This is a sensitive issue as there are thousands of commonages across the country. We have a new commonage framework programme that needs to be implemented in partnership with the farmers in question and the National Parks and Wildlife Service which has a role to ensure commonages are farmed appropriately. If they are overgrazed, stocking rates should be reduced, while if they are undergrazed, which is the case in respect of much commonage land, stocking rates need to be increased. The complication arises if multiple farmers are farming the same commonage as one then has to get agreement from a majority of them. If necessary, we will go commonage by commonage and sit down at local meetings to bring people on board with the scheme. Farmers will not receive an instruction on the programme from me by letter and it will not be introduced by enforcement. We have had 18 months of discussions to see how best we can do this with farming organisations and the Department of Arts, Heritage and the Gaeltacht to introduce the programme in as sensible and practical as a way to get the right result both for farmers and the environment. The Deputy will see a partnership between farming organisations and my Department to get it right.

Deputy Seán Kyne: When will the liaison with farmers start? There is concern among the farmers in question in advance of next year about the GLAS, green low-carbon agri-environment scheme, and stocking rates. I appreciate the Minister's letter last week to allow farmers to qualify for the disadvantaged areas scheme within certain environmentally restricted schemes in Connemara and County Mayo. There are concerns, however, in commonage areas as to when the discussions will take place and when a solution will be finally implemented in order that the farmers in question will know where they are going.

Deputy Simon Coveney: The important point is that the European Commission sees progress in this area. There has been progress as the liaison process is under way, but there will be difficult commonage areas that will require local public meetings to be held. We are planning that structure with the farming organisations in order that it can be rolled out over time. Implementation of the new commonage framework proposals will not happen overnight, as the Commission will understand. Most of the commonages will sort themselves out, but there will be potential problem areas in the Deputy's county which will have to be dealt with sensitively.

Written Answers follow Adjournment.

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Matters relating to An Garda Síochána: Statements

Minister for Justice and Equality (Deputy Alan Shatter): I will again start by paying tribute to Mr. Martin Callinan on his retirement as Commissioner of An Garda Síochána, in which he had a long and distinguished service. He dedicated his career to the fight against crime and has a record of which he can justly be proud. I express my sincere thanks to him for his commitment and service to the State.

In its statement yesterday the Government indicated that information had come to light indicating that a system for the recording of telephone calls to and from many Garda stations had been in place for many years before it was discontinued last November. The fact that such a system was in place, and for so long, is clearly a matter of serious concern which the Government believes warrants the establishment of a commission of investigation. The circumstances surrounding the establishment of this system of recording, exactly when it started, the number of Garda stations involved, the extent to which recordings were retained and their relevance to any Garda investigation are still unclear. One of the main functions of the commission of investigation will be to establish the facts relating to these and all other relevant issues. I recognise, of course, that Deputies will have many reasonable questions on these and other aspects of the matter, but I am greatly constrained in what I can say. We need to establish the facts before we can draw firm conclusions and it would be wrong to engage in speculation in advance of this. However, I will outline what I know from a letter by the outgoing Garda Commissioner, Mr. Martin Callinan. The letter was sent to my Department on 10 March and made under section 41 of the Garda Síochána Act 2005 which provides a mechanism for the submission of information by the Garda Commissioner. Unfortunately, this letter was not furnished to me by my officials until approximately 12.40 p.m. yesterday and I did not have an opportunity to read and consider it until some time later.

The letter started off by referring, by way of background, to a case in which civil proceedings are being taken by two persons against the Garda Síochána and the State for wrongful arrest and related matters. I am aware of speculation on the identity of these proceedings, but the House will understand that I cannot comment on proceedings currently before the courts. The letter from the Garda Commissioner referred to recordings of telephone conversations into and out of a particular Garda station, which had come to light as part of the process of discovering documents of relevance to the plaintiffs. That process is still under way. Again, I must emphasise the constraints on commenting on a case which is currently being litigated in the courts.

I am advised that my departmental officials were made aware of recordings of relevance to the specific civil proceedings previously mentioned on 28 February by the Garda Síochána and the Office of the Chief State Solicitor arising from its involvement in the response to the civil proceedings. I am informed that what was at issue was the discovery of recordings in a specific Garda station, not a more general system of recording calls in Garda stations and that no reference to such general recording of calls was made at that time.

In this letter of 10 March, the Garda Commissioner went on to say that it had subsequently transpired that systems would appear to have been installed during the 1980s in Garda stations to allow for the recording of incoming and outgoing calls from designated extensions. The Commissioner explained that the rationale behind this was the recording of Garda radio traffic to and from control rooms, 999 calls and the gathering of evidence around calls made to Garda stations regarding bomb threats and other code messages. This practice had continued in some

stations over the years, with the recordings being retained within each station and with the original recorders being replaced in the 1990s and again in 2008. The letter states that the original recorders were replaced with Dictaphone recorders during the 1990s - I do not know what specific year - and further replaced by what are referred to as NICE recorders, which I understand is a brand name, which were installed in 2008.

The Commissioner explained that he had consulted the Attorney General's office on the matter and expected that consultation with the office of the Data Protection Commissioner would be necessary, as well as further advice from the Office of the Attorney General. However, he made clear in the letter that he had directed that the routine recording of non-999 calls to Garda stations should cease and he confirmed that all recordings, except those made on dedicated 999 lines, were fully stopped nationally on 27 November 2013. In regard to the continued recording of 999 calls, which I think everyone would instinctively understand, the Commissioner, in his letter, explained that there was a legislative underpinning of such recording contained in an Act of 2007. The Commissioner went on to say that he was awaiting written confirmation from each divisional officer that all audio recordings that had been stored at each divisional headquarters outside Dublin had been collected and were now stored securely at Garda headquarters. The Commissioner noted that the total number of tapes collected at that stage was 2,485.

The issue the Commissioner identified in the letter was the action he should now take in regard to these recordings and he particularly referenced his role as data controller in respect of the recordings. He stated that he had consulted the Attorney General's office on 11 November 2013 and established a working group to report to him on the issue. He stated that he expected that consultation with the office of the Data Protection Commissioner would be necessary as well as further advice from the Attorney General. While the Attorney General, in the context of the civil proceedings previously mentioned, was made aware of the existence of tapes and the possible existence of other tapes, I am advised that she had no knowledge at that time of the circumstances surrounding the making of tapes, the legal background to their being made, the content of such tapes or the number of such tapes.

I understand that on the day the letter from the Commissioner was received, there was a consultation held with the senior counsel representing the State in this case to discuss the issues arising. I also understand that on the day after the receipt of the letter of 10 March in my Department, 11 March 2014, there was a follow-up meeting between the Garda Commissioner, officials of the Department of Justice and Equality and the Office of the Attorney General. I am advised that the discussion covered the ongoing legal consultation in regard to the civil proceedings. I also understand that the matters covered in the letter of 10 March were being considered by my departmental officials, in the context of the ongoing legal consultation in regard to the specific case in question. I am informed that, subsequently, on 19 and 20 March 2014, Garda headquarters copied my Department with correspondence between the Garda Síochána and both the Office of the Attorney General and the Office of the Data Protection Commissioner.

As Members of the House may be aware, I flew to Mexico to undertake my duties in respect of Government Ministers' St. Patrick's Day arrangements on 15 March and did not return until 21 March. I was not briefed on this matter until approximately 6 p.m. on Monday, 24 March 2014 in the Department of Justice and Equality, and as previously stated, was first furnished with the letter of 10 March from the Garda Commissioner yesterday at approximately 12.40 p.m. Following the initial briefing by my departmental officials, I met with both the Taoiseach and the Attorney General on Monday evening to discuss these matters.

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I know there are reports that I knew of the system of recording in Garda stations last year, but this is not the case. Reference has been made, for example, to a case investigated by GSOC of a member of the public who was assaulted by members of the Garda Síochána in Waterford. GSOC, I have since learnt, reported on this on 16 June last year and made reference in its report to the recording of phone calls in Waterford Garda Station. However, this was not a report to me or my Department, but a press release by GSOC and there was no indication or suggestion of any nationwide system of recording in Garda stations. I am aware of various commentators referencing this short GSOC report in broadcast and print media since the Government's statement was published yesterday afternoon on this issue and they have questioned the truthfulness of the account given to date of these matters.

Unfortunately, we live in a world where, regardless of the issue, some commentators and Opposition Deputies, on first learning of an issue detailed by Government of which they were unaware, feel compelled to accuse those who make the issue known and seek to address it, of telling untruths or of some incompetence. This is something of an industry, and with Members opposite it is a wearisome repetitive refrain-----

Deputy Mattie McGrath: Give him a mirror.

Deputy Alan Shatter: -----followed by the usual dosage of contrived outrage, something we see again this morning.

The simple truth is GSOC did not furnish the report mentioned to me and I am advised that it did not furnish it to my departmental officials nor bring it to the Department's attention. GSOC, no doubt, can confirm this. Because of the background to the GSOC report, GSOC had no obligation under the 2005 Act to furnish it to me, but did have a discretion to furnish it to any "person that the Commission considers has a sufficient interest in the matter". GSOC obviously did not regard this report as of sufficient importance to furnish it specifically to me or my Department, but issued it as a press release. It also seems, from the checking my officials have been able to undertake to date, that no Deputy in this House regarded the publication of sufficient importance to table a Dáil question on it, but I am open to correction on that because of the limited time available to check on that matter.

It may be the case that no Member of the House read this report until yesterday or, if they did, they placed no importance on it. In so far as it received any media coverage, it does not appear as if any member of the media regarded the report as of any major importance. Again, I am open to correction. This is understandable, as the report gives no insight into the extent of recordings made by An Garda Síochána, nor did GSOC determine it an issue worthy of further investigation. GSOC could, if it wished, have initiated a public interest investigation into the matter under section 102(4) of the Garda Síochána Act 2002. Had it done so, it would also have had to notify me of such investigation under section 103(1)(b) of the Act, unless GSOC invoked section 103(2), but I cannot see how that subsection could be of relevance. In case I am misunderstood, I am making no criticism of any nature of GSOC. I am merely setting out the position.

Deputy Mattie McGrath: They have no protector.

Deputy Alan Shatter: These are the facts as I have been informed of them, but of course there are many questions which need to be answered. That is why the Government has decided that it is necessary to establish the facts and has announced that there will be a statutory inquiry.

It is absolutely right that all these matters should be independently examined and I will not hesitate to seek further inquiries into any other matters should this prove necessary. It is unfortunate that Members of this House could not, until they learned more of these matters, resist the temptation to engage in their usual political attacks.

Deputy Mattie McGrath: They learned that from a master.

Deputy Alan Shatter: It would be refreshing if, for once, Members opposite could restrain themselves from engaging in the usual party political point scoring and deal with the substance of issues.

Deputy Mattie McGrath: Dead man walking.

Deputy Alan Shatter: We are dealing here with a system of recording phone calls into and out of some Garda stations over a period of up to 30 years. As with other matters under investigation, these are issues which far predate my tenure as Minister for Justice and Equality. This issue, like others, is one that existed throughout the lifetime of the previous Government and, indeed, we now know the recording system was upgraded during that Government's term of office in 2008. We also know that a legislative basis was given in 2007 to ensure the legality of emergency 999 calls.

11 o'clock

I do not know whether my predecessor in this office or any Member of the previous Government was any more aware of these recordings than I was until Monday evening of this week and I will not make any accusations in that regard.

Deputy Dara Calleary: This is contrived outrage.

Deputy Alan Shatter: As well as announcing yesterday a statutory inquiry into these matters the Government also announced that it will establish an independent Garda authority, while maintaining appropriate democratic accountability to the Oireachtas. This will be a hugely significant development in the governance and oversight of the Garda Síochána, a development previously rejected by the main party opposite. The Government has also announced that the next permanent appointment to the post of Garda Commissioner will be by way of an open competition, another historic development, and another reform rejected by the main party opposite, even though it was recommended by an expert group appointed to make recommendations on Garda reform.

A comprehensive review of the Garda Síochána has very recently commenced under the Haddington Road agreement. This will independently examine all aspects of the force including remuneration, terms and conditions, industrial relations and the structure, organisation and management of the force. We also await the outcomes of the Cooke and Guerin inquiries. We must not forget, either, the strong legislation being taken through this House by the Minister for Public Expenditure and Reform, Deputy Howlin to protect whistleblowers. The Public Disclosures Bill, which will apply to the Garda Síochána and the entire public and private sectors, will provide best international standard protection for whistleblowers.

No reasonable person could claim with any credibility that there has been any inaction on my part or the part of the Government on what has undoubtedly been a series of disturbing issues. Rather, we have been unflinching in our determination to face up to past difficulties.

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Let us await the outcome of these inquiries, and in this case the outcome of the commission of investigation into the recording of phone calls. I am seeking a full report from the acting Garda Commissioner, Noirín O'Sullivan, on the latest available information on these recordings so that the Government can take an informed decision on the terms of reference of the commission of investigation. This House will have the opportunity to consider that matter, and I look forward to hearing the views of Members.

Deputy Mattie McGrath: Will the Minister listen?

Deputy Alan Shatter: I look forward to addressing a variety of issues that arise out of the publication of the report of the Garda Inspectorate later today.

Deputy Mattie McGrath: There is no clapping.

Deputy Finian McGrath: No round of applause.

Deputy Niall Collins: I welcome the opportunity to contribute to these statements. The administration of justice under the Minister's watch is in crisis and has been for a long time through a series of the Minister's actions, inaction and incompetence. That makes the Minister unfit to continue to hold office. We need to recap on the catalogue of events the Minister has overseen. We had the completely bungled handling of the penalty points issue. Were it not for the clear, independent report of the Comptroller and Auditor General, the Minister would have proceeded along the line that there was no issue there. He would have continued in that vein but for the fact that the independent constitutional office of the Comptroller and Auditor General did its work and reported coherently.

We then had the issue on the alleged bugging of GSOC. The Minister immediately moved to turn the potential victim of a scandal into a villain. He put GSOC chairman Simon O'Brien into the dock. He brought in an outside company to second-guess some of the work GSOC did. That undermined GSOC's role, and people are aggrieved by that. There was the ongoing treatment by the Minister and the Government of the whistleblowers. Is it not the job of any government in a modern democracy to seek to protect the citizens and their good names, reputations, characters and integrity? The Minister failed, and continues to fail, to do that. He is not owning up to his responsibility. Some of the other Cabinet Ministers, the Labour Party Ministers in particular and the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, are living up to their responsibilities but the Minister, Deputy Shatter and the Taoiseach cannot bring themselves, as two of the most powerful people in the Cabinet, to do right by two decent citizens of this country.

Deputy Mattie McGrath: They are infallible.

Deputy Niall Collins: That is a sad day when it is the Government's job to protect its citizens in the first instance.

We then had the situation regarding the Garda confidential recipient and the scandal of his departure. It has never been explained by the Minister or anybody else what exactly the former Garda confidential recipient, Mr. Oliver Connolly, was referring to in those taped transcripts. That is very serious. Mr. Connolly refuses to elaborate on it and the Minister has been offered many opportunities to elaborate on it but refuses to do so. It is another chapter in the catalogue.

Later today we will discuss the report of the Garda Inspectorate. Before it was laid before

the Houses of the Oireachtas it was leaked. This shows blatant disregard for the Houses of the Oireachtas. The Minister had a row with the Judiciary. Whom has he not fought with? The Minister had to set up a special quango to mediate between himself and the Judiciary. The Garda Commissioner resigned under the Minister's watch. We thought we could come in here yesterday and have an opportunity to discuss the Garda Commissioner's resignation. It does not happen any old day. Yet there was no opportunity to discover it. Now we have the mishandling of the fact that telephone recordings have been undertaken in Garda stations for many years. Nobody is blaming the Minister for doing it, but people are blaming him for the mishandling of the fallout from it.

Every issue turns into a calamity and a crisis. Other people take the blame and responsibility, not the Minister. Yesterday it was reasonable to expect that we would have come in here to discuss the issues regarding the Garda Commissioner and his premature departure. Instead, the leaders of my party and Sinn Féin were summoned to meet the Taoiseach to be briefed on:

A new and very serious issue relating to An Garda Síochána. The implications of this matter are potentially of such gravity that the Government has decided to set up a statutory commission of investigation into this matter of significant public concern.

As yesterday unfolded, and as a series of events unravelled, it became clear that the Government knew about this for a long time. Why was this just conveniently dropped in there yesterday? The Minister and the Taoiseach must account for the departure of the Garda Commissioner and their treatment of the whistleblowers, yet this issue was dropped into the political mix yesterday when we know it was there for a long time. The Minister and Taoiseach are getting caught up in their own web of spin and beginning to meet themselves on the way back.

Are we to believe that the Minister did not know about the Garda station recordings until earlier this week? Are we to believe the Attorney General did not inform the Minister at the Government about this until recently? Are we to believe that the Department of Justice and Equality did not inform them? If the answer to all those questions is "yes", and we are to believe all that, it confirms clearly to us, the Opposition and the public that the Minister is presiding over an Administration that is driven completely by incompetence.

The Minister is a great legal mind and is lauded and applauded for that. He will know that ignorance of the law is no defence in any regard. Ignorance of the facts and events in this instance is not a defence either. While the party leaders were receiving the briefing yesterday, the facts of the Waterford case were in the public domain for weeks, months and years. The Waterford case was one of the first high-profile prosecutions taken by GSOC following an investigation of a complaint in which serving members of the Garda Síochána were convicted and imprisoned. It is not credible that the Minister did not know about it, that the Attorney General and the Minister's Department failed to inform him. We can argue the rights and wrongs of whether the Minister should have been informed by the Garda Síochána Ombudsman Commission, as the report was available on its website, but for the Minister to credibly state neither he nor his Department was aware of it just does not hold.

Deputy Mattie McGrath: Where were the advisers?

Deputy Niall Collins: GSOC reported in 2013 and the Attorney General set up a working group in November of that year. The Garda Commissioner advised the Department of this by way of letter sent by courier over 16 days ago. Are we to believe the Minister knew about

none of these events when, at the same time, a garda can pull alongside Deputy Mick Wallace at the Five Lamps, wag his finger at him for allegedly using a mobile phone while driving, and the Minister has possession of this information for it to be used inappropriately - as it was - on "Prime Time" on RTE? Is the Minister asking us to accept that, on the one hand, he acted in the way he has said and, on the other, that he did not know about the recording of telephone conversations at Garda stations?

Deputy Mattie McGrath: Telephone or send a telegram to the Minister.

Deputy Niall Collins: It is laughable and the public will ask what the Minister was doing. We have heard that he is a great reforming Minister, but it is clear that there is incompetence at the root. Who is taking responsibility? Will the Minister ever take responsibility for the oversight of the justice system within the Department?

Deputy Mattie McGrath: No.

Deputy Niall Collins: On the penalty points issue, the whistleblowers were at fault, while in the bugging of GSOC, the chairman, Mr. Simon O'Brien, was at fault.

Deputy Mattie McGrath: Or a Garda checkpoint.

Deputy Niall Collins: The Attorney General is a member of the Government. Is it not the case that she should have informed the Minister or the Government of these matters? Did she do so? A working group was set up, but who was on it? How many times has it met, if it has met at all? Since the Attorney General became aware of this issue in November 2013, how many Cabinet meetings has she attended? The Minister is not giving us an opportunity to have a series of questions and answers today, despite these questions.

What is the Labour Party's position on this issue? The Attorney General was that party's nominee. Is the party happy to have the Minister drop the Attorney General in it and will she become the next fall guy?

Deputy Mattie McGrath: It does not matter who it is.

Deputy Niall Collins: The Garda Commissioner is gone and the whistleblowers and GSOC have been blamed. It always seems to be somebody else rather than the Minister.

Deputy Mattie McGrath: It could be the Taoiseach.

Deputy Niall Collins: With regard to the commission of investigation-----

Deputy Pat Rabbitte: The Deputy is misrepresenting the Attorney General's position. She attended every meeting of the Cabinet until the one this week, which she missed because of an illness in the family.

Deputy Barry Cowen: Deputy Niall Collins was only asking the question.

Deputy Niall Collins: The Minister, Deputy Pat Rabbitte, is completely irrelevant to this discussion.

Deputy Mattie McGrath: Get comfortable.

Deputy Niall Collins: The Minister should restrain himself.

Deputy Kathleen Lynch: Will Deputy Mattie McGrath not shut up?

Deputy Niall Collins: Why are we not having a commission of investigation to investigate the bugging of GSOC or the dossier produced by the whistleblowers? People died because of related issues, but we will not have a commission of investigation to examine that dossier. The public finds it difficult to reconcile all of this. The Minister did not indicate why he was circumventing GSOC with regard to the policy on and practice of recording telephone calls in and out of Garda stations. Under its enabling legislation GSOC has a remit under to allow it to review Garda Síochána policies and practices, but the Minister conveniently seems to be bypassing that body. It is quite clear that the public has settled on one issue, that the Minister is not the man to oversee the administration of justice in this country. A catalogue of issues have been allowed to escalate into crises, one after another, and it is never the Minister who owns up; there is always somebody else to blame, but that does not wash on this occasion. It is clear that the Government and the Minister should have been or were in possession of the information, but there was a choice made yesterday to drop it into what we now have.

My party never called for the resignation of the Garda Commissioner whom we thank for his service to the State over 41 years. I also take the opportunity, on behalf of my party, to acknowledge the rank and file members of An Garda Síochána who hold the thin blue line for society against the forces of criminality. The Minister is presiding over the erosion of confidence and morale within An Garda Síochána. By virtue of his inaction and incompetence, An Garda Síochána is at the centre of political debate every day, which is down to the Minister's mishandling of a series of events. I pay tribute to gardaí and thank them on behalf of the people for their forbearance and professionalism in doing their job. It is no thanks to the Minister that they are doing it successfully, as there is no real or meaningful support from him.

I will finish as I started. The Minister's statements are not credible and it is time for him to leave the ministry of justice.

Deputy Pádraig Mac Lochlainn: The succession of bad decisions taken by the Minister, supported by the Government and intended to obstruct proper scrutiny of policing, have done untold damage to public confidence in the administration of justice and to An Garda Síochána. The latest twist in the succession of scandals and crises that have emerged on the Minister's watch occurred yesterday. We were told that the Government had only become aware that a system had been in place in a large number of Garda stations whereby incoming and outgoing telephone calls were illegally recorded. The Government stated it was "extremely concerned about this information." Consequently, it decided to do what thus far it has refused to do through all of the other crises - to set up a commission of investigation. Within hours the presented narrative had begun to unravel. We discovered that a Garda Síochána Ombudsman Commission, GSOC, report published last June had clearly identified the Garda practice of recording outgoing and incoming calls. In other words, this news was not new. At the time the ombudsman stated the "Garda Commissioner may wish to re-evaluate his practise regarding the recording of such calls." The Minister has today alleged that the report was not sent to either his desk or the Department. It is remarkable that, with the array of staff available in the Department of Justice and Equality, not one person was dedicated to monitor reports of the Garda Síochána Ombudsman Commission. Is the Minister seriously suggesting nobody in the army of staff available to him has monitored the concerns of GSOC and acted on them, even when there is such a serious recommendation made to the Garda Commissioner? That would be remarkable. Is it credible that the Minister was not told about GSOC's concerns?

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We know that the Garda Commissioner discussed this issue with the Attorney General in November, the same month in which the practice was stopped. The Attorney General - a Cabinet colleague and member of the Government - knew for almost six months about the illegal recording of conversations. Nevertheless, the Taoiseach has said he was only told on Sunday, while the Minister claims he only heard on Monday evening and received a letter on Tuesday morning.

In a further twist it was revealed that the former Garda Commissioner, Mr. Martin Callinan, had written to the Department of Justice and Equality two weeks ago about the recordings. It is reported that he sent a letter to the Secretary General of the Department and asked that the issue be brought to the Minister's attention. Are we also to believe the Minister was only told about this issue afterwards? The Minister was in Mexico and only learnt about it when he returned.

Deputy Michael Healy-Rae: He has no phone.

Deputy Pádraig Mac Lochlainn: I am sure the Minister will understand why many citizens will be very sceptical about all of this. Many more will be outraged that under a succession of Ministers for Justice from Fianna Fáil, the Progressive Democrats and Fine Gael, thousands of telephone calls in and out of Garda stations were recorded, inappropriately and illegally in some instances. Did these include detained persons speaking to their solicitors? This is the latest in a series of debacles around An Garda Síochána, the administration of justice and the Minister. Each of these scandals has demonstrated an unhealthy close relationship between the Minister for Justice and Equality and the former Garda Commissioner, Martin Callinan, in which the Minister lost his objectivity and sense of responsibility to the Irish people and his office. Each scandal has highlighted the Minister's inability to address properly the serious issues which have emerged for the justice system and for An Garda Síochána. Instead of new politics and a new way of doing things, as promised by this Government three years ago, we have seen the same old approach.

On each occasion, the Minister's first instinct has been to protect the Garda Commissioner rather than get to the bottom of the various allegations without fear or favour. It began with two Garda whistleblowers, John Wilson and Sergeant Maurice McCabe, who raised their concerns regarding the quashing of penalty points by senior gardaí. The Minister responded by attacking the complainants. He attacked Deputy Mick Wallace.

Deputy Mattie McGrath: Shoot the messenger.

Deputy Pádraig Mac Lochlainn: He sought to minimise concern about the implementation of the penalty points system by the Garda. He even went onto the plinth to attack the two whistleblowers in a scurrilous effort to undermine their credibility when the O'Mahoney report was published. I remember the exchanges in this Chamber at that time. Later, he wrongly and disgracefully, accused the Garda whistleblowers of not cooperating with the investigation. The Minister has yet to correct the public record in that regard. We will listen with interest to his statement later today to see if he will at last step up to the plate and apologise for those remarks.

Deputy Finian McGrath: That will be in the afternoon show.

Deputy Michael Healy-Rae: The Minister does not do sorry.

Deputy Pádraig Mac Lochlainn: Subsequently, the former Garda Commissioner, Martin Callinan, who has enjoyed the Minister's unswerving support, gave evidence to the Committee

on Public Accounts and went so far as to say the actions of the two Garda whistleblowers were “disgusting”. The Minister and the Garda Commissioner tried to prevent Sergeant McCabe giving evidence to the PAC. Then there was the scandal of allegations of bugging at the office of the Garda Síochána Ombudsman Commission, GSOC. The Minister’s response was to seek to put GSOC in the dock, aided by the Taoiseach, who misrepresented the Garda Síochána Act 2005 by implying that GSOC was the law-breaker. The Minister then summoned the GSOC chairman to his office to ask why he and senior members of the Garda Síochána were not informed about GSOC’s suspicions. This action undermined the independence and integrity of that agency.

The Minister told the Dáil there was nothing there, nothing to see and to move on. We then, however, discovered that there were sizeable omissions of terminology in his statement to the Dáil about the report of Verimus, the security firm, given to him by GSOC. A written report was sent to the Minister the night before he made his speech to the Dáil on Tuesday, 11 February. On the following Tuesday, 18 February, the Minister presented a peer review from an Irish security company, Rits, in which he said not only was there no definitive evidence of surveillance or bugging but no evidence whatsoever, and that there would be a rebuttal. We await evidence of that. An Oireachtas committee will seek it in due course.

Instead of establishing a commission of investigation, the Government appointed retired judge, John Cooke, to carry out a review with terms of reference set by the Minister. It falls far short of what is required to get to the bottom of that issue. The Government presented the latest revelation as if it knew nothing until this weekend about it. This ignores the fact that the Government, through the Department of Justice and Equality, knew of these illegal recordings as early as last June, and that the Attorney General, the Minister’s Cabinet colleague, knew of them also, at the very latest, by November.

The Government did know but the Taoiseach was not told until Sunday. The Minister claims he knew nothing of this until Monday and Tuesday. By his actions, through his dysfunctional relationship with the Garda Commissioner, and by his failure to deal properly and effectively with a series of highly charged and important issues, the Minister has undermined public confidence in the position of Minister for Justice and Equality, in the Department of Justice and Equality, in An Garda Síochána and in the administration of justice. The appointment of a commission of investigation on this issue will not assuage public concern, given the level of public distrust that now exists. I and my party welcome the fact that the Government has now indicated a belated conversion to the need for a fully accountable, independent Garda authority-----

Deputy Robert Dowds: It has been our policy for years.

Deputy Pádraig Mac Lochlainn: The Minister, however, who will be responsible for overseeing this process, is the very Minister who has been at the heart of all of the recent scandals. I note that the independent policing authority was not included in the programme for Government. Hence the importance some parties attribute to that decision. There is an opportunity for a step change, a new beginning, in policing, policing structures and the administration of justice in this State, an opportunity to get politicians out of policing matters. It will be a lost opportunity if this process is not taken on.

To be successful, a new beginning for policing in this State needs a new Minister for Justice and Equality. The Taoiseach has said he will not ask you to resign. That is a mistake. Perhaps

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the Minister could on this occasion take the right decision and, like his friend Martin Callinan, resign.

There is widespread public support for An Garda Síochána. The service has a unique, deep-rooted connection to communities, which the Government is actively dismantling through its policy of closing 140 Garda stations, cutting the number of Garda vehicles and reducing the number of gardaí by 10%. There is, however, a culture of bad administration, a lack of accountable and oversight mechanisms and transparency. This culture, which smacks of cronyism, elitism and the corrosive, corruptive relationship with the elites, which the Government pledged to root out, is now evident in other institutions of the State. It is a culture among senior management that betrays the sacrifice and integrity of rank and file gardaí. There are over 13,000 members of An Garda Síochána across the State, men and women, the overwhelming majority of whom have done no wrong. They have been profoundly failed by a cabal of senior management and the Minister. The message should go out clearly today that the vast majority of members of the Garda Síochána continue to have the unwavering support of the Irish people but the Minister does not, and neither did the outgoing Commissioner.

This culture was evident in the failure to investigate properly the Fr. Molloy case or the Dublin and Monaghan bombings. It stems, to a large degree, from the fact that for many years political leaders allowed the legal, judicial and policing system in this State become an adjunct of British counter-insurgency in the North of Ireland. This resulted in special non-jury courts-----

Deputy Robert Dowds: That was when Sinn Féin was murdering people.

Deputy Pádraig Mac Lochlainn: -----a “heavy gang” within the Garda who brutalised people in custody; serious miscarriages of justice; wrongful convictions and the abandonment of the principle that all citizens, including suspects, held in Garda custody, must have rights in our justice system. It was also evident in the Kerry babies case; in the behaviour of some gardaí in Donegal that was exposed by the Morris tribunal; in the oppressive regime imposed on communities in Rossport, in the Taoiseach’s own constituency; and in the Kieran Boylan affair where senior gardaí protected a drug smuggler. It was evident in the failure to investigate properly murders such as that of my colleague in Donegal, Councillor Eddie Fullerton, in 1991. There is now an opportunity to change all of this. That means creating an independent, accountable and transparent Garda Authority. Sinn Féin welcomes the Government’s belated conversion to the necessary reform but it is worth noting that neither Fine Gael nor Labour put it in the programme for Government. If the Government has come to that position now and if we see fundamental change the Irish people will at least have some sense of reassurance out of the mess of recent years.

No police service, no senior police officer and no Garda Commissioner should be solely accountable to a politician, no matter who that is. The Garda Commissioner should be fully accountable to an independent policing board, to the Oireachtas and to local joint policing committees, which should be much stronger than they are now. Policing in this State has been too long locked into structures that obstruct the building of a modern, 21st century, accountable policing service. I ask the Minister to play his part in building it by stepping aside. The Garda confidential recipient and the Garda Commissioner have walked the plank, now it is time for the Minister to walk the plank to restore public confidence in the administration of justice so that we can collectively rebuild a modern police service for the 21st century.

Deputy Mattie McGrath: He cannot even see the plank.

Deputy Mick Wallace: At this stage we are used to the Minister's approach to dealing with the Garda controversies over which he has presided. His approach consists of blanket denial for as long as possible in order to save face, followed by partial admission on a drip-drip basis through his favourite media, which hide the real extent and seriousness of the issues arising, misrepresentation of the facts and the law in this Chamber and, finally, frantic finger-pointing at anyone who might act as a fall guy and save his political career. He appears to give only incidental consideration to his ministerial duties, the reputation of and public confidence in An Garda Síochána or the administration of justice and fair application of the rule of law in this State. See no evil, hear no evil, speak no evil is the order of the day.

The Minister wants us to believe several claims. First, that nobody told him about the content of the June 2013 GSOC report, even though it has been in the public domain for almost a year. Even if he did know about it, the Minister and his Department did not consider it their responsibility to investigate whether the practice was widespread. He described it as an operational matter for the Garda, which is an expression he favours when off-loading culpability. Second, that in November 2013 the Minister's friend the Garda Commissioner issued a directive to senior gardaí to discontinue the widespread practice, but the Minister and his Department remained unaware of this until the Taoiseach told him about it a few days ago. Third, that a judge struck down the practice in open court but neither the Minister nor his Department ever heard about it. Fourth, that a working group was established in November, with the Commissioner and the Attorney General attending meetings, but nobody told the Minister about it and he never attended meetings. Fifth, that the advice of a senior counsel was sought but nobody told the Minister. Sixth, that a letter from the Commissioner which was marked "Urgent" and sent by courier was not brought to the Minister's attention until Monday or Tuesday despite being delivered two weeks ago. Seventh, that it is everybody's fault but the Minister's. Having dispensed with the confidential recipient and the Commissioner, and done his best to do the same with GSOC, he now appears to blame the civil servants in his Department and the Attorney General. This Government, and particularly the Labour Party Members who appointed the Attorney General, will have to make a choice about who is to be sacrificed to survive the latest mess - the Secretary General, the Attorney General or the Minister. There has been too much for too long. The Minister has overstayed and he is no longer fit for office.

Deputy Clare Daly: To mishandle one case might be regarded as unfortunate, and to mishandle two may look like carelessness, but after mishandling six or seven serious scenarios it is time for the Minister to go. His attempt to normalise the latest crisis as no big deal has a shamefully familiar ring. When is the Government going to realise that we have a crisis of policing in this State? His reactionary response was to say that he would establish an independent Garda authority, even though he laughed Deputy Wallace out of court when he introduced legislation to that effect last year. That is not a genuine attempt at reform.

The Minister stated that the reason this information is now being acted on is that serious information was likely to come into the public domain regarding a horrendous miscarriage of justice and the fitting-up of two citizens. That is clearly a serious and, sadly, all-too-familiar allegation. We have heard of many cases involving people who were wrongly treated by some members of An Garda Síochána. It is also appalling that the recordings were made. It is not possible to address that issue in detail in the context of breaches of privacy, but the central issues arising are the Minister's brazenness and barefaced denials, and the Government's serious mistake in continuing to back him. It is not credible that he did not know. On 21 May 2013 he

told this House that the Commissioner had a duty to tell him about Deputy Wallace's non-event, but now he is saying the Commissioner did not have a duty to tell him about the most recent issue and he does not have a problem with that. He berated GSOC for not telling him about the bugging. He listed every piece of legislation he could think of. Today he devoted several minutes of his speech to explaining why GSOC did not have to inform him and why he does not have a problem with that. Either he does not realise how serious this issue is or he is covering up. Either way, his position is not credible. We are presiding over a dysfunctional police force. It is undermining the confidence of decent gardaí and the citizens. This is why the Garda Commissioner had no alternative to resignation. When is the penny going to drop with the Minister that he must do the same?

These are not isolated incidents; they are indicative of a systemic problem. None of the mechanisms put in place after the Morris tribunal has worked. We need a root-and-branch review but, unfortunately, we cannot do that while those at the top are contaminating the process. At this stage, the Minister has contaminated the process beyond his sell-by date.

Deputy Joe Higgins: We are being treated to an incredible Government charade this morning. The captain of *L.E. Justice* paraded into the House to pretend there is no problem and that the ship is sailing smoothly in the calmest of waters. Everyone else sees that his ship is holed above the waterline, the rudder is smashed and smoke is pouring from the engine. Meanwhile, a huge storm is raging, but he has assassinated his second-in-command and thrown the rest of the crew to the sharks.

Can the Government get anything right with this Minister? For St. Patrick's Day he was sent to Mexico, home of the legendary stand-off, when obviously he should have been sent barefoot to Croagh Patrick to see if his arrogance could be treated there. In the last several hours, there have been many references to the acronym GUBU, which was used to describe previous scandals and the arrogance, incompetence and mendacity of the Government. What the Government is saying beggars belief. I would leave out the second "U" from the acronym, however, because this situation is not unprecedented. I would describe it as GUB, or the Government's unbelievable bull. This Minister will shortly be gone. Members can take it for granted that he is history. However, the opportunism and incompetence of the Taoiseach also comes into play, as does the cowardice of Labour Party Ministers in regard to what they are prepared to tolerate. They are experts on the matter of heads on plates but in respect of this matter they have swallowed all of the principles they claim to possess.

Thousands of people have been recorded illegally in Garda stations all over the country. I want to know from the Minister, while he is still here, whether all of these individuals will be told about the data maintained on them. That is their democratic right. Will the Data Commissioner insist on this being done?

Garda management and practice has been outside democratic control in many instances. That has been encouraged by a Government and an establishment which tolerated, for example, the brutalisation of many people in the community of Rossport. Bigwigs are being shipped in from the law courts to do the investigation. I demand a people's inquiry into this saga and the scandal of the behaviour of senior Garda management. It would include ordinary people, victims of malpractice and representative organisations dealing with civil rights. We might then get the truth of the matter, minus the Minister for Justice and Equality, of course.

Deputy Shane Ross: Deputy Higgins is correct. I do not think there is a sinner outside this

House who believes a word of the scenario being painted by the Government today. It defies credibility. Two days ago, there was a Cabinet crisis of a fairly hefty dimension and, suddenly, to the rescue comes this bombshell of news about the system containing tapes which nobody knew about before. That was no coincidence. It is quite obvious that several persons were sitting on this ready to release it at an opportune time.

Deputy Mattie McGrath: Pull the plug.

Deputy Shane Ross: It came to the rescue and it also served the Minister's, and, indeed, the Government's, purpose well in that it accelerated the resignation of the former Commissioner, Mr. Callinan. There is no doubt about that.

However, the former Commissioner was not playing ball. Somebody leaked a letter last night which did not fit in with the Government's scenario. A letter came out into the public arena stating that the Minister for Justice and Equality or the Department knew about this on 10 March. Why this whole explanation is incredible is that nobody on God's earth can believe that a letter of this importance arrived from an officer of the State of significant importance on a matter of apparently considerable urgency and the Minister was not told. Does the Minister expect us to believe that top officials had a look at this and stated that they would not bother him with it for a while and give him a few weeks-----

Deputy Mattie McGrath: He was on holiday.

Deputy Shane Ross: -----that they would give him a good holiday in Mexico and tell him about it when he comes back?

A Deputy: With the compañeros.

Deputy Shane Ross: I believe the Minister when he states he did not see the letter until yesterday, but was anybody informed of the contents before yesterday?

Deputy Mattie McGrath: No e-mail.

Deputy Shane Ross: If the officials knew, the political masters must have known on a matter of that concern. If they were not told, there is something fairly rotten in the state of the Department of Justice and Equality, and that is where the problem lies. We do not know who the officials were; we were not told.

I reiterate what Deputy Niall Collins stated: the Attorney General has been hung out to dry today. In the Minister's speech, he stated quite plainly the Attorney General knew of the contents of what is now being inquired about, that is, the tapes, but then threw a little bone to her by stating that, maybe, she did not know the contents. Let us wait and see. She is next in the firing line. This firing line has a long list of persons on it. Other Members have listed them already. I will not do so.

Deputy Richard Boyd Barrett: On matters that are of the most serious importance about allegations of widespread malpractice and possible criminal activity in the Garda on a range of fronts, the Minister's arrogance is breathtaking. His contempt for the public's intelligence is disgraceful. His line is that he did nothing wrong and it is everybody else's fault but his.

Deputy Mattie McGrath: The bold schoolboy.

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Deputy Richard Boyd Barrett: At every turn, including today, the Minister has tried to undermine the seriousness of these issues by impugning the character of anybody who raises those issues or questions his role in them. He tried to take pot shots at the Opposition rather than deal with the substance. He rubbished the whistleblowers who had the courage to speak out about widespread malpractice in the Garda. The Minister sacrificed the confidential recipient because he raised the most alarming suggestions about the Minister's demeanour when it came to the whistleblowers. He rubbished the competence of GSOC, the body supposed to oversee the Garda, when it came to the serious question of the bugging of GSOC. He now tries to claim that he is the great reforming Minister who wants an independent policing authority when less than a year ago he rubbished an attempt to bring forward a Bill by Deputy Wallace on the issue of an independent policing authority. Let us not forget that the character of two of the TDs who raised this issue at the outset were impugned in the most sinister circumstances with information, and, it would appear, connivance, at the most senior levels of the Garda.

The Minister now has this situation where he expects us to believe, with all of this happening, with all the controversy surrounding his relationship with the former Commissioner, Mr. Callinan, that he receives a letter marked "urgent" from that same Commissioner and he does not open it. For five days, the Minister goes off on holidays to Mexico and he does not open it until Monday. The Minister is the last to know. That is incredible. Either the Minister is not telling the truth or it indicates a level of incompetence that is staggering. How could the former Garda Commissioner send the Minister a letter marked "urgent" for his attention and the Minister not open it? That is beyond belief.

I will finish with this. To add to the long list of scandals which I have not time to go into, there is the shocking case, with which the Minister is familiar, of Cynthia Owen, a ten-year-old child raped, made pregnant and her baby murdered. Her representatives have asked the Minister to look into the sham of an investigation carried out by the Garda, with the most serious allegations that gardaí were involved in a cover-up-----

An Leas-Cheann Comhairle: I thank Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: -----possibly involved in the substantive event itself, and the Minister fails even to meet her legal representatives to discuss the possibility of opening a serious investigation into that most heinous of crimes.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Richard Boyd Barrett: The Minister has no credibility, none.

An Leas-Cheann Comhairle: I call on the Minister to reply.

Deputy Mattie McGrath: The Minister still has not met them.

Deputy Michael Healy-Rae: Some 83% of the people want the Minister to go.

Deputy Joe Higgins: Did the Leas-Ceann Comhairle say "to resign" or "to reply"?

Deputy Alan Shatter: I will be brief. It is interesting to hear what Deputies have to say. They have ranged wide and far across a broad range of issues. What we have tried to do is address the series of issues and difficulties that have arisen in relation to An Garda Síochána. It is unfortunate that some of the events, some of the difficulties that have arisen, have occurred.

I am conscious that the men and women of An Garda Síochána do their duty by the State every day. They place their lives at risk every day. They are focused on the prevention of crime and the investigation of crime, bringing before the courts those who have committed crimes, and do their best to ensure that appropriate prosecutions are taken and are successful. That is the main job of An Garda Síochána day in, day out.

During the period I have been Minister for Justice and Equality, we have seen a dramatic reduction in the level of crime. We have seen, under the leadership of the now retired Garda Commissioner, Mr. Martin Callinan, a series of targeted Garda operations that have resulted in a substantial reduction in crime across every category in the State bar two, but an overall reduction in crime.

Deputy Mattie McGrath: The figures are being manicured. Everybody knows that.

Deputy Alan Shatter: We have seen many thousands of individuals brought before the courts for a range of offences, including burglary. There has been a dramatic reduction in burglaries. There are the self-styled new IRA and other subversives or individuals the Garda has to deal with day in, day out, and the criminal gangs.

Members of this House today protest about the impact on the Garda of some of these events. Of course, there is an impact on the Garda of some of these events, but those who protest the loudest are those who never have anything good to say about the Garda in this House.

Deputy Mattie McGrath: That is an insult. That is not true.

Deputy Alan Shatter: There is never something positive. One never hears-----

(Interruptions).

An Leas-Cheann Comhairle: Order.

Deputy Alan Shatter: One never hears praise for the substantial work that they do.

Deputy Mattie McGrath: That is a total lie.

Deputy Alan Shatter: The Garda is used, as it suits certain Members of this House, as a political weapon.

Deputy Mattie McGrath: The Minister himself is good at it.

Deputy Alan Shatter: On this issue, I have set out what I know about these events. I have set out what I know and what the Government knows. The fact that there were tape recordings being made going back over many years is a matter of seriousness. I cannot give any more information than I have given to the House about these matters. I accept there are serious matters that arise in relation to them.

Deputy Niall Collins studiously avoided referencing anything to do with the period prior to 2011. I am not interested in making any party politics out of this.

Deputy Barry Cowen: Why is the Minister making reference to it so?

Deputy Alan Shatter: The reality is every issue in the justice area that comes before the House is addressed by Members opposite as a matter of personality. No Deputy opposite has

raised the substance of the issues, the real concerns that could arise out of recordings made, the issues surrounding privacy of citizens and relating to the administration of our criminal justice system and our civil justice system and possible concerns that arise in civil and criminal actions, both pending and heard in the past. The reason we need a commission of inquiry to examine this is to get a full insight into the background circumstances relating to the recordings being made, the purpose - if any - for which they were used, the manner in which they were stored, the data protection issues that arise and whether they could have any impact on matters relating to the administration of justice. As soon as the full details of the issue came to my notice and came to the notice of the Taoiseach, we believed it was important the Government be informed, that the House be informed and that action be taken. We are condemned by Deputies opposite for so dealing with the matter.

Deputy Mattie McGrath: Ineptitude.

Deputy Alan Shatter: Apparently, you are damned for what you do and damned for what you do not do.

Deputy Mattie McGrath: The Minister knows what to do.

Deputy Alan Shatter: I listened with some interest to Deputy Niall Collins. On one occasion, when matters were referred to GSOC, Deputy Niall Collins wanted to know why we did not have a commission of inquiry. When this matter is referred to a commission of inquiry, Deputy Niall Collins wants to know why it is not referred to GSOC. It does not matter what steps we take to deal with serious issues, a narrative of criticism can always be developed. I understand that is the business of the Members opposite. It is the business of Members opposite to hold Government to account and to question issues but the narrative I am continuously confronted by is that when discovery is made of issues of difficulty that need investigation, a pretence is made that the issues all arose sometime after 9 March 2011.

Deputy Mattie McGrath: Baloney.

Deputy Alan Shatter: Unfortunately, what is emerging is a range of problems that have developed within our justice system. They have been there for many years and are coming into the light of day and becoming known through a variety of means. They need to be addressed.

Mention was made of the matter in Waterford. Reading the GSOC report about Waterford, reference is made to recordings that the court did not admit. There is no indication in the report of the extensive nature of the difficulties that have now seen the light of day. If there was, Members opposite would have been to the forefront in raising the matter. I am not asking Members opposite to take responsibility for the work I must do but I note Members opposite are very assiduous in looking into and checking matters. Any fair and objective observer would acknowledge that the content of the GSOC report could not lead to a conclusion on the existence of the number of recordings we now believe have occurred and its extensive nature going back many years. If the report had led to that conclusion, GSOC may have wished to investigate it. Before I am accused of it, I am not raising any criticism of GSOC. These are serious issues.

Deputy Mattie McGrath: The Minister should go back to the Four Courts.

Deputy Alan Shatter: As detailed to myself and the Taoiseach, the serious issues made it incumbent on the Government taking action to ensure we get the full story of what happened, not a fictitious narrative. This should be examined in the interest of the citizens of the State, the

administration of justice and in ensuring our data protection and telecommunications legislation is fully and properly complied with. It is no more complex than that. I cannot add further to it. There is always a means of poking fun at individuals and one of the presentations this morning suggested a letter was delivered from the former Commissioner on 10 March to my Department and that it sat in an unopened envelope. I am sure it did not sit in an unopened envelope but the truth is it was not furnished to me until yesterday.

Deputy Richard Boyd Barrett: Did nobody tell the Minister?

Deputy Mattie McGrath: Are there no pigeons in the Department?

Deputy Alan Shatter: If it had been furnished me earlier, why would I not have read it? Why would I not have shared it with colleagues? What possible advantage is there in my so dealing with matters? It was only partially brought up in this House but it existed in the ether yesterday that this was some issue that had been strategically organised to be announced yesterday. Who in their right mind would want another issue of difficulty or controversy relating to the Garda Síochána?

Deputy Thomas Pringle: That is the question.

Deputy Richard Boyd Barrett: That is the answer to why the Minister was not notified on 10 March.

Deputy Alan Shatter: What benefit could there be to anybody? It defies belief. It is as if Deputies believe that I or another member of the Government welcomed the fact that the issue emerged in the manner in which it emerged. The extensiveness of the issue was only made known to the Taoiseach at the weekend and to me on Monday. It is no more complicated than that and I cannot add to it.

I look forward to the commission of inquiry fully and properly investigating the issue. In the context of making reference to a new interim Commissioner, Noirín O'Sullivan, she has been asked to provide the fullest information and, with the assistance of the Attorney General, the Government will frame the appropriate terms of reference for the commission of inquiry. It is important there is the maximum information available to ensure the terms of reference are comprehensive and broad to ensure any questions that need to be answered are answered. That is all I can say in respect of that matter. Deputies have raised other matters, one of which we will deal with later.

Deputy Michael Healy-Rae: Everyone is wrong except the Minister.

Sitting suspended at 11.58 a.m. and resumed at 12 noon.

12 o'clock

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Michael P. Kitt - the need to improve ambulance services, particularly in rural

areas of north Galway and south Mayo;

(2) Deputy Michael McNamara - the need for measures to eliminate raw sewage from entering the environment;

(3) Deputy Dara Murphy - the time constraints to which An Bórd Pleanála is subject in dealing with planning applications;

(4) Deputy Pat Breen - the difficulties facing Labasheeda national school, County Clare;

(5) Deputy Thomas P. Broughan - the need to ensure the proper enforcement of section 55 of the Road Traffic Act 2010;

(6) Deputy Jim Daly - the need to restructure and target road tax revenue at repairing the current road network;

(7) Deputy Éamon Ó Cuív - iarratas Phobal Leitir Móir i gContae na Gaillimhe an sean-bheairic gardaí a fháil ar léas fada ó Oifig na nOibreacha Poiblí le haghaidh úsáid phobail agus a n-iarratas nach ndíolfaí é Dé hAoine seo chugainn le seans a thabhairt an cheist a phlé leis an bpobal; (8) Deputy Peter Fitzpatrick - the development of the coastal walkway to prevent flooding in Dundalk and Blackrock, County Louth; (9) Deputy Richard Boyd Barrett - the need to protect tenants rights in cases of receivership;

(10) Deputy Thomas Pringle - the need to assign a clinical paediatric diabetes nurse to Letterkenny General Hospital;

(11) Deputy Ann Phelan - the need to examine debt write-downs;

(12) Deputy Pearse Doherty - the need to assign a clinical paediatric diabetes nurse to Letterkenny General Hospital; (13) Deputy Pádraig Mac Lochlainn - the need to assign a clinical paediatric diabetes nurse to Letterkenny General Hospital;

(14) Deputy Peadar Tóibín - the need to provide a housing solution for persons forced into homelessness;

(15) Deputy Seamus Healy - the need to alleviate the trolley crisis at South Tipperary General Hospital;

(16) Deputy Sandra McLellan - the housing adaptation grants scheme;

(17) Deputy Dan Neville - the need to address the recent report on suicide rates in Ireland;

(18) Deputy Michael Moynihan - the cost of broadband in Ireland;

(19) Deputy Seán Kyne - that the former Garda station in Lettermore, Connemara, County Galway be used for community purposes; (20) Deputy Derek Nolan - the consequences of a proposed new settlement in Hebron, West Bank for Palestinian residents;

(21) Deputy Ciara Conway - the need to amend the income figure applied to public servants in the calculation of means in a medical card assessment;

(22) Deputy Anthony Lawlor - the consequences of a proposed new settlement in Hebron, West Bank for Palestinian residents;

(23) Deputy Mick Wallace - staffing levels at St. Mary's national school, Enniscorthy, County Wexford; (24) Deputy Terence Flanagan - the need for faster broadband on the north side of Dublin; and

(25) Deputy Charlie McConalogue - the need to assign a clinical paediatric diabetes nurse to Letterkenny General Hospital.

The matters raised by Deputies Ann Phelan, Michael Moynihan, Terence Flanagan and Pat Breen have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: All last week Minister after Minister, including the Tánaiste, in the public domain asked the Minister for Justice and Equality to withdraw remarks he had made about the whistleblowers in the penalty points saga and to come into the Dáil to do so. There was a sense coming up to yesterday's Cabinet meeting that the Minister was under extreme pressure from his colleagues within the Cabinet, in particular. It was seen as a crunch meeting for him. We learned early yesterday morning that the Garda Commissioner had "resigned-retired", of which the Taoiseach made an issue. Will the Taoiseach confirm whether a civil servant did, in fact, go to the Commissioner the night before? This is in the public domain. I did not put it there, but the assertion was made on RTE's "Prime Time" programme. It is an important point that needs clarification. The Commissioner resigned and the Taoiseach brought me and Deputy Gerry Adams to his office to brief us on something that apparently was very new to him, the Cabinet and everyone else and that would merit the immediate establishment of a commission of inquiry. He said the Attorney General had gone to him on Sunday night about a specific case in which proceedings had been taken against the State and the discovery launched. We have learned from the Minister this morning that the Attorney General was aware of the case for about four months. We were also told by him this morning that there was a meeting on 28 February in the Department of Justice and Equality between officials of the Department and that they would have been aware of the recordings and the issue related to the specific case. The Taoiseach's presentation to us yesterday was that it was that very specific case that had necessitated the establishment of a commission of inquiry and that the matter was new. That is the point he made yesterday. Yes it was; the Taoiseach should not shake his head.

An Ceann Comhairle: The Deputy should, please, ask a question.

Deputy Micheál Martin: Will the Taoiseach explain why the Attorney General did not go to the Minister for Justice and Equality in the four month period during which she would have been aware of both the specifics of the case and its importance? Why did she not go to the Taoiseach last week or the week before or the month before that because this was known within the system? That is now clear from the Minister's presentation this morning. Will the Taoiseach answer these two questions? Did a civil servant go to the Commissioner the night before his resignation and why did the Attorney General not tell the Minister for Justice and Equality about this case? Why did she only bring it to the Taoiseach's attention on Sunday night, given that she had known about it for quite a long period before then?

The Taoiseach: The answer to the Deputy's first question is "Yes." I thought it appropriate, given the information I had in my possession, that I should make the Department of Justice and Equality and the Minister aware of the gravity of what had been given to me.

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Deputy Micheál Martin: To which question does the answer of “Yes” apply?

The Taoiseach: To the Deputy’s first question.

Deputy Micheál Martin: Is that the response to the question about the Commissioner?

Deputy Michael Noonan: The Deputy should remember the questions he asked.

The Taoiseach: The question was about whether a civil servant had spoken to the Commissioner.

Deputy Micheál Martin: I know what questions I asked.

The Taoiseach: The answer to that question is “Yes.” The reason is I thought it appropriate, given the nature of the information made available to me, that the Commissioner should be made aware of its gravity and how I felt about it and the implications.

For the Deputy’s information and that of the country, I attended an occasion in Dublin on Sunday. In the morning I called the Attorney General who said she would be in the Department, as she normally was, preparing for Tuesday’s meeting. She indicated to me that there was another matter that we should-----

Deputy Micheál Martin: Did the Taoiseach ring the Attorney General?

An Ceann Comhairle: Please, Deputy.

The Taoiseach: Yes. She indicated that there was another matter of which I should be made aware, but she was not prepared to talk to me about the matter on the telephone.

Deputy Mattie McGrath: Were there bugs?

Deputy Joe Higgins: Was the Taoiseach in a Garda station at the time?

An Ceann Comhairle: Members should, please, settle down and allow the Taoiseach to reply.

The Taoiseach: Well Deputy Mattie McGrath may laugh.

Deputy Mattie McGrath: I will laugh. The Taoiseach is the laughing stock, not me.

An Ceann Comhairle: Please, Deputy, this is a serious matter. Members should, please, allow people to understand the replies.

Deputy Richard Boyd Barrett: Why was she not prepared to do so? Was it because it might have been bugged?

The Taoiseach: Had Deputy Mattie McGrath been apprised of the situation, he might have a very different view. In conversation with the Attorney General about the specific case referred to, I also received the information from her that the potential scale was far beyond the particular case. I want to make it clear that in the assessment of the contents of a small number of tapes that had been transcribed and assessed the most serious implications had come to light in the context of a case and possibly others. As Taoiseach, I thought that this matter was of very considerable concern in the sense of having confidence, public accountability and trust in the justice system. For that reason, I advised the Attorney General that all of the facts both of

the individual case and the wider trawl should be assessed by somebody competent in the legal profession to see how serious the issue was. As I informed Deputy Micheál Martin, that was done all day Monday. I spoke to the Minister for Justice and Equality that evening. He was briefed on the issue in his Department for the first time.

Deputy Micheál Martin asked why the Attorney General had not made the information available before.

Deputy Micheál Martin: To the Minister.

The Taoiseach: The Attorney General's fundamental constitutional position is to give legal advice to the Government. She is bound to have all of the facts at her disposal before she makes a judgment.

Deputy Timmy Dooley: It took six months.

An Ceann Comhairle: The Deputy should, please, not interrupt.

The Taoiseach: I thought it right, in the interests of having a police force - An Garda Síochána - that stood up to scrutiny in terms of its competence and professionalism and in which people throughout the community could have faith, trust and belief, that I should bring the matter to the attention of the Cabinet. I know that the media focus was on crunch meetings to deal with the comments made by the former Garda Commissioner at the Committee of Public Accounts and the comments made by the Minister for Justice and Equality in the Dáil. The public comment was about what was going to happen, but this is a matter that goes beyond that because it does not just deal with a single case which I cannot name, as I explained to Deputy Micheál Martin yesterday, in the sense that there are now more than 2,500 tapes up to 2008 and from that period until the process was terminated last November. The recordings are in digital format and I do not know the extent or scale of what is involved. That is why yesterday the Government made very clear and particular decisions. What I want out of this is an independent statutory authority to deal with An Garda Síochána in which the people could have faith and belief that the matters that have come to light would be dealt with. They will be dealt with and I will see to it that they are. I want the Deputy to be as constructive as he can be in the fundamental issue that is at stake. While Deputy Mattie McGrath may laugh at the fact that the Attorney General did not wish to comment on this serious matter over the telephone, I completely reject his assertion. I felt it important that I talk to the members of the Cabinet, inform the public and Deputies Micheál Martin and Gerry Adams.

Deputy Mattie McGrath: I never said anything.

The Taoiseach: Yesterday Deputy Mattie McGrath made the point that the GSOC report had referred to the fact that all of this had arisen from the Waterford case. The GSOC report referred to the particular case in Waterford police station. It did not refer to the much wider trawl that has now brought to light more than 2,500 tapes and the rest from 2008 to 2013 that are of a digital nature. That is why it is important that there be a commission of investigation, hopefully conducted by somebody exceptionally competent from Supreme Court level, to look at the reasons for and the background to what this was all about. That is a fundamentally important issue for our country.

My intention here was to do what I thought was right and to do it immediately; having spoken to the Attorney General, to have that assessed, to have the facts as I know them to this

point, to inform my colleagues at Cabinet and to inform the leaders of the opposition parties. I dealt with Deputy Murphy yesterday and my apologies to her for not having included her or a member of her group in that. This is an issue that we need to get right and that we will get right. That is the reason I acted in the way I did.

Deputy Micheál Martin: The Taoiseach did not tell us the full story yesterday - that is the point. He did not tell me about any senior civil servant going out to the Garda Commissioner. That revelation this morning, and its confirmation by the Taoiseach, tells me one thing; he said it to inform and convey to him the gravity of how the Taoiseach felt about the issues that were emerging. He essentially sacked him. That is what that means.

Deputy Michael Healy-Rae: He did not go, he was pushed.

Deputy Micheál Martin: Calling a spade a spade, that is what that means. The context is appalling. Does the Taoiseach know why? Surely his official would have been told by the Garda Commissioner that he wrote about these issues two weeks ago to the Minister for Justice and Equality, that the Attorney General knew about them for four months and that officials in the Department of Justice and Equality knew about it. Forgive us all for thinking that the timing of all of this is extremely odd, coming at the end of the week that was in it. No one, it appears, saw any need to elevate this beyond what they were doing with it in terms of the Department officials, in terms of the case and how they were going to deal with the proceedings in a case that cannot be mentioned but which the Taoiseach's people have been briefing about all over the place. Yesterday the Taoiseach told me that he met the Secretary General of the Department of Justice and Equality. Did he not tell the Taoiseach that the Commissioner wrote to him two weeks ago? The Taoiseach said he met the Commissioner about the specific issue. The Taoiseach told me he was aware of this issue but nobody else was. There were briefings by Cabinet Ministers yesterday to a lot of people to the effect there was an inextricable link between the Commissioner's resignation and the emergence of this issue. The spectacle that is unfolding is not a good or a nice one. The Taoiseach took issue with me yesterday about it being a retirement or resignation. He sent a senior civil servant out to the Commissioner the day before the Cabinet meeting and-----

Deputy Mattie McGrath: A P45.

Deputy Micheál Martin: -----everybody was asking the Commissioner to withdraw his remarks and the Minister, Deputy Shatter, to withdraw his remarks.

An Ceann Comhairle: A question, Deputy, please.

Deputy Micheál Martin: The import of sending the civil servant out was clear. The next thing was that we will not discuss anything to do with whistleblowers or penalty points but we will discuss something else, something new, a specific case, important as it is, but it was not new at all. The Attorney General knew it and it is important that the Taoiseach confirms that he rang the Attorney General. The Attorney General did not come running to him breathlessly with this news on Sunday. Forgive me for getting that impression from the briefing yesterday, I might have been wrong. The Taoiseach made a phone call to the Attorney General and as another issue she raised this. It is an important issue but she could have raised it with the Taoiseach last week, two weeks ago or a month ago but for some reason she did not. I asked the Taoiseach one question, which he did not answer - why did she not raise it with the Minister for Justice and Equality because the proceedings are against the State, which normally includes the

Attorney General, the Minister for Justice and Equality and so on because it relates to gardaí and so on? Why did she not do that? Does she talk to the Minister for Justice and Equality? Does it not seem somewhat dysfunctional to the Taoiseach that a conversation would not have occurred between the Minister for Justice and Equality and the Attorney General similar to the one that occurred between the Taoiseach and the Attorney General on Sunday?

The Taoiseach: This is the first time Deputy Martin has accused me of being a liar in here and of using some perception of authority to remove people from office. I deplore what he is suggesting absolutely. The position is that the Dáil was going to meet this week to deal with the question of the remarks by the former Garda Commissioner at the Committee of Public Accounts and the remarks made by the Minister for Justice and Equality here in the House. When I was informed on Sunday of the potential gravity of this situation, was I to come in here this week and pretend I was not informed about it formally by the Attorney General? Was I to sit here in silence-----

Deputies: Hear, hear.

The Taoiseach: -----and say that this should be left alone, that all would be well on the day? Was it not the right thing to do to say this is a matter of exceptional gravity-----

Deputy Richard Boyd Barrett: The Taoiseach should have picked up the phone to the Minister, Deputy Shatter, and asked him what he knew.

The Taoiseach: -----both in relation to the case in question where there are serious implications arising from the tapes, small in number, that have been assessed, and I do not know what is on any of the other vast majority of these tapes or what is contained on the digital recordings? My concern was raised by the fact that in the Waterford case specifically that the justice ruled that this was inadmissible, so the legality of the basis of having these recordings and their retention was an issue that concerned me greatly. Was I to come in here this week and say everything is fine and rosy in the garden, the Minister, Deputy Varadkar, the Minister, Deputy Shatter, and the Commissioner have sorted out their problem-----

Deputy Timmy Dooley: But they have not.

Deputy Dara Calleary: They have not.

Deputy Barry Cowen: So there is a problem.

The Taoiseach: -----in the knowledge that up ahead lies the most fundamental issue in our society which is trust, belief and faith in the justice system? My job as Head of Government is to see it to that we do the right thing, and I make mistakes myself. I want to see a situation where whistleblowers under the legislation are protected and respected for what they do-----

Deputy Dara Calleary: Then respect them.

Deputy Mattie McGrath: Tell the Minister that.

The Taoiseach: -----that the ordinary citizens have the opportunity to have faith and belief in the system-----

Deputy Micheál Martin: Why did the Attorney General not talk to the Minister for Justice and Equality and ask him questions?

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An Ceann Comhairle: Deputy, allow the clear explanation to be given.

The Taoiseach: -----and that we build a police force now to be around an independent authority that everybody can say this is the way it should be. Why is it Deputy Martin that we now have five or six different things going on in the Department of Justice and Equality-----

Deputy Dara Calleary: Because of the Taoiseach's Minister.

The Taoiseach: -----headed by the Minister for Justice and Equality because they have dragged on, Deputy Calleary, for years?

Deputy Dara Calleary: Ask your Minister.

Deputy Micheál Martin: Why did the Attorney General not talk to the Minister for Justice and Equality about this?

The Taoiseach: My job and the Government's job is to sort these things out, Deputy Martin.

Deputy Michael Healy-Rae: Sort out Shatter.

(Interruptions).

The Taoiseach: Far from sweeping them under the carpet-----

Deputy Barry Cowen: Have them all talking to one another.

The Taoiseach: -----I believe it is right to address them-----

Deputy Barry Cowen: No one is talking to anyone.

The Taoiseach: -----I believe it is right to make decisions that will change them. I believe it is right to do the best thing in the interests of our people and the country and that is why I responded in the way that I did. I do not take any solace from what Deputy Martin said, that he accused him in here of being a liar or going around sacking Garda Commissioners. I thought it important that from my perspective-----

Deputy Micheál Martin: The Taoiseach did not tell me about that.

The Taoiseach: -----given the nature of what lies up ahead that I should have the Garda Commissioner apprised of my view of the gravity of this because when the Deputy and all his people-----

Deputy Micheál Martin: The Commissioner had written to the Minister.

Deputy Barry Cowen: We would not have heard about that either only for RTE.

Deputy Mattie McGrath: P45s.

The Taoiseach: -----wanted me to confront the Garda Commissioner, it would have been tantamount to expressing no confidence in the Garda Commissioner.

Deputy Micheál Martin: No, I asked the Taoiseach a question: why did the Attorney General not talk to the Minister for Justice and Equality? Can he give me an answer to that question?

Deputy Mattie McGrath: P45s.

An Ceann Comhairle: The time is well expired. If the Deputies are not prepared to listen, I will move on.

The Taoiseach: I reject Deputy Martin's assertions.

Deputy Timmy Dooley: What about the Taoiseach confronting his Minister?

The Taoiseach: It is actually beneath Deputy Martin to attempt to come in here and say something like that.

Deputies: Hear, hear.

An Ceann Comhairle: I call Deputy Adams without interruption.

Deputy Gerry Adams: Yesterday the Taoiseach told us that the Minister for Justice and Equality would clear up a number of very serious issues which are undermining confidence in the administration of justice and the gardaí. This morning, for example, the Minister, Deputy Shatter, had the opportunity to withdraw his disgraceful remarks about Garda John Wilson and Sergeant Maurice McCabe. He refused to do that. Is that acceptable?

Yesterday the Taoiseach briefed myself and Teachta Martin, and I thank him for that. He told us that he was made aware on Sunday that there were very serious revelations emerging about the illegal recording by gardaí of phone calls in and out of Garda stations, but after the briefing it emerged that this practice had been brought to the Government's attention on at least three occasions, one, with the publication of the GSOC report in June 2013, two, with the discontinuation of this practice in November 2013 and, yesterday in this Chamber, I asked the Taoiseach if the Garda Commissioner knew of the phone recordings before he put in his letter of retirement. He refused to answer me. Now we know that not only did he know but that he wrote to the Government about this.

I have no reason to disbelieve the Taoiseach's assertion that he only knew about all of this on Sunday. I accept the Taoiseach at his word, but is it acceptable to him that when the Department of Justice and Equality and the Minister are in the eye of a storm and a saga of tsunamis of controversies that he is not told? The Taoiseach was not told. What sort of Government is he running? We speak about dysfunctionality. Why was he not told? Personal loyalty may be an admirable trait, but I am sure the Taoiseach would agree it should not be put before the common good. If the Taoiseach keeps backing the Minister, Deputy Shatter, this is what he is doing. He is bringing his own office into this controversy by standing over something which is clearly and patently, leaving other considerations to one side and everything else out of it, incompetence, which is good reason to get rid of the Minister, Deputy Shatter. Will the Taoiseach reflect on all of this, step outside of his office for a moment, look at how this is seen by ordinary citizens and do the right thing and ask the Minister, Deputy Shatter, to go?

The Taoiseach: I thank Deputy Adams for his contribution. According to the Garda Síochána Ombudsman Commission's report on the Waterford case the court referred specifically to the practice engaged in by the gardaí at Waterford Garda station, and the trawl conducted by the working group established by the Garda, and not associated with the Office of the Attorney General, came to the conclusion there were far more tapes than just those in the Waterford case. We now know the extent of the first tranche of these up to 2008. Beyond lie the digital record-

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ings and I do not know the extent of these. This is why we have established the commission of investigation to examine this issue.

The Minister, Deputy Shatter, was not to deal with the question of the whistleblowers in this section of today's discussions. This deals with the revelation of the extent of tape recordings, what they mean and what they might mean for court cases which have been held or pending. Clearly there are implications for defence lawyers and people involved in court cases. I do not know the content of the vast majority of any of these tapes because they must be transcribed. They may be very ordinary queries about very ordinary matters. The point is that in the Waterford case Judge Reynolds deemed the information to be inadmissible.

I do not get a chance to read everything. Obviously I cannot do so. I was not aware, for instance, of the sad cases in the hospital in Portlaoise until the parents called attention to it. One must get one's facts right and determine what actually happened. It is not related to the justice area but it is parallel.

In this case I went back and read the documentation about the O'Mahoney report in respect of the whistleblowers. I found there was not enough done by the Garda to engage with the whistleblowers presenting information. I expect the Minister, Deputy Shatter, to deal with this when he comes to address the Garda Síochána Inspectorate's report today.

Deputy Mattie McGrath: He had a chance today.

Deputy Micheál Martin: I asked him two months ago.

The Taoiseach: It is important that when people attack independently appointed people they know what they are about. Deputy Martin chose at his Ard-Fheis at the weekend to attack an independent commission for deliberate political gerrymandering of areas for local elections.

Deputy Mattie McGrath: Former Deputy Tully did not do it as well.

The Taoiseach: He has very conveniently retreated into his shell about this.

Deputy Dara Calleary: The Taoiseach has done a lot of that himself.

The Taoiseach: Deputy Adams is well aware it is critical the Attorney General has all of the facts at her disposal. The real issue is this had to be brought to a head because the discovery process in the case mentioned in particular had to be dealt with this week. The determination of the discovery included a number of tapes which have been assessed and which have critical information on them arising from conversations. In the course of all of this process of discovery the trawl suddenly discovered the extent and range of tapes throughout the country, up to 2008 and beyond in the digital area.

Deputy Adams asked me why the Minister did not use his opportunity this morning to deal with the whistleblowers.

Deputy Mattie McGrath: He had no whistle.

The Taoiseach: The whole day will be taken up with justice matters-----

Deputy Mary Lou McDonald: That tells one something.

The Taoiseach: -----and the Minister will not only come in but also deal with questions and

answers arising from the report of the Garda Síochána Inspectorate. I hope this answers Deputy Adams's questions. My intention is to see all of these issues are sorted out and that we proceed following the Government decisions-----

Deputy Finian McGrath: Absolution.

Deputy Barry Cowen: Is there a civil servant looking for the Minister, Deputy Shatter?

The Taoiseach: -----to continue to sort them out and build an independent authority for An Garda Síochána of which every citizen in the country can be proud.

Deputy Gerry Adams: I am sorry to tell the Taoiseach it does not answer my question. I asked the Taoiseach whether it was acceptable, given that there is such a focus on malpractice and allegations of misconduct and illegality, that he was not told of these latest developments. He also did not answer my question yesterday when I asked whether the Commissioner was aware before he retired of the phone recordings, and of course he was. We are dragging this out word by word and sentence by sentence.

The practice of phone recording was first raised in the Chamber 20 years ago. Check it out and look at it. Will the Taoiseach take the opportunity now to apologise to the whistleblowers? Will he stand up now and exonerate these men, commend them for what they did and show them the Government's appreciation for the stand they took against the odds which will lead, we hope, to a better system of justice in the State in the time ahead?

I repeat what I stated earlier. Personal loyalty is admirable and the Minister may be all sorts of good things but incompetence is not a qualification for being a Minister for Justice and Equality. He should stand down and the Taoiseach should ask him to do so.

The Taoiseach: Deputy Adams is focusing on a head. That is what he wants.

Deputy Gerry Adams: On a what?

The Taoiseach: A head. That is all he wants.

Deputy Dara Calleary: That is the Minister, Deputy Quinn.

An Ceann Comhairle: Allow the Taoiseach to reply. We want to hear.

The Taoiseach: The Minister for Justice and Equality abolished the confidential recipient process because it was not working.

Deputy Dara Calleary: He got a head.

Deputy Timmy Dooley: No, it was because he got caught.

The Taoiseach: The Minister for Justice and Equality was the first person to say GSOC was inadequate in its capacity, range and remit to do its job.

Deputy Dara Calleary: Another head.

The Taoiseach: He referred the terms of reference to the Oireachtas committee representative of all people. The Minister for Justice and Equality appointed Mr. Justice Cooke on the Government's recommendation and Mr. Guerin SC to look into serious matters.

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Deputy Micheál Martin waved a paper in front of me with 12 serious matters on it, ranging from murder to assault to brutality. Was I to leave this without it being actioned?

Deputy Micheál Martin: There is no commission of investigation yet.

The Taoiseach: The Government appointed an accomplished and competent criminal lawyer to look at them.

Deputy Mattie McGrath: Why not a commission of investigation?

The Taoiseach: All of these issues will come back to the House and will be debated in public. Nothing will be hidden under the carpet like happened in years gone by.

Deputy Mattie McGrath: The heavy gang.

The Taoiseach: What we are at is having openness and accountability because for me public accountability is critical for the integrity of the State and all its citizens.

Deputy Richard Boyd Barrett: There is not much of it going around.

The Taoiseach: I will take no lectures from anybody for doing what is right.

Deputy Gerry Adams: Will the Taoiseach apologise? Apologise now.

Deputy Pádraig Mac Lochlainn: Apologise to the two Garda whistleblowers.

Deputy Barry Cowen: Send out an official.

The Taoiseach: What is right is to deal with these issues. Why leave these lingering sores which have been around for years?

Deputy Dara Calleary: Exactly.

Deputy Mattie McGrath: It happens all the time.

An Ceann Comhairle: Would you quieten down please?

The Taoiseach: Why not be able to sort it out? This is why the decision was made yesterday to deal with this in terms of clarity and building a new edifice and independent authority of which all citizens can be proud. Both parties in government had this as a central feature of their joint claims back in 2006.

Deputy Mary Lou McDonald: It is not in the programme for Government.

The Taoiseach: If Deputy McGrath wants to laugh at something which is fundamental he may do so.

Deputy Luke 'Ming' Flanagan: One has to laugh.

Deputy Mattie McGrath: We will see who will have the last laugh.

An Ceann Comhairle: Deputies should learn how to behave themselves when an important issue is being discussed.

The Taoiseach: The Minister for Justice and Equality will deal with the issue when he

speaks on the Garda Síochána Inspectorate's report later today.

Deputy Timmy Dooley: The Taoiseach is acting like a teacher again.

Deputy Pádraig Mac Lochlainn: Why no apology? There has been a number of missed opportunities.

An Ceann Comhairle: I call Deputy Donnelly. Would you hold on a second, please? There are about ten discussions going on in the Chamber. This is Leaders' Questions and the public would like to hear the question and the answers.

Deputy Mary Lou McDonald: They would like to hear an apology.

Deputy Thomas Pringle: Members never get the answer.

An Ceann Comhairle: Would you please stop making noise and allow Deputy Donnelly to ask his question?

Deputy Stephen S. Donnelly: Yesterday, the Taoiseach told Members that a group within An Garda Síochána, perhaps a secret group, has been bugging gardaí, Irish citizens and their lawyers for several decades. When I heard this, it sounded to me like the actions of the old Stasi in East Germany. As all Members are aware, the implications for cases before the courts and for existing sentences are unknown but may be profound. Members have heard allegations of the Garda Síochána Ombudsman Commission, GSOC, being bugged. The report on penalty points has been published. The whistleblowers have been smeared both by their own Commissioner and by the Minister, Deputy Shatter. The Commissioner has resigned and now Members have received news of widespread bugging. Yesterday's news has shocked an already demoralised police force and undoubtedly has eroded further public trust in An Garda Síochána. The task ahead is herculean in respect of driving substantial change in An Garda Síochána and rebuilding the trust not merely of the public but of rank-and-file gardaí in their own police force.

I have a great deal of respect for the Minister, Deputy Shatter, as a legislator. His insolvency legislation probably is the single most important measure this Government has taken to solve the mortgage crisis. However, the challenges ahead must be led by a Minister who commands the respect of An Garda Síochána, the Oireachtas and the public. Regrettably, it is clear that the Minister, Deputy Shatter, no longer is that person. There simply are too many questions. Why did the Attorney General approach the Taoiseach rather than the Minister? Why has the Minister still not withdrawn his remarks about the whistleblowers? Why has the Minister still not called on the former Commissioner to withdraw his outrageous remarks about the whistleblowers? Why did the Minister attack GSOC when it raised concerns about being bugged? Why did the Minister fire the confidential recipient for doing his job? Why did the Minister use confidential information to smear Deputy Wallace on national television? Why is the Attorney General not willing to discuss sensitive information with the leader of this country by telephone? The Minister does not have the trust of rank-and-file gardaí. He does not have the trust of the Oireachtas. He does not have the trust of GSOC and he does not have the trust of the public. Moreover, he would appear not to have the trust of the Attorney General. While he may have the Taoiseach's trust, that is not enough for what must happen. Consequently, together with many others, I must ask the Taoiseach whether he will put the interests of An Garda Síochána and the public ahead of his loyalty to the Minister, Deputy Shatter, and ask for him to step back, based on the amount of work that must be done and the person who will be needed to drive that work.

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Deputy Mattie McGrath: Hear, hear. Send out a civil servant.

The Taoiseach: I thank Deputy Donnelly. I will put the interests of the citizens and the country ahead of everything else, be it the Government or any individual Minister. That is what is important here and that is the reason I decided to take the actions I took. The Deputy has mentioned a list of things. If the Minister for Justice and Equality had no relationship whatsoever with the former Garda Commissioner and was continuously at loggerheads with him, the Deputy would have a very different story to tell.

Deputy Bernard J. Durkan: That is correct.

The Taoiseach: Members opposite all refer to too close a relationship. The Minister of the day has a duty, with the Commissioner of the day, to hear the complaints, anxieties and concerns about the running of the Garda Síochána, which is the remit of the Commissioner of the Garda Síochána.

Deputy Mattie McGrath: It did not happen.

The Taoiseach: The Minister will deal with the question of the whistleblowers when he speaks on the report of the Garda inspectorate. The Minister himself was the first to state that GSOC, in the way it was set up, could not function to its full potential and was inadequate in a number of respects. This is the reason he wishes to change it and the reason an Oireachtas committee is considering these matters.

Deputy Mick Wallace: That is not what he said in response to the police Bill last July.

The Taoiseach: That also is the reason the position of the confidential recipient was abolished, because that process did not work either and because of the particular circumstances that applied there.

Deputy Thomas Pringle: He did not deny the conversation.

The Taoiseach: The Minister was big enough to apologise to Deputy Wallace and to state he was sorry. As for the question of the Attorney General not speaking to me by telephone on a matter as great as this, it is a position I respect. I have made the point myself previously many times that if matters of this nature are to be discussed, they should be presented on a face-to-face basis.

Let me say to Deputy Donnelly that were I to come into this Chamber this week in the ordinary way and deal with the question of the remarks made by the previous Commissioner and by the Minister in the Dáil, to have our political rows and pretend to the Deputy that everything was fine-----

Deputy Micheál Martin: No one asked the Taoiseach that.

Deputy Mary Lou McDonald: No one is suggesting the Taoiseach is doing that.

The Taoiseach: Everything is not fine. The matter must be dealt with in a way that builds a system in which there is belief, faith and integrity. This is the reason I considered it important to inform the Cabinet members and the leaders of the Opposition about the implications of what is involved in this regard. This is the reason the discovery process dealing with a particular case will bring to light issues contained on tapes that are critical. I will put it that way. It is impor-

tant for me to have fed that into the system in order that people would understand the necessity to change that system. This is the reason the Government made clear decisions yesterday, will follow on from those and will implement them.

Deputy Mattie McGrath: Is that for the Minister?

The Taoiseach: I seek, in the shortest possible time, a system whereby members of the force have absolute pride in the job they do - those who commit themselves to the protection of citizens from criminal or other activities - and that those who find there is something wrong have a system of being protected and are respected for what they do in the interests of having a system that runs in the manner one would expect in the 21st century. I thank the Deputy for his contribution.

Deputy Stephen S. Donnelly: I thank the Taoiseach for his answer. To be clear, I do not question any of the Taoiseach's actions in this regard. The Taoiseach is known as a man who values loyalty and is known as a man who is loyal to his friends and colleagues, which is admirable. However, this issue is not about loyalty. This is about an incredibly difficult and important piece of work that must be done to drive long-term meaningful change in An Garda Síochána and to rebuild public trust that has been shattered in An Garda Síochána. The Minister, Deputy Shatter, was in the Chamber to make a statement earlier and there are many things he could have said. However, he used the opportunity instead to attack Members of Dáil Éireann-----

Deputy John Halligan: As usual.

Deputy Stephen S. Donnelly: -----to attack GSOC, to attack the media, to lay blame at the door of the Attorney General and to lay blame at the door of his own officials. That is what he did. He did not use the opportunity to accept any responsibility whatsoever for what has happened. Members have found out that the Garda, Irish citizens and their lawyers have been systematically bugged-----

Deputy Arthur Spring: How?

Deputy Stephen S. Donnelly: -----and this was known in June 2013. However, when the Minister, Deputy Shatter, came into the Chamber today he did not accept any responsibility for not knowing that. He did not use the opportunity to withdraw his remarks about the whistleblowers, nor did he use the opportunity to address the remarks of the Commissioner.

An Ceann Comhairle: A question, please.

Deputy Stephen S. Donnelly: Rightly or wrongly, the Minister, Deputy Shatter, no longer commands the respect of the groups of people whose respect he must command to do the job that must be done. It is for this reason that I and many other people believe he must now step back. I agree with the Taoiseach, as I am sure does every Member of this House, that the integrity of and public trust in An Garda Síochána are of paramount importance and that there is a difficult piece of work to be done. The question is whether the Minister, Deputy Shatter, is still the best Member of Dáil Éireann to drive that work, because I believe, regrettably, that he no longer is. Does the Taoiseach believe he is the best person he can find in his party or the Labour Party, based on what has happened, to lead that work?

The Taoiseach: I do not stand in judgment in a competition about the criteria to which the

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Deputy has just referred. Deputy Donnelly began his contribution by stating I had informed the House yesterday that a secret group were bugging gardaí. I made no such claim. I said it had come to light during the process of discovery that 2,485 tapes existed up to 2008 and that from that point until 2013-----

Deputy Micheál Martin: That was known for months.

Deputy Timmy Dooley: Someone must have known.

Deputy Arthur Spring: Listen.

An Ceann Comhairle: Sorry-----

The Taoiseach: -----these were recorded in a digital fashion.

Deputy Stephen S. Donnelly: This was in secret. It is called bugging.

Deputy Finian McGrath: Check it out with the Minister of State, Deputy O'Dowd.

The Taoiseach: Yes, but in the letter the previous Commissioner sent to the Department of Justice and Equality, he stated it has since transpired that the systems would appear to have been installed during the 1980s. Consequently, I ask Deputy Donnelly to get his facts right in this case. I did not state that a secret group within the Garda was going around bugging gardaí themselves and the public.

Deputy John Halligan: Someone did.

The Taoiseach: It is also important to state-----

Deputy Stephen S. Donnelly: Someone was secretly recording.

An Ceann Comhairle: Sorry-----

The Taoiseach: -----that since 27 November last year, the recording of non-999 emergency calls has stopped on the instructions of the then Garda Commissioner.

Deputy Dara Calleary: Nobody told the Minister.

The Taoiseach: Under the law, a right to privacy is given up when a 999 call is made, and one can understand that. The process of having conversations and calls recorded in a routine fashion in many stations around the country, which began back in the 1980s, ceased in November of last year on the instructions of the then Garda Commissioner and by his letter to the Department of Justice and Equality. That is an important point to make for members of the public who can feel free to make calls of a routine nature to Garda stations around the country in the knowledge that they are not now being recorded centrally or locally.

The other points Deputy Donnelly mentioned have to be sorted out, and they will be sorted out. It just shows one the scale of what needs to be done in terms of our justice system and our Garda Síochána force so that everybody understands the level of competency and professionalism it has. I get material across my desk and sometimes it is difficult to decipher what to do with it. The scale of charge can be grossly excessive in some cases but this is what we have to deal with, and this is what we will deal with.

The Minister, Deputy Shatter, is not liked by the Judiciary, he is not liked by the legal pro-

fession-----

Deputy Dara Calleary: He is not liked by his own colleagues,

The Taoiseach: -----and he is not liked by the gardaí. He might not be liked by a lot of people but he has the courage to deal with the truth and to change it when it is necessary in the interests of our citizens-----

Deputy Mattie McGrath: How is his asthma?

The Taoiseach: -----and of our country. From that point of view, I would say to Deputy Donnelly that he has never been afraid to deal with what has been lying under a lot of carpets for many years. This Government will not stand for not having public accountability-----

(Interruptions).

The Taoiseach: -----and will have the courage to take on vested interests in the interest of our citizens and of our country, and I will stand by that on any platform.

Order of Business

The Taoiseach: It is proposed to take No. 18, statements on European Council, Brussels, pursuant to Standing Order 102A (2)(b); and No.19, statements on the Garda Inspectorate report on the fixed charge processing system. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. and shall adjourn on the conclusion of Private Members' business which shall be No. 47, Restorative Justice (Reparation of Victims) Bill 2013 – Second Stage (Resumed), and shall be taken on the conclusion of No. 19 notwithstanding the Order of the Dáil of yesterday, and shall, if not previously concluded, be brought to a conclusion after 90 minutes; No. 18 shall be taken immediately following the Order of Business and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 85 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, and shall not exceed 15 minutes in each case, a Minister or Minister of State shall take questions for a period not exceeding 20 minutes and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; the suspension of sitting under Standing Order 23(1) shall take place on the conclusion of No. 18; the proceedings in relation to No. 19 shall, if not previously concluded, be brought to a conclusion at 9.30 p.m. and the following arrangements shall apply: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 30 minutes in each case and such Members may share their time, the statement of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time, a Minister or Minister of State shall take questions for a period not exceeding one hour, and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed 15 minutes; tomorrow, there shall be no Order of Business within the meaning of Standing Order 26, Leaders' Questions or Topical Issues and the Dáil shall adjourn on the conclusion of Oral Questions and resume at 10 a.m. on Friday, 28 March 2014 when the following business shall be transacted: No. 48, Seanad Reform Bill 2014 - Second Stage and No. 6, report on the contribution of the Department of Foreign Affairs and Trade to economic

recovery.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for the late sitting agreed to? Agreed. Is the proposal for dealing with No. 18, statements on European Council, Brussels, pursuant to Standing Order 102A (2)(b), agreed to? Agreed. Is the proposal for dealing with No. 19, statements on the Garda Inspectorate report on the fixed charge processing system agreed to? Agreed. Is the proposal for dealing with the business and adjournment of the Dáil tomorrow and the sitting and business of the Dáil on Friday, 28 March 2014 agreed to? Agreed.

Deputy Micheál Martin: In the interests of full transparency, will the Taoiseach be in a position to confirm to the House the status and identity of the civil servant who went to the Garda Commissioner on Monday evening?

The Taoiseach: It was the Secretary General.

Deputy Micheál Martin: Was it the Secretary General of the Taoiseach's Department?

The Taoiseach: No. The Secretary General of the Department of Justice and Equality.

Deputy Micheál Martin: I thank the Taoiseach. In regard to this morning's business, the Minister gave a 15 minute statement on that issue but, unfortunately, questions were not provided for in terms of the Standing Orders. It is a great pity there were not questions on that specific issue because, despite Leaders' Questions and two attempts to extract from the Taoiseach why the Attorney General did not see fit over the past number of months to go to the Minister for Justice and Equality-----

An Ceann Comhairle: We cannot go over all this again.

Deputy Micheál Martin: -----on this issue, he did not answer that question this morning. I asked the Taoiseach if it was not very odd that-----

The Taoiseach: She had to get all her facts.

Deputy Micheál Martin: She had the facts for four months on the specific case. We know that from the Minister for Justice and Equality.

An Ceann Comhairle: We are not going into that again on the Order of Business.

The Taoiseach: Not the scale of it. I said that to Deputy Martin.

Deputy Micheál Martin: I asked a question, which the Taoiseach did not answer, and Deputy Donnelly asked a question, which he did not answer either. There was a very prolonged period of time-----

An Ceann Comhairle: You cannot ask it on the Order of Business.

Deputy Micheál Martin: -----during which the Attorney did not, in any shape or form, brief the Minister for Justice and Equality. The Taoiseach confirmed that he rang the Attorney General on Sunday.

An Ceann Comhairle: We have had the discussion-----

Deputy Micheál Martin: The Attorney General was not of a mind last Sunday, by the way,

to raise the issue. If we had had questions with the Minister, we could have got an answer to that question.

An Ceann Comhairle: That is gone. We had questions-----

The Taoiseach: It was not on that issue that I rang the Attorney General.

Deputy Micheál Martin: Exactly. That is the point. It was not on that.

An Ceann Comhairle: Taoiseach, please do not encourage him.

Deputy Micheál Martin: That is not why the Taoiseach rang the Attorney General and she was not going to ring him either. I got a different impression from the briefing yesterday.

An Ceann Comhairle: Deputy, I have to ask you to resume your seat. This is the Order of Business.

Deputy Micheál Martin: We need more time on this issue. That is the point. I ask the Government to provide more time for questions on that specific issue. The Taoiseach mentioned to myself and Deputy Adams yesterday that a senior counsel was approached about this, I think, on Monday. Is there a written report from that senior counsel?

An Ceann Comhairle: Sorry, that is a matter for-----

Deputy Micheál Martin: If so, could that be made available to us?

An Ceann Comhairle: I call on the Taoiseach to reply to matters that are in order on the Order of Business. Please adhere to the rules. If Members do not like them, they should change them.

The Taoiseach: The reason that more time has not been allocated to this is that we are not in possession of all the facts, as I outlined to Deputy Martin. As this information becomes available, of course, we will return to the matter. It will be debated fully here, with as many questions as Members wish to ask. However, one has to be in a position to give answers to questions. I thought it sufficiently important because of the scale of what might be potentially involved here to bring it to the notice of the Cabinet and the House in the way that it has been done.

An Ceann Comhairle: You cannot go back over that again.

The Taoiseach: We are drafting the terms of reference for a committee of investigation which can be debated here as well as further issues arising from this. This will not be the last time we will turn to this.

Deputy Gerry Adams: I have two issues faoi reachtaíocht atá fógartha but before I come to them, I would like to say the Government needs to have a proper debate on all these issues. The way we are doing business is not good enough but coming back to the Order of Business, I would like to ask the Taoiseach about the health reform Bill and the Constitutional Convention.

The Government set a timeframe of four months for it to respond to recommendations from the convention. In February, in response to a question from me, the Taoiseach accepted that he had not responded to the convention's fourth report on Dáil electoral reform, which was published in August of last year. Today is the deadline for the Government's response to another

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set of recommendations on the extension of voting rights for Presidential elections. Will the Government be responding today and when can we expect a response to the earlier report from August last? The health reform Bill is about future health care and the disestablishment of the HSE. The Taoiseach was contacted recently by members of the family of Pádraig Schäler, who are really concerned at the enormous bills-----

An Ceann Comhairle: Sorry, but I cannot allow Deputy Adams to continue in that vein.

Deputy Gerry Adams: It is about the Bill.

An Ceann Comhairle: Yes, but we cannot discuss the Bill. This slot is about when the Bill will be published and so forth.

Deputy Gerry Adams: Sorry. I will just ask a general question, if that is okay. The Department of Health was supposed to speak to the family without delay but they are still waiting. I do not know if this is appropriate, but-----

An Ceann Comhairle: It is not.

Deputy Gerry Adams: -----will the health reform Bill deal with the need for neurological facilities in the health service? Will the Taoiseach instruct the Minister for Health and his Department to talk to the Schäler family? When will the health reform Bill be published?

An Ceann Comhairle: That can be dealt with by way of correspondence or parliamentary question.

The Taoiseach: It will be published this session. I will bring the other matter that Deputy Adams raised to the attention of the Minister for Health but I assure him that the Bill will be before the House shortly.

Deputy Gerry Adams: What of my question regarding the Constitutional Convention?

The Taoiseach: We did not meet the deadline on the last occasion. The chairman of the convention is about to present his final report and make recommendations. I would like to have that report before making any commitments. I realise that we did not measure up in terms of allowing time for discussion on the last report but we will make sufficient time for the two reports to be discussed. However, I would like to have the chairman's final recommendations first, and I believe they are being prepared now. When the report is finalised, we will have an opportunity to discuss the matter in the House.

Deputy Michael Healy-Rae: Tonnage for fishermen is unfairly divided, in that fishermen in tier two should have 50% of the tonnage of those in tier one-----

An Ceann Comhairle: Hold on, Deputy. We had agriculture and fisheries questions this morning.

Deputy Michael Healy-Rae: I am asking this in the context of the inland fisheries (modernisation and consolidation) Bill.

An Ceann Comhairle: When is the inland fisheries (modernisation and consolidation) Bill due?

The Taoiseach: I do not have information on tier two.

An Ceann Comhairle: When is the inland fisheries (modernisation and consolidation) Bill due?

The Taoiseach: I have no date for the publication of that Bill.

An Ceann Comhairle: There is no date for the publication of that legislation.

The Taoiseach: The bait is still out.

Deputy Mattie McGrath: I will not do any fishing.

An Ceann Comhairle: Good.

Deputy Mattie McGrath: In the context of the Children First Bill, five Supreme Court judges found that the Government had misappropriated money for the referendum-----

An Ceann Comhairle: Hold on a second, Deputy McGrath. No.

Deputy Mattie McGrath: We have an independent Referendum Commission. There was no debate in this Parliament on the issue. Will the Taoiseach include that misappropriation and misbehaviour in the terms of reference of the commission of inquiry he has set up to investigate lots of wrongdoing?

The Taoiseach: That issue is before the courts, as Deputy McGrath is well aware.

An Ceann Comhairle: The issue is before the courts.

Deputy Mattie McGrath: It has never been dealt with.

The Taoiseach: It is before the courts.

Deputy Éamon Ó Cuív: Will the heads of the official languages (amendment) Bill be published before Easter? Will the consumer protection and competition Bill be published before Easter? The latter Bill has been on the cards, as an A-list Bill, since autumn 2012 and is very urgently needed.

The Taoiseach: The consumer protection and competition Bill was cleared at Cabinet yesterday.

Deputy Éamon Ó Cuív: I am glad to hear that.

The Taoiseach: It is due to come to the House for Committee Stage debate shortly. The official languages (amendment) Bill is listed for this session but the heads have not come to Government yet. I understand that the Aire Gaeltachta is working very hard on them. I will advise Deputy Ó Cuív as to the current state of preparation.

Deputy Terence Flanagan: Can the Taoiseach update the House on the position of the human tissue Bill, which deals with the recommendations of the Madden report on post mortems in hospital? I also ask the Taoiseach to update us on the status of the juries Bill, which deals with a report from the Law Reform Commission.

The Taoiseach: There is no date for publication of either of the Bills mentioned by Deputy Flanagan but I will let the Deputy know what the calendar is like up ahead in that regard.

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Deputy Peter Fitzpatrick: When can we expect the publication of the Teaching Council (vetting and protection of children and vulnerable persons) Bill, which aims to put in place a statutory provision underpinning the role of the Teaching Council in the vetting arrangements for registered teachers?

The Taoiseach: That is due this session. The Deputy picked a winner this time.

An Ceann Comhairle: Bingo.

Deputy Bernard J. Durkan: I ask the Taoiseach to indicate the current projections regarding the health information Bill, the EirGrid Bill and the adoption (tracing and information) Bill. Have the aforementioned Bills been approved by Cabinet and when are they likely to come before the House?

The Taoiseach: The adoption (tracing and information) Bill is due later this year, the Eir-Grid Bill will come before the House next year and I do not have a date for the publication of the health information Bill. I will advise Deputy Durkan in respect of the latter.

Deputy Michael McNamara: Group water schemes were left in a legal limbo following the enactment of the legislation establishing Irish Water. Promises were made that the issue would be dealt with. When will legislation be introduced amending the Irish Water legislation to cater for group water schemes?

The Taoiseach: A water safety Bill is scheduled for later this year but I am not sure whether it is the appropriate vehicle for dealing with the matter raised by Deputy McNamara. I will ask the Minister for the Environment, Community and Local Government to contact him directly to let him know the position in that regard.

Deputy Thomas P. Broughan: Is it still the Government's intention that the Taoiseach and the Minister of State with responsibility for housing will make a statement regarding a social housing construction programme for this year? Regarding the Taoiseach's earlier comments to the House, he gave a very precise-----

An Ceann Comhairle: We are not going back over that now.

Deputy Thomas P. Broughan: I just wanted to ask the Taoiseach-----

An Ceann Comhairle: No.

Deputy Thomas P. Broughan: -----something that everyone is thinking. The Taoiseach gave a very precise figure on-----

An Ceann Comhairle: The Deputy had better keep thinking, because this is not a matter for the Order of Business.

Deputy Thomas P. Broughan: -----the number of tapes in existence in Garda stations. Does the Taoiseach know how many hours of recordings are involved?

An Ceann Comhairle: No, no, no.

Deputy Thomas P. Broughan: Does the Taoiseach have any information about that?

An Ceann Comhairle: The Deputy had better table a parliamentary question on the matter.

The Taoiseach: I do not know if Deputy Broughan contributed to the commencement of the debate on housing and construction, but he will have an opportunity to do so because the issue will be discussed again next week. I do not know the answer to the Deputy's second question. That is why we have set up a commission.

Deputy Kevin Humphreys: The climate change Bill seems to have been delayed and is now awaiting Cabinet approval. The expert advisory group on climate change should have been appointed several weeks ago. I ask the Taoiseach to update the House on the status of both the legislation and the expert group.

The Taoiseach: The revised heads of the Bill will be presented to Cabinet before Easter. I will find out about the expert advisory group. Incidentally, climate change was the subject of some serious discussion at the recent European Council meeting, in the context of energy in particular.

An Ceann Comhairle: That concludes the Order of Business for today. We will now move on to statements on the recent European Council meeting, pursuant to Standing Order 102A. I will be calling on the Taoiseach to make a statement under Standing Order 43.

1 o'clock

European Council: Statements

The Taoiseach: I am pleased to be able to update the House on the meeting of the spring European Council which took place in Brussels on Thursday and Friday, 20 and 21 March. While the meeting focused on developments in Ukraine, it also had a wider agenda with an economic focus, including the European semester, the Europe 2020 strategy, industrial competitiveness, climate change and energy, banking union, taxation and external relations. In addition to developments in Ukraine, the Council discussed three other external relations items, namely, preparations for the EU-Africa summit, recent progress in negotiations toward the reunification of Cyprus and an international investigation into alleged war crimes in Sri Lanka. The Minister of State, Deputy Paschal Donohoe, will go over these issues in his statement, as well as reporting on the industrial competitiveness discussions which are part of the ongoing efforts of EU leaders to promote economic growth and job creation.

Last week's annexation of Crimea by the Russian Federation constitutes a dangerous precedent with no place in the Europe of the 21st century. The European Council last week reiterated the European Union's support for Ukraine's sovereignty and territorial integrity, while strongly condemning the annexation of Crimea and Sevastopol. The European Union will not recognise the referendum of 16 March in Crimea which was in clear violation of the Ukrainian constitution. Last week's summit asked the European Commission to evaluate the legal consequences of the annexation of Crimea and to propose economic, trade and financial restrictions for rapid implementation.

As Ireland and its partners have made absolutely clear, Russia's actions are in breach of its international and bilateral obligations, including the Helsinki accord which in the past 40 years has contributed to overcoming divisions in Europe and building a peaceful continent. Frankly,

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Russia is only isolating itself by its actions and I urge it to reconsider its approach as a matter of urgency. Any further destabilisation could have serious consequences for European stability and security. Europe and the world need stability based on the fundamental principles of sovereignty and territorial integrity. Russia's behaviour is endangering this stability and represents a direct threat not just to Ukraine but also to all of its neighbours, as well as the wider international community.

Against the backdrop of these deeply disturbing developments and in the absence of steps towards de-escalation by Russia, last week's European Council took the following additional, concrete measures. It extended the visa ban and asset freeze to an additional 12 individuals, cancelled the next EU-Russia summit and agreed not to hold regular bilateral summits, agreed to support suspension of Russia's accession negotiations to the OECD, Organisation for Economic Co-operation and Development, and the IEA, International Energy Agency, urged timely agreement on an OSCE, Organisation for Security and Co-operation in Europe, mission in Ukraine, and agreed, if no agreement on a credible OSCE mission is reached in the coming days, to draw up an EU mission. This matter has been dealt with since the Council meeting. The Council also made it clear that further steps by Russia to destabilise the situation in Ukraine would lead to additional and far-reaching consequences for relations in a broad range of economic areas and we called on the Commission and member states to prepare possible targeted sanctions. It was decided to advance the signature of the association agreements with Georgia and Moldova to June this year

These additional measures follow on from the steps which we took at our meeting on 6 March, namely, suspension of work with the Russian Federation on visa matters and the new agreement on an enhanced EU-Russia partnership and co-operation agreement. This came in addition to the suspension of preparatory work for the G8 summit. The Foreign Affairs Council subsequently introduced travel restrictions and an asset freeze against those responsible for undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

The nature and scope of sanctions is always a complex and difficult issue. As I said in Brussels last week, inevitably, they will have negative economic consequences for the European Union, including Ireland, as well as for Russia. It is only right, therefore, that we prepare such decisions carefully and we have tasked the Commission accordingly. As a small country which has traditionally relied on respect for the rule of law as the fundamental guarantor of stability in the international system, Ireland should take a firm position on what has happened in Ukraine. It would be wrong, however, to suggest this is only an Irish view. The conclusions of last week's European Council made it explicit that "there is no place for the use of force and coercion to change borders in Europe in the 21st century". As a country which had the honour to serve as the chair in office of the OSCE as recently as 2012, I do not see how Ireland could fail to take a strong view on such matters.

The High Representative of the Union for Foreign Affairs and Security Policy for the European Union, Catherine Ashton, has been tasked by us to draw up plans for an EU contribution to facilitate the work of the OSCE special monitoring mission to Ukraine, the terms of which were agreed to by the OSCE last Friday. Ireland is, of course, open to participation in the OSCE mission.

In parallel with the additional measures against the Russian Federation, the European Council emphasised EU support for Ukraine, including through macro-financial assistance. I also strongly support the economic assistance package of €11 billion announced by the European

Commission President, José Manuel Barroso, on 6 March. This is a further demonstration of our support for and solidarity with the authorities in Kiev which continue to show commendable restraint in the face of huge provocation. Together with the other leaders and in the presence of Ukraine's Prime Minister, Arseniy Yatsenyuk, I signed the political provisions of the association agreement with Ukraine on the second day of the European Council. The European Union is committed to signing the remainder of the association agreement on a deep and comprehensive free trade area. In the meantime, the Union will soon temporarily remove customs duties on Ukrainian exports to the European market. These steps are proof of the European Union and Ukraine's shared wish for closer political association and economic integration.

We welcomed the Ukrainian Government's commitment to ensure its structures were inclusive and reflected regional diversity, as well as ensuring full protection of the rights of persons belonging to national minorities. We also welcomed the commitment to undertake constitutional reform, to investigate all human rights violations and acts of violence and to fight extremism. The European Council further encouraged Ukraine to ensure its presidential election on 25 May would be free and fair.

Last week's summit also reconfirmed the European Union's wish to further strengthen its political association and economic integration with Georgia and Moldova. We indicated that we aimed to sign the association agreements with these countries no later than June.

Overall, we have sent a clear message to Russia that our words are backed up with firm intent, even though the measures will entail consequences for all of us. However, while there is a need to demonstrate our resolve to Russia and the signs are not at all positive, we need to keep channels of communication open. Dialogue remains important, particularly when differences are most acute. Ireland and its EU partners will also make their views known at the United Nations. This is not a dispute between the European Union and Russia. What is happening in Ukraine is a direct challenge to the rule of law and has implications for the whole global community.

The economic agenda touched on the European semester and the review of the Europe 2020 strategy. Last week's meeting concluded the first phase of the European semester for 2014 by finalising guidance on this year's national reform plans. We placed particular emphasis on policies enhancing competitiveness, supporting job creation and fighting unemployment. Ireland will be a full participant in this year's European semester process following successful completion of its EU-IMF programme. The Minister of State, Deputy Paschal Donohoe, will update the Oireachtas Joint Committee on European Affairs on our preparations on Tuesday, 1 April.

We also took stock last week of progress in implementing the Europe 2020 strategy. Exchanges were informed by the European Commission's recent communication which showed quite clearly that overall performance was mixed and that the crisis had slowed down progress towards key goals. The modest European economic recovery must be supported by strong re-engagement with Europe's post-crisis strategy for smart, sustainable and inclusive growth. I welcome the European Council's call on member states to step up efforts to reach the 2020 targets. The Commission plans to launch a full public consultation in April. I hope we will see strong stakeholder engagement with this consultation, including from national parliaments.

Last week's meeting also considered progress in completing banking union. I was pleased that the European Council welcomed the agreement reached with European Parliament negotiators on the next pillar of banking union, namely, the single resolution mechanism, SRM. The

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SRM is an important contributory factor to breaking the link between sovereign and banking debt. The new mechanism will allow decisions to be made in an objective and independent fashion. These decisions will be taken in line with the principles of resolution set out in the bank recovery and resolution proposal. This means that shareholders and creditors should bear the costs of resolution before any external funding is guaranteed, while private sector solutions should be found instead of using taxpayers' money.

Aspects of the SRM relating to financing are covered by an intergovernmental agreement. Significantly, the agreement with the European Parliament reduces the period of mutualisation from ten to eight years. The pace of mutualisation has also been accelerated to allow for 40% mutualisation in year one, followed by an additional 20% in year two, an important development for the overall credibility of the project. It signals that we are serious about breaking the link between the sovereign and the banking sector. The agreement also provides that steps will be taken to develop appropriate methods and modalities to enhance the borrowing capacity of the Single Resolution Fund. The purpose is to ensure adequate funding can be provided by the fund at all times. I expect the regulation on the SRM will now be formally adopted before the European Parliament rises for elections.

Taxation was also included in the agenda for last week's meeting. On this item, I was pleased that the European Council could finally welcome agreement on the savings tax directive. Ireland supported the directive which I see as a significant contribution to EU and international efforts to combat tax fraud and evasion.

Climate change and energy were also a focus at last week's meeting. My colleagues and I held a first policy debate based on the European Commission's communication on the framework for climate and energy to 2030. This represents the next phase in the European Union's transition to a competitive, low-carbon economy by 2050. The issue requires careful consideration. Ambition and flexibility are important features of the package. However, the outcome must also be sustainable on environmental, economic and competitiveness grounds for the European Union and individual member states. We support in principle the proposed targets set out in the Commission's communication, namely, a 40% reduction in EU-level greenhouse gas emissions and a proposed EU-wide 27% target for renewable energy by 2030. We need to be ambitious, but we also need to be very clear about the commitments we undertake. We need good and agreed data on which to base decisions. The European Council agreed on the need for further urgent analysis of the implications for member states of the proposals for emissions reductions and renewable energy. I made clear that for Ireland, particular account must be taken of the role of agriculture. This is already set out clearly in the Commission communication, and during discussions at last week's meeting, President Van Rompuy was reassuring on this aspect. Therefore, the agri-sector is confirmed as being part of the flexibility in reflecting national circumstances in the decision mix made. This is important from Ireland's perspective. We believe that a coherent and cost-effective approach to the parallel priorities of sustainable food production and climate change is fundamental. A realistic way forward at national, EU and wider international level under the UN convention requires such an approach. Leaders also called on the Council and the Commission to elaborate on mechanisms for fair effort sharing and to modernise the energy sector, prevent carbon leakage and develop an energy efficiency framework. We will take stock of progress on these issues at the June European Council meeting, with a view to taking a final decision by October 2014. This will facilitate an agreed EU position at the UN Climate Conference in Paris in 2015.

The European Council also agreed to accelerate efforts to complete the internal energy mar-

ket this year, including through increased electricity interconnections, including in the Iberian peninsula, the Mediterranean region and the southern corridor from eastern European countries. Discussions on energy, and energy security in particular, had an added urgency in light of the Ukraine crisis. The Commission has been asked to prepare a detailed analysis of Europe's energy security and a comprehensive plan to reduce energy dependence in time for the June European Council. The Council also agreed to support the development of other sources of energy supply, including examining ways to facilitate natural gas exports from North America to the European Union. We will consider how this may best be reflected in the transatlantic trade and investment partnership, TTIP. This refers specifically to liquefied natural gas.

To conclude, I hope I have given Deputies a reasonable overview of the discussions that took place last week.

Deputy Micheál Martin: In the early days of what is now the European Union, one of its founders, Jean Monnet, talked frequently about how it might develop. His most often quoted idea was: "Europe will be forged in crises, and will be the sum of the solutions adopted for those crises." When looking at the outcome of last week's summit and those of recent years, it is impossible to miss the power of this idea. We are five years into the biggest crisis since the Union was founded. A financial crisis became an economic one which has hit many millions of citizens throughout the Union. The sum of the solutions adopted to tackle this crisis appears to have been reached and the outcome is one that should worry anyone who cares about the future of the Union and its member states. In recent weeks, this has been joined by a dramatic escalation of a wider crisis, which has many new economic, political and security dimensions.

The decision of Russia to try first to maintain control over and then annex a region of a neighbouring state is fundamentally a challenge to the idea that Europe is a space of peace and co-operation between nations. It is a reminder to all of us that there are very uncomfortable decisions to be taken if we are to be true to the values of democracy and human rights. It has brought to the fore the absolute need to remember what unites us and put aside short-term concerns. The decision of the Council to extend the list of persons subject to sanctions was reasonable. In particular, there appears to be real agreement about going to stage three sanctions if there are any further efforts to subvert Ukrainian sovereignty. This is the least that could be done in the circumstances. The debate at the Council was between those who wanted a more extensive list and those who wanted to do almost nothing. It is welcome that Poland and other states were listened to during the meeting and that the final communiqué was significantly toughened from the opening, rather abject, proposal. We would have welcomed it if the Council had at least matched the list of sanctions published by the United States. Those sanctions appear to have had a real impact on the private financial networks of people intimately connected with Russia's expansionist policy. Given the reach of the financial system of the United States and the legal force it applies behind sanctions, duplication of the list by the European Union is not essential. Because there have been so few occasions for welcoming the major outcomes of summits in recent years, it is important that we acknowledge that leaders overcame the divisions between them of recent weeks. They applied themselves to working together and seem to have understood that a failure to act together would have been disastrous for the Union. The contributions of Poland and the Baltic States, in particular, were valuable in reminding others that there comes a point at which narrow commercial interests cannot be allowed to trump basic principles.

As I have said previously, Fianna Fáil fully supports the Government's position condemning the illegal actions by Russia. The Taoiseach and Tánaiste have left no room for doubt on this.

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What is not clear at all is where Ireland stands on the specific issues which have been decided by leaders at the summit. The Taoiseach told us yesterday that two different approaches were proposed at the summit. He then outlined the final agreement and said that Ireland supports it. However, he did not say what Ireland's position was during the discussion and I have found it difficult to get an answer on that.

There has been a concerted propaganda campaign by Russia to justify its actions. The arguments it is using today are completely different from those it was using at the start of the crisis. Thankfully, the number of parties and individuals falling for the Russian line or who seem committed to staying silent no matter what Russia does is small. However, it is worth mentioning the response to Russia's evolving arguments. In recent weeks, and again yesterday during Deputy Adams's contribution on Question Time, Sinn Féin has been reluctant to utter a word of rebuke towards Russia. It has now started the line that what is at issue is self-determination by the people of Crimea. This is an extraordinary argument. There is a majority of Russians in Crimea, but this has not always been the case. It was an almost uniformly Tatar area until relatively recently. The current population balance is the result of what we now term ethnic cleansing.

The issue of Crimea becoming a part of Russia only became live when Russia decided it would activate it. Russia still has a powerful imperial mindset concerning its former subject states. Once it became clear that the people of Ukraine wanted to assert their independence of Russian control, Russia simply decided it would partition parts of Ukraine where it felt it could sustain a majority. Last week's referendum was completely illegitimate. It was held with Russian troops on the streets and no dissenting voices were allowed. Less than two weeks elapsed between the calling of the vote and the announcement of the result. Independent observers were kept out by the threat of violence. This included the firing of warning shots over the head of an Irish officer. The belligerent speech of President Putin confirmed that this was a planned annexation. We should also understand that Crimea is now subject to deeply anti-democratic laws. Due to a measure enacted in recent days, it is now a crime to publicly question the annexation. If one is a Tatar or Ukrainian in Crimea, one may end up in gaol for saying one does not want to belong to Russia. The invasion and annexation of the Crimean peninsula by Russia is the type of action that has not happened in Europe since 1968. From beginning to end, this was a manufactured situation. The statement that Europe is somehow to blame by supposedly forcing Ukraine into a choice between Russia and Europe is outrageous.

I would like to acknowledge the work of the Oireachtas Joint Committee on Foreign Affairs and Trade on this topic. It does great work, but is rarely given the attention it deserves. In particular, I would like to commend it on its session with the Russian ambassador. Deputy Bernard Durkan, in the Chair, Deputy Eric Byrne and Deputy Brendan Smith made sure that Russia's aggressive propaganda was challenged. In particular, they made sure that implied threats were seen to have no impact on the views of the overwhelming majority of Oireachtas Members.

The presence of large numbers of Russian troops on Ukraine's borders is ominous, but it does not seem there is an immediate likelihood of their annexing further territory. In spite of repeated provocation, it appears that the eastern areas of Ukraine have not been destabilised.

The red line which the summit drew, beyond which escalating economic sanctions would be imposed, is a restrained and reasonable response. Any escalation will be because Russia has decided to escalate the crisis and not because of anything the European Union has done.

It is also correct that the association agreement with Ukraine starts first with the political aspects. The undermining of Ukrainian democracy in recent years has been profound. Wider civil society has suffered a sustained attack and democratic roots are weak. The European Union cannot compromise on its democratic principles and must hold the Ukrainian Government to account. The extremist elements who gained prominence during the last months of the Yanukovich regime are not acceptable partners. Thankfully, there are signs of democratic parties pushing back against their influence and we should do everything possible to support them. The European Union's aid programme must prioritise support for civil society organisations which provide the essential counterbalance for a political system which has repeatedly failed the Ukrainian people.

It was timely that there was a discussion about energy on the summit's agenda. Given how often Britain plays a negative role at the Council and its repeated efforts to stop the European Union becoming more active, we should note Prime Minister Cameron's very positive initiative on energy before the summit. Energy dependence on Russia is a profound strategic weakness for the European Union. The Russian state exerts tight control on its energy sector and has repeatedly shown a willingness to see energy as part of its strategic arsenal when dealing with other states. Now is the time for the European Union to push ahead with a determined effort to secure real energy independence. It must diversify both the sources and types of energy it uses. It must end the practice where individual states are picked off in highly suspicious ways. This has blocked alternative supply routes and increased reliance on Russia. Former German Chancellor Gerhard Schröder's lucrative job with the Nord Stream project still leaves a bitter taste in many mouths. I welcome the summit's decision to show more urgency on energy independence and hope this resolve will be maintained.

The summit took place against the backdrop of ongoing negotiations with the European Parliament on key elements of the so-called banking union. The Parliament's position that the resolution mechanism agreed to by leaders is inadequate is correct. It involves too little money; there is too much national involvement and not enough banks. By covering no more than 1% of covered assets and then only after a lengthy lead-in time, it does not provide a credible resolution mechanism. By only phasing in mutualisation it specifically fails to break the link between sovereign and financial debt.

The few concessions secured by the European Parliament are extremely welcome. They dilute somewhat the worst elements of the Council's deal. For this I particularly acknowledge the leadership of Sharon Bowles of the ALDE, Alliance of Liberals and Democrats for Europe, group. Nobody can say with confidence that the eurozone financial system has been placed on sound foundations. We still have a single currency without a genuine banking union. What is much worse is that we are heading into bank stress tests without the confidence that genuine and tough results can be managed.

ECB president Mario Draghi's letter to Fianna Fáil's spokesperson, Deputy Michael McGrath, shows that the Government's complacent line about everything having been sorted is false. The Draghi letter confirms that there are serious issues remaining relating to Irish banks. There is no engagement with the idea of retrospective recapitalisation. Yesterday I directly asked the Taoiseach if he would state what Ireland was looking for in this regard. Just as he has done for a year and a half, he refused to say anything. A year and a half after he and his Ministers announced victory on the issue of bank debt they have not only achieved nothing, they will not even say what, if anything, they are asking for. It is now well established that Mr. Draghi's decisions have been far more significant for the economy than any taken by the Government,

particularly as it waited three years before announcing an economic policy. Mr. Draghi's commitment to fight against threatened deflation is very welcome. We should note also the news yesterday that the head of the Bundesbank had indicated that he would not oppose quantitative easing in all circumstances. This is the first time he has said on the record that the ECB could buy government bonds at issuance. Instead of sitting on the sidelines, Ireland should make a clear statement that it supports Mr. Draghi's initiatives and that it believes quantitative easing is an appropriate response to low growth and threatened deflation.

A further major threat to Ireland is emerging. From the very moment the conversion of the promissory notes into sovereign debt was announced by the Government, my party has been pointing out that the deal is worth nowhere near what was being claimed. As recently as December, the Minister of State at the Department of Foreign Affairs and Trade, Deputy Paschal Donohoe, was involved in inflating the claim even more when he announced on radio that the promissory notes had been "ripped up". Nothing of the sort happened. Today a very serious piece of news has been reported in *The Irish Times*. It is right that the appalling behaviour of the Minister for Justice and Equality, Deputy Alan Shatter, and the Taoiseach's continued support of him have dominated public attention in recent days, but we cannot let other, potentially dramatic, news pass without reference. It is being reported that there is new pressure from the ECB council on the Central Bank of Ireland to sell its holding of Irish bonds. If this were to happen, billions of euro in interest on the bonds issued to replace the promissory notes would be lost to the State. Every single positive economic impact of the arrangement announced last year requires the Central Bank to hold these bonds for as long as possible, preferably to maturity. The Taoiseach owes it to us to explain what is going on. Is he aware of these pressures to sell the bonds? Has he made any intervention? If this happens, a central plank of the Government's claims will have been destroyed and Ireland will lose billions of euro which should be available for public services.

The sum of the actions agreed to to tackle the financial and economic crisis shows a generation of leaders committed to finding a way to muddle through rather than address core problems. The lack of leadership remains striking. In the discussions about who will serve as presidents of the Council and the Commission we do not need a ready-up between the big parties. We need people of drive and vision who want to reform and develop the European Union and end the damaging policy of maximising disputes and minimising ambition. Given that those in these positions will set the direction of the European Union for the next five years, the Taoiseach owes it to us to come to the House before the informal meeting on 27 May to outline his views. It will not be acceptable if all we get is another case in which the Government waits to hear the outcome before it tells us what it is seeking.

Deputy Seán Crowe: I apologise for the absence of my colleague and leader, Deputy Gerry Adams, who, unfortunately, is attending a funeral at Glasnevin Cemetery. He is speaking at the funeral of its resident historian, curator and tour guide, Shane MacThomáis, who was a long-standing member of Sinn Féin. Ar dheis dé go raibh a anam. I am sure the House shares my view on the unfortunate death of this young man and that at some stage others will have their own remarks to make.

Last week we were told the European Council had agreed the shape of a new single resolution mechanism and its fund as the final piece of the banking union jigsaw. However, it is highly questionable whether that fund is fit for purpose and whether what was achieved last week will do anything to separate banking and sovereign debt. There is serious concern about the European Union's plan for banking union. It appears Germany's interests have, once again,

triumphed over everybody else's. This view is shared by other parties across Europe. It will be years before the fund is established as it was meant to be and in terms of how it was perceived it would be rolled out. The ECB stress tests will tell the story of how far down the road to normality the banks have come. The SME sector, in particular, will watch with concern how things develop.

Does the Taoiseach have an update on the restructuring talks with the European Commission about Permanent TSB? This is a concern for many of my constituents and others across the country. There has been no progress on the important issue of retrospective recapitalisation of Irish banks. Last week a number of players failed to support the Irish cause for retrospective recapitalisation in the European Parliament. It seems the Government's political allies are the roadblock across Europe to retrospective recapitalisation of pillar banks and I am disappointed that there is no agreement on it. There were all sorts of signals that this would happen but that has not come about.

There has been mention of Ukraine, and Deputy Martin spoke about the Sinn Féin position on the Russian invasion of Crimea, implying that Sinn Féin had gone soft on the matter. When the Russian ambassador recently attended a meeting of the Joint Committee on Foreign Affairs and Trade, I thought I was as robust as any member. I was equally robust with the Ukrainian representative when he attended, and I spoke of the worry I had about the make-up of that country's interim government. The European Council has roundly condemned Russia on its actions in Crimea, and I have routinely called for open dialogue between all sides in Ukraine, respect for human rights and for foreign powers to end hostilities and rising tensions by stating they will not militarily intervene and will stop meddling in Ukraine's internal affairs. I have stated this on a number of occasions, and I made it quite clear when speaking during the pre-Council statements in the Dáil. I have also previously mentioned in the House that the zero-sum geopolitical game played by both sides is doing nothing but harm to ordinary Ukrainians and inflaming further tensions.

News broke yesterday that Ukrainian special forces shot dead a far-right Ukrainian leader of the neo-Nazi Right Sector group in a shoot-out. That is another incident likely to raise tensions between Kiev's new interim Government and the rest of the ultra-nationalist groups within the country that have secured between seven and nine key places in the government. These are ministerial positions, including that of the deputy prime minister. This episode highlights the fragility of the new opposition-led coalition, which has so far failed to persuade militia groups to disarm or step aside. This is the difficult backdrop faced by the interim government.

The Council welcomed the Ukrainian Government's commitment to ensuring the representative nature and inclusiveness of the government structures, reflecting regional diversity and a commitment to protect minorities. This does not seem to be what is happening on the ground. Previously I spoke about people from a Jewish background, with the rabbi of Kiev telling us that people have had to leave the country. The European Council has indicated one reality but others indicate the opposite. Am I in a minority in saying I have seen nothing from the interim Government in Ukraine reflecting any inclusiveness or a new approach? The Council has committed to signing new, deep and comprehensive trade agreements with Ukraine, but these depend on macroeconomic reform; I presume this is just another word for austerity. The conclusions state that an agreement with the International Monetary Fund is critical to all economic reforms. The Ukrainian people have suffered enough but it seems they will also come under the observation and dictatorial practices of the IMF, which is the organisation that was central to enforcing the crippling austerity measures in EU countries, including this one, which have

brought nothing but unemployment, the destruction of social services and a worsened economic climate.

The conclusions state that substantial progress has been made towards the attainment of EU targets for greenhouse gas emissions reduction, renewable energy and energy efficiency which must be fully met by 2020. I had hoped the Taoiseach would go into more detail about the progress made on that front, and perhaps the Minister of State, Deputy Donohoe, will focus on the area in his reply. We know climate change is one of the most serious and destructive issues facing our planet. According to the annual report of the World Meteorological Organization, the UN's weather agency, much of the extreme weather that wreaked havoc in Asia, Europe and the Pacific region in 2013 can be directly blamed on human-induced climate change. The report states that 2013 was the sixth warmest year on record, with 13 of the 14 warmest years occurring in the 21st century. The big risks and overall effect of climate change are far more immediate and local than scientists once thought. This is not purely a geographical issue or about melting ice or threatened animals and plants. Climate change is making human problems such as hunger, disease, drought, flooding, war and refugee issues far worse.

I am worried that in trying to reduce greenhouse gas and carbon emissions, EU countries will increasingly turn to biofuels. A mass increase in the harvesting of biofuels has its own environmental impact, such as soil erosion and drought, and there is a massive impact on food production and price volatility in that market, which affects the poorest on the planet. I hope these issues were discussed in an open and frank way at the meeting, and I hope the Minister of State will focus on the Council's intentions in this regard. For example, will there be discussion on replacement by European countries of food crops with biofuels, what companies are involved and what Europe will do about this?

I also note that the recent revival of the Cypriot reunification talks was raised at the European Council meeting. We all welcome the recommencement of these talks and give the Cypriot Government complete support in its efforts to reunite the partitioned country. Unfortunately, although it was agreed between negotiating parties that no inflammatory statements would be released while negotiations were ongoing, the Turkish Government has continued to release unhelpful comments relating to the talks, specifically by referring to "two nations" and "two states". Like me, I am sure the Taoiseach sees that as being extremely unhelpful and a breach of faith. Will he use this opportunity to call again for a cessation of such unhelpful statements?

The European Council conclusions state it will support any confidence-building measures agreed by the parties in that region. Does that include the Famagusta declaration? This declaration proposes the formula for a return of Varosha to the UN, the opening of the Famagusta port to international maritime lines and the declaration of the walled city of Famagusta as a UNESCO world heritage monument as a key confidence-building measure. I hope the EU and the Irish Government will take a more proactive approach to the issue, giving the Cypriot Government and the negotiators their full support. Considering the history and current partition of our nation, I would like to see the Government play a much more supportive role in this regard. Were any of the issues discussed with the Cypriot leadership at the meetings? The Cypriot people will look to Ireland to take the lead, as it has in the past.

It is welcome that the Council discussed human rights, accountability and reconciliation in Sri Lanka and that its conclusions call for the adoption of a resolution on Sri Lanka at the Human Rights Council which would provide for an international investigation into alleged war crimes, as recommended by the United Nations High Commissioner for Human Rights. The

Sri Lankan Government has continually tried to dodge all calls for an independent international investigation into these crimes and continued abuses of Tamil citizens' human rights. I hope the Council and individual member states will place serious pressure on Sri Lanka and insist that it begin this investigation.

Deputy Richard Boyd Barrett: There should be no ambiguity about our attitude to the Russian actions in Ukraine. They should be condemned outright. President Putin's regime is vile. It has been involved in vicious repression of the Pussy Riot movement and gay people and carried on a terrible and brutal campaign of Russian imperialism in the smaller nations surrounding Russia which has earned it the title, Prison House of Nations, which it still deserves. That imperial impulse is driving its actions in Ukraine. Russia should get out, as President Putin has no credibility.

The hypocrisy of the European Union and the Government in the assessment of the situation in Ukraine is equally nauseating. The Taoiseach said, "Europe and the world need stability based on the fundamental principles of sovereignty and territorial integrity." Presumably, the violation of these principles justifies sanctions. How can that be the case when, for example, Israel routinely, systematically, brutally and continually violates all of these principles and human rights, makes regular incursions into other sovereign states, affecting their territorial integrity, and Europe does not impose sanctions? Palestinians and many others have called for sanctions, but instead the European Union gives it privileged trade status, the opposite of sanctions, despite its vile breach of the principles the Taoiseach says we must uphold. That hypocrisy suggests this is not the real motive. These principles are a cover for the European Union engaging in a geopolitical battle to try to expand its borders at the expense of another geopolitical rival and being willing to play around in the most dangerous way with vile right-wing and neo-fascist forces inside Ukraine. There has been no outright condemnation of Svoboda and the Right Sector and all they stand for, in a worrying echo of what happened at the beginning of the First World War or Germany's unilateral actions which pre-empted the war in the Balkans in the mid-1990s.

I will keep raising my next point until it is acknowledged. Is there any discussion of social objectives in Europe, or this country, particularly homelessness, poverty and unemployment, in all of the discussions about banking union and bank resolution mechanisms? Will the Government acknowledge and discuss with its European partners how property and housing are again being deployed as speculative commodities, stoking a property bubble here reminiscent of the one that led to the crash? The banks and the Government are actively encouraging this with tax breaks for speculation, banks seizing properties to maximise their value and evicting people, leading to a crisis of homelessness. What is the Government stating about the human impact or the macroeconomic danger that represents?

Deputy Mick Wallace: Two weeks ago the latest round of US-EU negotiations on the Transatlantic Trade and Investment Partnership, TTIP, took place in Brussels. The lack of transparency in these talks is outrageous. Negotiating documents and stakeholder contributions are not published; neither are the agendas nor minutes of meetings. This is in stark contrast to public statements made about the talks by Commissioner De Gucht who wrote in *The Guardian* last December that "There is nothing secret about the EU trade deal. Our negotiations over the Transatlantic Trade and Investment Partnership are fully open to scrutiny..." Last month the Corporate Europe Observatory received 44 documents about the European Commission's meetings with industry lobbyists as part of preparations for the TTIP talks, 39 of which were heavily censored and released only after a freedom of information request submitted by the

observatory almost ten months ago. The documents show that Commissioner De Gucht's officials invited industry to submit wish lists for regulatory barriers they would like to be removed during the negotiations. There is no way for the public to know how the European Union has incorporated this into its negotiating position or even what has been asked for and by whom, as all references have been removed. Responding to the Commissioner's claims of openness and transparency, the organisation stated that, according to Global Research:

Not only is the text of the EU's negotiating position secret the public is even denied access to sentences in meeting reports that refer to the EU negotiating position. This is especially problematic as these are minutes from meetings with industry lobbyists who were clearly given information about the EU's negotiating position in the TTIP talks, unlike the public ... sharing information about the EU's negotiating position with industry while refusing civil society access to that same information is unacceptable discrimination.

We can ascertain from the heavily censored documents released by the Commission that in advance of the TTIP talks it was extremely active in seeking guidance from big business and its lobbyists. The documents also show that the major issue in the negotiations is the removal of differences in EU and US regulations. As the Corporate European Observatory has highlighted, regulatory co-operation is one of the most worrying aspects of the TTIP talks and its repercussions will be felt long after the deal is concluded. As George Monbiot of *The Guardian* pointed out recently:

Nothing threatens democracy quite as much as corporate power ... When everything has been globalised except our consent, corporations fill the void. In a system that governments have shown no interest in reforming, global power is often scarcely distinguishable from corporate power. It is exercised through backroom deals between bureaucrats and lobbyists.

I am no fan of what Russia does, any more than what the United States or China gets up to, but Russia has acted to protect what it sees as its security interests, just as the United States did in Cuba a long time ago. International experts warned as far back as 2008 that if the United States and the European Union continued to encroach on Ukraine, there would be social and economic chaos, but NATO ignored such warnings and boasted that Georgia and Ukraine would become part of it. The West seems to think it is always right, no matter what its stance. I wish the people concerned would read history because they might learn something. It was interesting to hear Mr. David Cameron launch his attack on Russia for having the audacity to invade a neighbouring state while he was coming back from a friendly visit to Israel. When he was there, did he propose a plebiscite on the West Bank? It might have been a good idea to do so.

Deputy Clare Daly: It is difficult to concentrate on anything today other than Garda matters, but the issues under discussion are of critical importance. We need to put the spotlight on the conduct of the European Union and how this country, as a neutral country, within a league of nations conducts itself. We have to examine seriously the European Union's policy on Ukraine. It has not been motivated by humanitarian concerns or democratic interests for the well-being of the people of Ukraine. The conduct of the European Union has been based on an economic and political agenda directly competing with Russia's economic agenda. The people of Ukraine will be the ones who suffer. Like other Deputies, I find it nauseating to listen to western media cheer the coup against the corrupt former leader, Victor Yanukovich. I have no sympathy for him but his demise was cheered not because he was corrupt but because it destabilised the region and allowed the advancement of the neoliberal agenda in Ukraine. The same neoliberal agenda is riding roughshod across the EU. It is ironic to hear the Taoiseach argue yesterday that

all the people of Ukraine want is the right to join the EU in order to enjoy the same great living standards as the people of Poland. Clearly he does not know many Polish people because living conditions in Poland are not worthy of applause. The idea that Ukraine will be joining the EU is laughable because that will not offer a way out. The fact that the new regime has installed its own oligarch shows it is not democratic and is putting the interests of a tiny elite ahead of the general population.

It is appropriate to condemn the hypocrisy of the EU and US in threatening sanctions. We must be consistent in remembering these countries' history of undemocratic and bloody actions in Iraq, Afghanistan, Serbia and Kosovo. The idea that the EU has somehow morphed into the great defender of human rights and borders is an insult to our intelligence. When US interests are at stake it has no problem embarking on military interventions or invasions of sovereign territory. The EU is engaging in doublespeak because it also wants to protect its economic interests in the Ukraine. Some European powers are pulling back somewhat because of their concerns in this regard. We are in a unique position as a neutral country to do something different. Nobody in this House is a cheerleader for the rotten Putin regime but some of us would argue for consistency and putting the interests of the people of Ukraine at the heart of this discussion instead of the interests of multinationals, NATO and those who want to enrich themselves at the expense of the many.

Deputy Luke 'Ming' Flanagan: I will begin by speaking in general about this House and the equality we were meant to enjoy when we came in here. Yesterday the Technical Group was left out of a briefing on the issue of Garda bugging and today, as usual, the Taoiseach left the Chamber before Members from the Technical Group began to speak. I am amazed that he remained for the contribution from the Sinn Féin Member.

Acting Chairman (Deputy Bernard J. Durkan): There is limited time for this debate and I ask the Deputy to refer to the subject matter.

Deputy Luke 'Ming' Flanagan: He rarely stays for contributions from Sinn Féin but he stays to listen to Fianna Fáil. We know why he does so given that he has a lot in common with that party.

Acting Chairman (Deputy Bernard J. Durkan): If the Deputy wants to use his entire time this way he can do so but he is out of order.

Deputy Richard Boyd Barrett: He is not out of order.

Deputy Luke 'Ming' Flanagan: Everyone agrees that we should condemn Russia for what it has done in Crimea. It is obvious that it will be a difficult situation for many people there. However, when we consider who is condemning Russia it does not do a lot of good. Deputy Martin referred earlier to the democratic principles of the EU. In what EU has he been living? The democratic principles of the EU dictate that a referendum be held again if it does not produce the desired result and that countries be warned they will be penniless if they do not vote the right way. It is remarkable that the EU would preach to anyone about a referendum. When Greece wanted to hold a referendum, the EU refused to allow it. The brilliant democratic principles to which Deputy Martin referred did not seem to matter to Italy when a banker was installed as the leader of that country. If anyone is to lecture us on democracy, perhaps it should be someone other than the EU. The conflict between Russia and Ukraine is like two adolescent lads chasing after a girl. It is not for the conversation that they are doing the chasing. They are

looking for what they can get and they do not care what destruction is caused in the achievement of their aims.

At what stage will this Government, which is supposed to represent me and the people where I live, hold its head high in Europe and state that, far from being takers, we are the givers? When will it remind Europe that since we joined the EU every citizen in this country has benefitted the Union to the tune of €46,000? When one includes Cohesion Funds and CAP and takes away the money sent back to Europe in banking debt and the appalling deal we got on fishing, that is how much each of us has given to the EU. The EU does not care about democracy and it certainly does not care about us. If the Government cared it would fight for us.

Acting Chairman (Deputy Bernard J. Durkan): We will now take questions to the Minister of State at the Department of the Taoiseach, Deputy Donohoe, followed by his closing statement.

Deputy Richard Boyd Barrett: I ask the Minister of State to comment on the property sector. I have spoken previously about the growing homelessness and housing crisis but the macroeconomic dimension of this issue has not been discussed. I raised the issue with the Fiscal Advisory Council at the Joint Committee on Finance and Public Expenditure and Reform. The council was introduced by the troika to monitor imbalances in the macroeconomic environment in this country. It is alarming that we are putting in place property based tax incentives and that the Taoiseach is going to the United States and God knows where else to encourage big corporate investors to make money out of the housing crisis. Large numbers of property assets currently in the hands of the State are being unloaded to these investors. Alarm bells should be ringing in Europe in this regard.

Acting Chairman (Deputy Bernard J. Durkan): Ask a question.

Deputy Richard Boyd Barrett: Is the Government concerned about this or is anybody in Europe discussing it? The point of the troika's intervention and the establishment of the Fiscal Advisory Council was supposedly to ensure these kinds of imbalances do not arise again.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy needs to concentrate on a question.

Deputy Richard Boyd Barrett: I am asking the question.

Acting Chairman (Deputy Bernard J. Durkan): It should not take that long.

Deputy Richard Boyd Barrett: Are these issues being discussed or is the focus solely on banks recovering value from asset portfolios?

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Dooley.

Deputy Richard Boyd Barrett: The Chair only interrupts Members from the Technical Group.

Acting Chairman (Deputy Bernard J. Durkan): I want the Deputy to withdraw that remark because it is not true. The Chair does not interrupt; the Chair intervenes when a Member is out of order.

Deputy Timmy Dooley: The Taoiseach told us that two different approaches to the Crimea

situation were proposed at the summit. We know what the final agreement was but we do not know what stance Ireland took. I ask the Minister of State to clarify that issue.

2 o'clock

The other issue is one that has been raised by my colleague, Deputy Michael McGrath, in communication with the ECB President, Mr. Draghi. That sets out clearly the concerns of the ECB on the funding position of the Irish banks. Notwithstanding comments that are regularly made about the nature of the recovery that has taken place in the balance sheets of those banks, they are working through a considerable amount of distressed assets, and certain targets have been set by the Central Bank of Ireland in that regard. What still seems to be at the core of all of this is the retrospective recapitalisation, and nothing that I have read and none of the comments that have been made, either by the Minister of State, Deputy Donohoe, or the Taoiseach, would lead me to believe that we are any closer to that position being resolved. Clearly, it will be a requirement if the Government is serious about addressing the funding deficit that seems to exist.

Minister of State at the Department of the Taoiseach (Deputy Paschal Donohoe): I will respond to the different points the Deputies made.

Deputy Boyd Barrett asked about the property sector and what he believes is taking place with regard to property prices and the significant difficulties to do with homelessness. He first asked me whether there was a European sphere of engagement on this topic. I must emphasise that policy on the delivery of housing, whether it be social housing or planning policy overall in the development of private accommodation, is nearly entirely a matter of national competence for governments. Decisions on areas of planning and public housing are made at national Government level as opposed to decisions that require engagement or consent from other Governments or from European bodies.

I note that Deputy Boyd Barrett went on to rephrase the question in the context of macroeconomic imbalances. Of course, the Deputy is correct to note that the fiscal governance treaty and the European semester process make reference to macroeconomic imbalances, a macroeconomic imbalance being a development within an economy that could have a seismic effect on either the health of the economy or society itself. In terms of engagement with Europe on whether what is happening in the property market represents a macroeconomic imbalance, I would argue that it does not. The reason I say so is that the property price increases are happening in the context of prices - for example, in Dublin - having come down by nearly 51% from their peak. It is also happening in the context of a property market that does not have as many properties available for sale as would be the case in a normal housing market, which, hopefully, will develop in the coming period. As to whether I believe the increase in house prices is a cause of the homelessness problem, I would argue it is the lack of housing supply that is more a direct cause of homelessness than the changes of price in the housing stock, and that is something to which the Department of the Environment, Community and Local Government and Dublin City Council are responding. I am aware of the work they are doing in my constituency in that area.

On the point Deputy Dooley put to me regarding the different approaches at the European summit in dealing with Crimea and Ukraine, different views were articulated in public on how a response of this magnitude should be dealt with, but I would emphasise, before I come to the Irish response, that there was complete unity from all the Governments - Deputy Martin acknowledged this in his statement - regarding the measures that were agreed at the European Council. Everybody agreed with the plans that were in place and the overall framework that

Europe has for dealing with this issue.

In terms of where Ireland was specifically in relation to this, Ireland supported the expansion of the phase two list - in other words, the subjecting of further individuals to the measures of which the House will be aware - and supported the work that the Commission is now doing to scope out possible measures for broader action and the cost and benefits of those different approaches.

On Deputy Dooley's concluding point with regard to the banking sector, I re-emphasise that due to the investment that has already been made in the banks by the Irish taxpayer, the Government is strongly of the belief that the banking sector is capitalised and is able to deal with the difficulties that we know are still there. I point to the fact that some of the banks have been more successful in selling their own bonds, which would indicate that those who are looking to invest in those banks hold the same view as they look to buy that debt.

On his point regarding retrospective recapitalisation, to be clear, it was due to decisions that were made by the previous Government, led by his party, that we have difficulties of this scale. The Taoiseach has been clear that in the context of a banking union that will be operational within the next 12 to 18 months, we will look at all measures to get value back for the Irish taxpayer in the banking system.

Deputy Luke 'Ming' Flanagan: Mr. Jim Higgins, MEP, made an announcement on local radio - I brought this up on the last occasion and I am curious about where he is getting this information - that before the next general election there would be a deal on retrospective bank recapitalisation. He was definitive about that. I am curious as to what magic hat he has pulled this information out of.

Negotiations are heading towards a conclusion on the Common Agricultural Policy. I wonder whether the Minister of State ever brings up the reports that €4.5 billion of the previous CAP funding was not spent on-farm but off-farm. It was spent on buy-to-let apartments in Ireland and on apartments in Bulgaria, Croatia, Italy, etc. Given that we are coming close to finalising the latest round of CAP, I wonder what is being done to ensure that such funding is not spent yet again on what it should not be spent on. By the way, we get approximately half as much from CAP as we give away through fishing, and I ask the Minister of State not to respond by saying we are lucky to get it. We are not.

Deputy Seán Crowe: I asked a couple of questions in my contribution and the Minister of State might have missed some of them. One related to the European Commission and the Permanent TSB restructuring talks. Is there any update in that regard? On the recapitalisation of Irish banks, was any progress made?

The Council's statement welcomed the Ukrainian Government's commitment to ensuring its representative nature and inclusive government structures and protecting minorities, which seems at odds with what we are being told is happening on the ground. The Minister of State might expand in that regard. I am particularly concerned about the attacks on the Jewish population and other minorities in cities such as Kiev and I wonder what steps are being taken by the Government in welcoming such commitments.

I asked about climate change. Is there any update in that regard? I also asked about the situation in Cyprus, particularly the Famagusta declaration, the need for confidence-building measures and the fact that to date Ireland has been quiet on the issue. Does Ireland have a view

on some of the statements that have been made by the Turkish side in that regard? There was agreement on unhelpful statements that would cause difficulties in those negotiations. Will the Government use its direct links with the Turkish and Cypriot Governments to encourage these talks?

Deputy Richard Boyd Barrett: I have two questions. First, the Minister of State did not respond on the contrast between Europe's apparent concern in Ukraine to uphold territorial integrity and sovereignty as a fundamental principle, which is what the Taoiseach stated, and its absolute failure to do that in relation to Palestine. In fact, these are starkly contrasting approaches. One country gets sanctioned for breaching those principles while another country gets favourable trade status, not sanctions, despite repeated calls for sanctions. I would like to hear a comment on that.

I accept there is another dimension to property and it concerns housing policy, which we will take up elsewhere. There is a major macroeconomic dimension at national and European levels and it is often forgotten in intricate discussions about European economic architecture that property was at the heart of the crash across Europe and the United States. For us not to see the issue as a central consideration when looking at the question of macroeconomic imbalances or potential warning bells about developing imbalances is crazy yet I do not hear talk about it. I ask for this to begin to feature in our discussions. Is there any discussion about whether property-based tax reliefs, encouraging speculation in property, are inherently dangerous?

I see a link between the failure to look at the problem and the imperative of the EU, which the Government has adopted, to say that the banks must restore as much value from the distressed assets as possible. If that means inflating the property market, so be it. They are not worried about it.

Acting Chairman (Deputy Bernard J. Durkan): There are five minutes for a summary after the question and answer session. After 85 minutes, the session must conclude.

Deputy Paschal Donohoe: I will respond to questions that were put to me, beginning with Deputy Boyd Barrett. I did not answer questions about Ukraine because he did not put such questions to me. Now that he has, I will respond to that point.

With regard to property, I refer to a point I made earlier. Do I believe house price increases at the moment constitute a macroeconomic imbalance? I do not believe so because house price increases are happening in the context of a gigantic decrease in house prices since 2007. As other parts of our economy begin to strengthen, additional houses and, depending on the area, apartments will be made available to further deal with the price increases. What is the bigger cause of homelessness at the moment - a lack of housing or the increasing price of housing stock available? I believe it is a lack of housing.

An earlier point dealt with the social consequences of this crisis. I do not need to tell Deputy Boyd Barrett about the social catastrophe and the tens of thousands of people who had been working in a construction sector that got far too big. Just because we had a construction sector that was far too big in our history does not mean that an economy and a country of our size should not have a smaller and better regulated construction sector that is able to deal with housing needs of the people to whom the Deputy refers. While that is being created, I do not believe the housing market as currently constituted represents an imbalance.

On Ukraine and the contrast made with the Middle East, the European Union, through High

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Representative Ashton and many foreign Ministers, has been to the fore in bringing a just settlement to the Middle East. It has done all it can to support the development of the peace talks, which hopefully will pick up momentum to deal with the many issues of injustice referred to by the Deputy.

With regard to Deputy Sean Crowe's question on Cyprus, there was a discussion of Cyprus at the European Council. The view of the European Union, shared by Ireland, is that the division of Cyprus has taken place for too long. We welcome the discussions taking place and emphasise the need for more momentum. I understand the role Turkey must play in that respect. The Taoiseach joined his counterparts in emphasising our support for the UN framework and for the achievement of a successful outcome of the negotiations under way.

In terms of climate change and whether there is a focus on this at the Council meeting, the Deputy is aware that it formed a substantial part of the conclusions that emerged from the Council. Progress has been made in Europe in dealing with the climate change emissions that are causing such harm to our environment. In 2012, we saw greenhouse gas emissions decrease by 18% relative to 1990. They are expected to reduce further by between a quarter and just under a third between 2020 and 2030.

With regard to Ukraine and inclusive political arrangements, the Deputy has picked up on what I believe is one of the key concepts in the engagement of the European Union with Ukraine. This point also applies to the contributions of Deputies Clare Daly and Wallace. It is essential that an inclusive, fair and legally and legitimately elected government be elected by the people of Ukraine. Unless there is an inclusive government properly constituted under Ukrainian law, the difficulties in respect of minorities and upholding human values will become more fraught. That is why the Union has always emphasised the need for inclusive political arrangements and a democratically elected government.

On the question about Permanent TSB, the Minister for Finance can directly answer it through the Sinn Féin spokesperson on finance, Deputy Pearse Doherty. The Department of Finance will continue to work on the matter in its efforts to restore health to our banking system.

Deputy Luke 'Ming' Flanagan asked about agriculture policy and whether I raise agriculture matters when representing Ireland at the General Affairs Council. I do, and did so most recently two weeks ago in respect of discussions on climate change. With regard to allegations and claims the Deputy made about the Common Agricultural Policy funding-----

Deputy Luke 'Ming' Flanagan: George Lee made those claims. He used to be in the Fine Gael Party.

Deputy Paschal Donohoe: -----I am certain those in receipt of funding in Ireland use it for the purposes to which it is intended. I am certain of that. If there are any question marks about it, I am sure it will be investigated by the proper bodies.

Deputy Luke 'Ming' Flanagan: Was George Lee wrong?

Deputy Paschal Donohoe: On the comments about someone who is a respected and experienced MEP from my party, I have already said the approach of the Government is, at the best possible moment, to take the right steps to gain value back for the Irish taxpayer.

With regard to the broader points put to me and in concluding on other areas that have not

been touched on in the European Council discussions, I refer to manufacturing and what happened in Europe and in Ireland. Deputies are aware of the 6 million jobs lost in Europe. Just under 4 million of those jobs have been lost in manufacturing, which is a gigantic share of employment loss. I am encouraged by the growing momentum in the area of re-shoring, where manufacturing jobs that went to lower-cost economies all over the world are now beginning to come back to Europe. There are greater opportunities for the jobs to come back to Ireland. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, and the Secretary of State, Vincent Cable, MP, recently published a joint article on this point. There is a major opportunity for Ireland in the context of the hundreds of thousands of people we want to support getting back to work. The European Council's conclusions make reference to a number of decisions on supporting industrial policy in Ireland and Europe and to doing all we can to ensure the overall recovery is built with a stronger contribution from industry and manufacturing. They make reference to further progress in the areas of the Single Market and external trade. Reference is also made to what needs to be done to ensure the banking system is able and has the right capacity to lend to small and medium-sized enterprises. In addition, reference is made to what more needs to be done to put in place strong networks to support the development and commercialisation of research and development in Ireland and across Europe. In considering all of these points we must ensure there are no artificial distinctions for different parts of the economy and the services sector. The reality is that successful participation in value chains all over the world increasingly requires the use and development of business services to ensure progress and work in the area of manufacturing can lead to good jobs and their contribution to economic growth.

A further point concerns the progress made in the regulatory fitness and performance, RE-FIT, policy, something the European Commission has adopted in recent months. It is about ensuring the levels of regulation within the European economy and inside the European Union are appropriate and that unnecessary proposals are withdrawn.

I wish to conclude with some comments on the EU-Africa summit and the discussion that took place on the situation in Sri Lanka. The Taoiseach will attend the fourth annual EU-Africa summit which will take place in Brussels next week. The theme of the summit will be "Investing in People, Prosperity and Peace". It will form an essential part of the Africa-EU strategy. This is a great opportunity for Ireland and Europe to reiterate that we remain committed to building a partnership of equals with Africa. What the European Council's conclusions stress is that continued international support for African partners in the area of security continues to be vital but that further work needs to be done to support African countries as they seek to increase their capacity and develop their ability to govern their people and communities well. Ireland will intervene in the summit next week. The particular areas on which we will focus will be sustainable and inclusive growth, specifically agriculture and food security.

On several occasions the European Union and Ireland have articulated their strong concerns about human rights in Sri Lanka and urged the Government of Sri Lanka to implement effectively the recommendations of the Lessons Learnt and Reconciliation Commission. In last week's conclusions the European Council called for the adoption of a resolution on Sri Lanka at the United Nations Human Rights Council that would provide for an international investigation into serious human rights abuses by both sides in Sri Lanka's civil war, as recommended by the UN High Commissioner for Human Rights. With this in mind, Ireland, as an elected member of the Human Rights Council, will continue to work with international partners to urge the Government of Sri Lanka to adhere to its international obligations and respect human rights.

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Sitting suspended at 2.25 p.m. and resumed at 3.25 p.m.

Topical Issue Debate

Mortgage Arrears Proposals

Deputy Ann Phelan: I thank the Leas-Ceann Comhairle for allowing me to address this serious issue. There has been news that there have recently been a number of debt write-downs for mortgage holders with AIB. While this is a positive and welcome step, no real detail seems to have been given as to how these write-downs were achieved. In highlighting this issue I do not want in any way to jeopardise any possible deal being done or that may be struck for individuals, as I understand the situation is extremely stressful. However, there is a need for clarity on how these deals are negotiated. The lender has chosen to remain silent on some of them which has caused resentment and angst among those who cannot obtain a similar deal and among taxpayers who are required to finance the deals through their taxes. I understand negotiations can never take place in public. However, it is important that deals are struck, but it is also important that they be as transparent as possible. I have constituents who are at a loss to understand how some individuals have been able to attain deals and they cannot, even though they consider themselves to be in an equally serious position. It seems some of the deals have been leaked to the media, but I do not understand how that helps the situation.

AIB is 99.8% owned by the taxpayer. Therefore, it has a duty to the State and the taxpayer to be fair and transparent. There has been selective leaking of deals to the media, which is not acceptable. We do not know the specific criteria used. We have information from some sources which seem to be in the employment of AIB but I could be incorrect about this. The danger in reporting these deals to the media without relevant information as to how they were negotiated is that it leads to a false expectation among other borrowers. On this basis there is an urgent need for clarification. It is like a game of “Deal or No Deal”. The debtor simply fills out the standard financial statement, AIB examines it through its own process and determines whether it will give the person a deal. I have been informed it applies the minimum standards as determined by the Insolvency Service of Ireland plus 20%. It then writes off the proportion over 130% of the current market value. The Insolvency Service of Ireland was established for a reason, which is in the interest of the debtor. It is fair, open and transparent. Could AIB’s present approach impact negatively on the Insolvency Service of Ireland and on the personal insolvency service as a whole?

Is it the case the banks apply guidelines and criteria to benefit themselves and not the debtor or taxpayer? It is clear the banks do not want to engage with the regulated solutions as set down by the Personal Insolvency Act as they stand to lose out. I call for these details to be clarified and for transparency in respect of all deals. Consistency needs to be applied across the board.

Minister of State at the Department of Finance (Deputy Brian Hayes): I thank Deputy Phelan for raising this very important issue. As the Deputy will be aware the relationship framework with the bank provides the State cannot intervene in the day-to-day operations of the bank or its management decisions. These frameworks are published on the Department of Finance’s website. The Minister for Finance must ensure AIB is run on a commercial, cost effective and independent basis to ensure the value of the bank as an asset to the State.

I understand AIB is acutely aware of its fiduciary duty to protect taxpayers' money and can only write down residual debt if there is no prospect of that debt being paid back or no affordability to pay it back. From the bank's perspective, it is not possible or practical to set out absolutely strict guidelines on applicable levels of write-down as each case is different and circumstances vary from customer to customer. However, once it has been determined a customer's level of net disposable income does not allow for a standard forbearance solution, it is sometimes necessary and economically sensible to involve debt compromise as part of the overall resolution. This debt flexibility usually arises in the application of a split mortgage or a voluntary sale for loss arrangement. All resolutions offered to customers in difficulty are assessed on the basis of the borrower's maximum affordability in respect of his or her mortgage.

The approach of the Government on this issue has been clear, and it is that mortgage holders and other borrowers who can meet their loan obligations should continue to do so and that appropriate assistance should only be afforded to those mortgage holders, or other borrowers, who experience real and genuine difficulty in meeting their commitments. This approach was recommended by the Keane report, which recommended against blanket debt write-off on affordability and distributional grounds. It is clear the vast majority of mortgage holders can and will continue to meet their mortgage commitments.

The Government's strategy to assist those in genuine and significant mortgage difficulty is built around measures in four distinct areas. These are personal insolvency, which the Deputy mentioned, a mortgage advisory service, the mortgage to rent scheme, and engagement with the banks. Considerable progress has been achieved across this strategy. This strategy is being managed across several Departments and reflects the fact there is no single solution to the mortgage arrears problem.

The Central Bank's code of conduct on mortgage arrears, the CCMA, also provides a strong consumer protection framework to ensure borrowers struggling to keep up their mortgage repayments are treated in a fair and transparent manner by their lender, and that long-term solutions are sought by lenders with each of their borrowers. The CCMA provides an integrated package of consumer protection measures for borrowers facing or in mortgage arrears. It seeks to deliver on the following principles: to ensure appropriate resolution of each borrower's arrears situation, to ensure lenders deal with borrowers in a fair way, to support and facilitate meaningful engagement between lenders and borrowers and to ensure borrower awareness of the benefits of co-operating with the lender and the consequences of not co-operating.

In its mortgage arrears resolution targets, or MART process, the Central Bank has set clear targets to require the main mortgage lenders to propose and conclude sustainable solutions to mortgages which are more than 90 days in arrears. However, the appropriate solution in each individual case is one for the bank and lender to conclude having regard to the particular circumstances involved. So far, lenders have reported to the Central Bank they have met the quarter two and quarter three targets for 2013.

Deputy Ann Phelan: I accept the comprehensive answer the Minister of State has given. Very varied situations exist and I accept wholeheartedly we cannot have a one size fits all solution. Does the Minister of State accept that in some cases, which have been reported widely in the media, people have received debt write-down while other people cannot obtain this? Does he accept this causes resentment not only among debtors but in society in general?

I accept the bank will have to do individual deals with people but we must level the playing

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field. I have constituents who have been trying to deal with a bank other than AIB who cannot get anywhere. Their phone calls are not returned. They keep a diary of how they try to contact the bank. The bank will not engage with them and has told them to surrender their home. We then have reports in the media of people receiving debt write-down on half their mortgage so one can see why people are getting very upset.

I accept a bank must be commercial and such activities must be taken into consideration, but this involves people and it is not only an economic situation. I have been in a home where the mortgage difficulties are such the fire cannot be lit until after 7 p.m. The mortgage must continue to be paid and the people cannot afford to buy coal to light the fire. These are the situations I am dealing with and the people who need debt write-down. I hope the Minister of State will take what I am saying on board.

Deputy Brian Hayes: Not only do I take on board the very relevant points made by the Deputy, and she is absolutely right to highlight this matter to the House, I very much hope AIB take them on board. It would be very useful if AIB clarified the matter on foot of the very constructive remarks made by Deputy Phelan in the House. It would bring some clarity to the issue.

These issues will only be resolved on a case-by-case basis and it will depend on the level of indebtedness. My understanding from the Department of Finance's perspective is we are only speaking about people in personal dwellings and it does not involve investment properties. This is an important message to send out.

When the Government had to recapitalise the banks, provision was made for this and there was always going to be a circumstance where some form of partial write-down would have to be part of the mix of solutions, depending on the indebtedness of individuals and the circumstances, and whether in a forbearance test they were able to pay back in a circumstance where a solution could be found. The task of the Government has been to get onto the banks to get this done. Clear targets have been set by the Central Bank as I stated in my remarks. It is now the task of the banks to achieve these targets. This is the focus of the Government. There was always going to be a mix of solutions. However, I accept the point the Deputy raises that for those who are trying to get a workable solution to the banks and who then hear willy-nilly of what I understand to be a small number of cases, in which some kind of debt write-down has been given as part of the solution, a more substantive statement by the bank or possibly the bank's involvement in a parliamentary committee setting out the circumstances would be of general assistance. The point made by Deputy Ann Phelan is absolutely on the money. People need to know these things and customers who are dealing with the bank and who are having difficulty in arriving at a solution also need to hear this. Consequently, I echo her remarks.

Broadband Services Charges

Deputy Michael Moynihan: I wish to raise the need for the Government to discuss the cost of broadband in Ireland and appreciate the presence in the Chamber of the Minister for Communications, Energy and Natural Resource to respond to this Topical Issue. I am sure the Minister is aware a new study has found that Ireland has the third highest cost of broadband in the European Union when making comparisons in respect of the cheapest package available. The research was carried out by the European Commission last year and examined comparative costs of broadband across the European Union. The study, carried out by SamKnows, found

that Irish consumers who get their broadband using xDSL technology only receive 49.9% of the speeds advertised by their Internet service provider, which is well below the European Union average of 71% of the advertised speeds. I have raised this issue a number of times, both in this Chamber and in committees and so on. This finding is shocking and the Minister will remember that I tabled an amendment to the ESB (Electronic Communications Networks) Bill 2013 to deal with this issue, which was rejected at the time.

The survey found out that the Irish consumer pays a minimum of €31.40 per month for broadband up to a maximum of slightly more than €60 per month, which ranks as the third highest in the European Union. Surprisingly, within the European Union's Internal Market, the research found a 400% variation in price between the cheapest and most expensive broadband packages, underlining the variable nature of broadband charges. For a country such as Ireland, which prides itself on being at the cutting-edge of technology in the world, this is not good news as it has an impact. Services such as broadband are increasingly necessary and are essential to carry out business and to compete on a commercial level and the cost of such services affects how consumers act. The high cost of broadband will restrict people from moving to e-commerce and e-services. Another survey carried out by Eurobarometer found that approximately three quarters of people living in Ireland limit calls made on their mobile telephones to national numbers and numbers in other European Union states as a result of the charges. The study also found that approximately 70% of people in Ireland limit their fixed line calls to other European Union countries and mobile or fixed line networks run by other operators, due to concerns about charges. In a European Union that espouses the Single Market, this is most disappointing. The Minister should be working to end these charges as soon as possible and should support any action to so do in the European Parliament.

As for the cost of broadband in Ireland, as I stated during the debate on the aforementioned Bill, I accept and welcome the entry of the ESB into the market. This should increase competition in the broadband and electronic communications markets, which hopefully will result in reduced costs and increased broadband coverage throughout the country, although I am not certain whether it will extend to those areas that are devoid of broadband coverage at present. I ask the Minister to outline his thoughts as to the reason broadband in Ireland is so expensive. He also might outline the actions he will take in future to try to bring down the cost, as well as outlining what he intends to do to ensure that Irish consumers get the service for which they are paying, that is, the service that is being advertised. I assure the Minister that my party will be supportive of any measures he might outline to bring about better and lower-cost broadband, as well as a better service of broadband throughout the communities to make sure that businesses and homes in Ireland have a proper broadband service.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I am grateful to Deputy Moynihan for giving me the opportunity to address the House on this matter. As the Deputy is aware, Ireland's telecommunications market has been liberalised since 1999. This means that retail price fixing for deregulated services is not permitted. Governments can, however, establish an investment environment that promotes an active competitive market. Hopefully, this will in turn improve the quality of services and place downward pressure on retail prices. Moreover, the commercial broadband market has made progress, with the number of broadband subscribers increasing from 600,000 to more than 1.6 million within five years. Increasingly, consumers are opting for bundled services from a single provider. These now account for more than 50% of all fixed-line subscriptions. Moreover, smart phone adoption is continuing to increase, with an increase of more than 16% recorded last year. In the

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fixed-line broadband market, customers are moving from lower to higher broadband speeds, where available.

It remains the case that many towns, villages and communities are not seeing similar progress. Ireland's widely dispersed population means there are some areas in which it simply is not viable for the commercial sector to provide services. In August 2012, I launched the national broadband plan to change radically the broadband landscape by ensuring that high-speed broadband is available to all citizens and businesses. This will be achieved by encouraging the commercial markets to do so where the business case is present and by establishing a State-led investment for areas in which it is not commercially viable for the market to invest. Since publication of the plan, investments by the commercial sector are under way in both fixed-line and wireless high-speed broadband services. For example, Eircom has plans to pass 1.4 million addresses with its next-generation broadband service, while UPC has increased its entry-level and maximum speeds to 120 Mbps and 200 Mbps, respectively.

As Deputy Moynihan noted, recent legislation to facilitate the ESB's entry into the telecommunications market also can help the roll-out of high-speed broadband, as well as facilitating greater competition. Intensive work continues in my Department in respect of the State-led investment to secure the countrywide introduction of next-generation broadband access. By implementing the national broadband plan, I am committed to ensuring that all parts of Ireland have access to high-speed broadband, with a view to ensuring that all citizens and businesses can participate fully in a digitally-enabled society. The plan will ensure that a combination of commercial and State-led investment delivers access to high-speed broadband service to all as quickly as possible. Therefore, competing service providers and informed customers moving across providers to secure the best value will exercise the required downward pressure on retail prices.

Deputy Michael Moynihan: Gabhaim buíochas leis an Aire. There are two issues here, namely, the cost of the broadband and the service level in respect of the broadband. I have received letters and documentation from all over the country, including from one community located 15 miles from O'Connell Street, Dublin, bemoaning the lack of broadband. The cost of broadband must be considered and one must ensure the service providers are competitive in comparison with other European Union countries. However, people everywhere throughout the country are telling me about one single broadband-related issue, which pertains to young people in education. For example, one primary school lacks a broadband service and its pupils are greatly disadvantaged when they go on to second level, which makes use of interactive broadband and so forth. It is necessary to force a rethink on this serious issue of broadband cover because this is critical. Two issues are associated with this Topical Issue and the Minister has responded to the first in respect of the cost.

Deputy Pat Rabbitte: I beg the Deputy's pardon but I strayed there. He stated there was one issue above all others that is being relayed back to him.

Deputy Michael Moynihan: Yes, the issue pertains to the actual coverage of broadband right across the country. As the Leas-Cheann Comhairle will be aware, I have travelled extensively in Ireland in recent weeks but this is the issue in every community, including one only 15 miles from Dublin's O'Connell Street, as well as communities in Wexford, west Cork and north Cork. One school in north Cork lacks broadband coverage and it is of vital importance to target seriously this issue because, as I have stated many times over the past two years, there is an major issue regarding the divide between those who have coverage and those who do not.

The issues involved are coverage and the cost of broadband.

Deputy Pat Rabbitte: The Deputy has raised these issues on a number of occasions. I accept that there are gaps in the system, but, as I have said before, in terms of the significant State investment in the national broadband scheme, for example, if that had not been done, there would not even be a basic service in many parts of the country. There are technical reasons which I entirely accept and issues that arise such as contention where the speeds promised have not been delivered, which is true, but, by and large, the protocols in place for the national broadband scheme with 3 have worked quite well. The Deputy raises a bigger issue which, in the main, although not exclusively, has to do with the dispersed thinly populated areas of the country which are the focus of the Department because of the mapping exercise under way. It simply has to be acknowledged that the commercial sector will never move into such areas and provide a service; therefore, the State has to do it and obtain state-aid approval, an issue we have dealt with on other occasions. I have no doubt that we will come back to the EU report to which the Deputy referred. To be honest, I have not had an opportunity to look at it or the methodologies involved, but we are a very long way from having an integrated market, which is the desire of the Commissioner. There are huge issues confronting us at that level.

Broadband Services Speeds

Deputy Terence Flanagan: My issue follows on the one raised by Deputy Michael Moynihan. I thank the Minister for his presence and I am delighted to have the opportunity to raise this issue.

I am concerned that some of my constituents in Dublin Bay North and people on the north-side of Dublin are not able to access fast and consistent broadband services. Residents in Bettyglen, Maywood and on the Howth Road in Raheny, Dublin 5 have contacted me about the poor quality broadband available to them, with many only having access to speeds of less than 3 Mbps. This is as a result of a delay in the roll-out of fibre-optic broadband in the area by Eircom. As we know, Raheny is less than 5 km from the city centre, yet the broadband speeds available are extremely poor, prevent people from doing business from home and affect students in their education and access to the Internet. A constituent who is running a small business from his home has developed an online presence. He has told me he frequently works in and travels to Africa and that there are faster broadband speeds in Malawi than in his home in Raheny. The delay has been caused by the refusal of Dublin City Council to grant a licence to Eircom to construct an additional cabinet at the junction of Maywood Road and Maywood Grove in order to provide for a fibre-optic upgrade for Internet users in Bettyglen. I ask the Minister to intervene to ensure all councils work with providers - Eircom in this case - to resolve these matters. Constituents are not getting answers from Internet providers, including Eircom, UPC or Sky, on whether improved speeds will be available in the area soon. As Deputy Michael Moynihan said, people are continuing to pay very high monthly subscriptions - in this case, to Eircom - for a poor service, while neighbours living a few roads away have a much better and speedier service.

Eircom informed me recently that while the area was set to receive eFibre services, it did not have a date for the provision of services. It states this is because of the uncertainty surrounding the placement of cabinets and the provision of electricity. Obviously, a compromise has to be reached on the provision of infrastructure to ensure customers receive a better service.

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Constituents in Howth, particularly on Windgate Road, where speeds of no more than 100 kbps are available, are concerned that they are not able to access the same service as neighbours on adjoining roads. These are professionals who are looking to do business and students who are trying to access various websites for educational purposes. I am sure the Minister will acknowledge that there are pockets in Dublin where there is a lack of services, which is very unfair. I very much welcome his response to the previous Topical Issue about the national broadband plan and the aim to ensure highspeed broadband is available to all citizens and businesses, but there are issues and pockets where there are problems and I am glad to have the opportunity to highlight them directly with him. I know the State will only intervene to ensure access to broadband services in areas where the competitive market fails to deliver such services, but in this case a council is refusing to give planning permission for the provision of cabinets. I do not know if there is a section in the Minister's Department which would be able to deal with these very real issues in different parts of Dublin.

Deputy Pat Rabbitte: I welcome the Deputy ventilating this issue. I did not know from the Topical Issue raised, which refers to the northside of Dublin, that he was referring specifically to Bettyglen and a couple of black spots in Howth, where Gay Byrne goes for a walk. If the Deputy tables particular parliamentary questions to me, I will see what I can do.

The northside of Dublin is, in many ways, a state of mind and, generally, is immensely well provided for in terms of the provision of broadband, but the Deputy is right that there are gaps. The Eircom programme for the roll-out of eFibre, to which the Deputy referred, is especially exciting. As he knows, fibre-optic is the Rolls Royce of the system. Eircom is getting on with the task and committed to passing 1.4 million homes. I cannot tell the Deputy off the top of my head what the delay in roll-out is in the case of Bettyglen, but I can have a look at the matter and he can also pursue it by way of parliamentary questions.

The Deputy has acknowledged that the State is not a service provider in this market and can only intervene in cases where there is a demonstrable market failure. A great deal of progress has been made and the national broadband plan is a clear expression of the importance of ubiquitous quality broadband to the achievement of our economic and social objectives. The Deputy has referred to the fact that some business people are hampered in the particular areas about which he is concerned. Our commitment is to deliver high speed or next generation broadband services across the country by ensuring the environment is right to maximise investment by the private sector and by State-led investment in those areas where it is evident that the market will not deliver.

Since publication of the plan, fixed line and wireless telecommunications providers have accelerated the roll-out of highspeed services. The landscape for quality broadband provision, in particular in urban areas, including Dublin, has changed dramatically as a consequence. There have been a number of significant developments, for example, the programme to which the Deputy referred, Eircom's eFibre programme. New technology is allowing Eircom to deliver speeds of up to 100 Mbps. Some 700,000 premises can now avail of its next generation broadband services.

4 o'clock

I understand that Eircom has rolled out high-speed broadband services in a great many areas of north Dublin, or rather, northside Dublin. Eircom also advises that it is planning to offer high-speed services in Clontarf, Santry, Summerhill, Phibsboro and some smaller rural com-

munities in north County Dublin, which I suspect are some of the black spot areas about which Deputy Flanagan is concerned. UPC is also investing in the network. Almost 700,000 homes now have access to its fibre-enabled cable services and this is set to grow to 750,000. It has a wide footprint in the Dublin area and more than 43% of Irish homes can now access the UPC network. Mobile operators are rolling out enhanced product offerings, with Meteor, 3 and Vodafone having recently launched 4G mobile broadband services which are capable of delivering significantly higher mobile data speeds. Vodafone is also upgrading its 3G services. Sky has entered the broadband market, offering services over the unbundled Eircom network and providing intense competition in the marketplace, which is also driving investment. Fixed wireless broadband providers are also providing dedicated broadband services to customers. Earlier, Deputy Moynihan referred to the initiative we have taken with the ESB in a joint venture with a leading telecommunications company.

Deputy Terence Flanagan: I thank the Minister for his thorough response. I am happy that the Minister has indicated his willingness to discuss with the county councils the cases in which planning permission has been refused to service providers wishing to upgrade their networks to provide a better service to their customers. The real issue is the cost of broadband, which must be looked at. There is also a problem in certain neighbourhoods with the speed available on one road being far superior to that on adjoining roads. In those circumstances, people feel they are paying a high price but are not receiving the same level of service. That must be dealt with.

Does the Minister have an indicative date for Eircom's plans to roll out the eFibre programme? What plans does the Minister have to deal with the overall cost of broadband? As Deputy Moynihan pointed out earlier, the cost of broadband services here is the third highest in Europe. Given that the Government is focused on improving our economic competitiveness, the high cost of broadband *vis-à-vis* our European neighbours is deserving of more attention. Having said that, I welcome the fact that there are so many providers involved in the market now. The market is competitive, but how will prices be driven down? Is there anything that the Minister can do in that regard? The quality of the service is also important; home-owners are looking for a decent broadband service.

Deputy Pat Rabbitte: I do not disagree with Deputy Flanagan. He is right in saying that we have to encourage as much competition in this market as we can. I welcome the entry of a new player, which is important. The sector itself acknowledges that it is not commercially viable to provide a service in particular parts of the country and therefore State intervention is necessary. I sincerely hope that when the broadband plan is in place it will address those issues. I must commend the investment programme to which Eircom has committed, notwithstanding the recent history of that company. It is a big success that it is maintaining that investment programme and maintaining the commitment to roll out its fibre network to more than 1.4 million homes. UPC now has a very large footprint, including in Deputy Flanagan's part of Dublin. I made reference to the mobile providers as well.

The Deputy is correct to point out that each member state of the European Union is different. All we can do is to ensure we have a functioning, competitive market, and all the signs are that we are heading in that direction.

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School Staffing

Deputy Pat Breen: I thank the Ceann Comhairle for allowing me to raise this matter this afternoon.

The current criteria being applied for the allocation of teachers in rural schools are causing a lot of uncertainty and concern in rural communities, and I believe a more flexible approach must be taken by the Department of Education and Skills. I have raised this issue on a number of occasions by way of parliamentary questions, because the current system is casting a cloud over many thriving rural communities which fear the devastating effect that a loss of a teacher would have on them. We cannot compare rural and urban schools either in geographical terms or in terms of their importance in underpinning the social and economic fabric of communities. The fact is that if the local school closes in a rural area, parents have to transport their children up to ten miles to attend an alternative school, and that rips the heart out of the community. We could avoid this disruption for schools and communities if the pupil-teacher ratio for rural schools were less punitive and if the system took account of specific circumstances and fluctuations in population.

Such a unique circumstance has arisen at Labasheeda national school, which is located in a rural parish in west Clare in my own constituency. The two-teacher school is to lose one of its teachers from September 2014. It has been through the appeals process but its appeal has been unsuccessful. The decrease in the school's enrolment is not based on demographics. It is a unique situation, which I have outlined separately to the Minister, in which extraordinary circumstances led to the reduction in numbers currently attending the school. However, while enrolment figures fell during the turmoil, the future is far more positive. The school has signed pre-enrolment forms from parents for the next five years, which shows their commitment to the school and confirms that the school can reverse the decline. The whole-school evaluation, WSE, report from 2012 indicates high standards and a parental survey shows there is overwhelming support for the work being done at the school. If Labasheeda national school is reduced to a one-teacher school, it will mean the remaining teacher will be expected to deliver the full curriculum to eight different grades. Similar problems arise in other rural one-teacher schools. As well as the issue of the curriculum, the question arises as to how the teacher is going to manage the school alone. Recently, another rural school that is losing a teacher was in touch with me and I have put the case to the Department for providing a classroom assistant in the interests of health and safety.

This week, by way of parliamentary question, I also raised the issue of small rural schools, and I thank the Minister for this response. I understand from the reply that the configuration of small primary schools has been examined by the Department in a value for money review and that this review will inform future policy direction in this area. In my view, future policy direction for small rural schools cannot be based solely on pounds, shillings and pence. It must take into consideration the social and economic value of these schools and their importance to their communities. It is clear from reports I read in an article in the *Irish Examiner* this week that while the number of primary school mergers doubled last year, most did not involve small rural schools. Merging is simply not an option for small rural schools, as they are geographically isolated with no access to public transport.

I ask that the Minister publish the aforementioned review as a priority so that we can have a debate on this very important issue. In the meantime, I ask him to give Labasheeda national

school a break. It needs the breathing space to allow it recover from what has been a very difficult time in its history. What is the point in taking away one of the mainstream teachers from September when 12 months down the line it will have the numbers to re-engage that teacher? That makes no sense and it will only cause unnecessary disruption for the school and for the community of Labasheeda. I ask the Minister to relax the policy criteria to take account of such special cases. Labasheeda national school will recover provided it is given the opportunity to do so, and I ask the Minister to take account of this unique situation.

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock): I thank the Deputy for raising this matter.

The staffing schedule is the mechanism used for allocating mainstream teaching posts to all schools. It operates in a clear and transparent manner, treating all similar types of schools equally irrespective of location, and on the basis of a general average of one classroom teacher for every 28 pupils with lower thresholds for DEIS band one schools. As part of the 2012 budget decisions, there is a phased increase in the number of pupils required to gain and retain a classroom teaching post in small primary schools with four teachers or fewer. The first phase of the budget measure took effect from September 2012 while the final phase will take effect from September 2014.

Labasheeda national school has two classroom teachers in the current school year based on an enrolment of 21 pupils at 30 September 2012. The enrolment at 30 September 2013 was 17 pupils which entitles the school to one classroom teacher for the coming school year. The school is projecting an enrolment of 16 pupils for 30 September 2014. The school submitted an appeal to the February 2014 meeting of the primary staffing appeals board, under the small school criterion, seeking the retention of its second classroom post for the 2014-2015 school year based on the projected enrolment of 16 pupils at 30 September 2014. A projected enrolment of at least 20 pupils on 30 September 2014 would be required for the school to remain as a two-teacher school.

Given that it projected just 16 pupils, the appeal was deemed ineligible for consideration by the board on the basis that the grounds of the appeal did not meet with the appeal criteria. The board of management of the school has been notified of this decision. The appeals board operates independently of the Department and its decision is final. If other pupils decide to enrol in the school and its projected enrolment in September 2014 increases to the required 20 pupils, then it can submit a new appeal to the appeals board.

The Government recognises that small schools are an important part of the social fabric of rural communities. They will continue to feature on our education landscape.

Deputy Pat Breen: I thank the Minister of State for his reply. Looking around at the many Members in the Chamber, the people of Labasheeda would have never thought they would have such an interested audience in their school. I did not realise so many Ministers were interested in the school either.

(Interruptions).

Deputy Finian McGrath: Deputy Breen is showing leadership and courage.

Deputy Pat Breen: I am sure the Minister of State might now consider keeping the two teachers in the schools, given the number of Ministers, backbenchers and media here. I hope it

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will put pressure on the Minister of State to rethink the position on small schools.

Small schools in the country are having problems.

Deputy Finian McGrath: The Deputy should throw in the small schools of Donnycarney too.

Deputy Pat Breen: Deputy Finian McGrath would not understand the situation in rural communities and the effect the closure of a small school can have on its community. Not only have rural communities been devastated by recent storms, but they have been hit by unemployment and other problems.

The value for money report into small schools needs to be published as soon as possible, as it will be critical for small schools continuing. They have an important role to play. Once a small school goes from a rural village, the village dies. Will the Minister of State give due consideration to having an exception for these types of schools in communities where the population has temporarily decreased but there is evidence that enrolments will increase in the next four to five years? As I said earlier, keeping such schools open would be only for 12 months until enrolments pick up. It would not cost the Department too much to keep an extra teacher on even as an assistant for health and safety reasons.

Deputy Sean Sherlock: The good Clareman that the Deputy is, he hurled the ball very well on that one.

Deputy Pat Breen: The Minister of State is a good Corkman so he would know.

Deputy Sean Sherlock: I sympathise with the Deputy as I too represent a rural constituency, Cork East, where our schools face similar challenges. The Government has set out criteria which are open to the rigours of an independent appeals review. If an enrolment could be increased in September 2014, there is a mechanism for the school and community to come back in.

Deputy Finian McGrath: The Government is still closing small schools.

Garda Inspectorate Report on the Fixed Charge Processing System: Statements

An Leas-Cheann Comhairle: I call on the Minister for Justice and Equality to make a statement under Standing Order 43.

Minister for Justice and Equality (Deputy Alan Shatter): I want to begin by addressing a matter of substantial importance. On 1 October 2013 in a Topical Issue debate on the penalty points issue, I made a statement that the whistleblowers did not co-operate with the Garda investigations that took place in respect of their allegations.

I appreciate that this statement has been the source of some upset and distress to the whistleblowers. I have looked again at the information provided to me and considered the matter in detail. I previously stated on the Dáil record that I expected that Sergeant McCabe would be interviewed during the course of the O'Mahoney investigation and I note that he fully engaged with the Garda Inspectorate in the work undertaken by it to prepare the report which is the subject matter of today's debate.

I want to say very clearly that, having re-examined the facts and further considered the matter, I believe more should have been done during the course of the O'Mahoney investigation to obtain information from and ascertain the views and experiences of the whistleblowers. Further and better efforts could and should have been made to secure productive engagement with them in the investigation of their claims.

I therefore wish to correct the record of the House that the whistleblowers "did not co-operate with the Garda investigations that took place". I acknowledge this statement was incorrect. It was never my intention to mislead the House and I believe it is appropriate that I apologise to both people and withdraw the statements made.

Deputy Finian McGrath: Hear, hear.

Deputy Alan Shatter: It was never my intention to cause any upset. If any upset was caused, I hope that my correcting the record of the Dáil today will put this matter to rest. In doing so, I again acknowledge, as I have done many times previously that the reports published and the findings and recommendations that have been made with regard to the fixed notice charge system and penalty points are in response to the allegations made by Sergeant McCabe and supported by former Garda Wilson.

I am aware that the whistleblowers and others have issues with some remarks I made outside this House. It was not my intention to misrepresent any matter connected with this issue. I apologise for any offence that may have been caused by any other remarks made by me. There are issues of importance that I have to properly address as Minister for Justice and Equality. There are important matters outstanding which I hope will be finally resolved upon the Garda Síochána Ombudsman Commission, GSOC, completing its investigation and publishing its report.

I welcome the fact that the House today has made time to discuss the Garda Inspectorate report on the fixed charge processing system. I commissioned that report on 14 May 2013 as part of a series of measures to make sure not only that the whistleblower allegations were properly addressed but that any other problems with the fixed charge processing system would also be tackled.

Prior to that, in September 2012, detailed allegations were received by my Department from both the Department of the Taoiseach and the Department of Transport, Tourism and Sport relating to the fixed charge processing system. In October 2012, having considered these allegations, I initially furnished them to the Garda Commissioner for his response.

I believed this was the appropriate initial step and it resulted in an investigation led by the Garda assistant commissioner John O'Mahoney and the administration of the fixed charge processing system being examined by the Garda professional standards unit, GPSU. In the context of the O'Mahoney-led investigation, the particular notices, subject to allegations by Sergeant McCabe, were examined, as well as a random further 1% of fixed charge notice terminations. I published both the report of assistant commissioner O'Mahoney and the GPSU report on 15 May 2013 and referred both of them to the Joint Oireachtas Committee on Justice, Defence and Equality for its consideration. As already mentioned, the day before their publication I referred them also to the Garda Inspectorate, which performs an independent statutory role, and subsequently agreed with the inspectorate broad terms of reference to facilitate it conducting a comprehensive examination of the fixed charge processing system to enable it to make all necessary

recommendations to ensure its proper administration.

It was my view at all times, and remains my view today, that any use of Garda discretion to effect the termination of fixed charge notices must be applied in a fair, impartial and transparent manner and on 15 May 2013, I published seven crucial applicable principles to ensure this. They are as follows: 1. There must be no question mark hanging over the integrity of the fixed charge notice system and in the application of penalty points; 2. No individual should receive preferential treatment because of his or her perceived status, relationship or celebrity; 3. The law and any discretionary application of it to individuals must be administered fairly and with compassion and common sense; 4. No member of the Garda should feel compelled by a person's position, relationship or celebrity status to treat that person any more or less favourably than any other person; 5. There must be proper oversight and transparency to the discretionary decision making process and the applicable rules and procedures must be fully complied with; 6. All statutory provisions, regulations, rules, protocols and procedures applicable to the termination of fixed charge notices must be readily accessible to all members of the Garda and the circumstances, factors and procedures applicable to the termination of fixed charge notices should be detailed clearly on the Garda website for the information of members of the public; and, 7. Where application is made to terminate a fixed ticket charge, where possible and appropriate, material to support any application made should be sought while understanding in some circumstances no such material may exist or be obtainable. These principles were applied by the Garda Inspectorate and they are detailed in the appendix to its report.

I note that, at the time of publication of both the O'Mahoney report and the PSU report, Deputy Niall Collins informed this House that he had no issue with the two reports. Deputy Collins stated:

In the first instance, I will refer to the two reports that were published last week regarding penalty points and the allegations of erasing penalty points. We have no issue with those reports. We welcome the finding that there was no corruption.

I believe that, on the facts as I have outlined them, any objective observer would conclude that I took all the allegations made seriously and that speedy and appropriate action was taken to address them.

I think it is obvious that if I had ignored the allegations made, there would have been no O'Mahoney report, no PSU report and we would not today be discussing the Garda Inspectorate report. If I had ignored the allegations made, the changes effected to improve the management and administration of the system and to provide for more regular auditing would not have been put in place after 15 May 2013 and prior to the publication of the Garda Inspectorate's report. If I had ignored the allegations made, I would not have asked for the comprehensive examination undertaken by the Garda Inspectorate, whose terms of reference addressed issues that were additional to those addressed in the O'Mahoney report and I would not have recommended to Government that all 37 recommendations contained in the Garda Inspectorate report be accepted and steps taken to implement them, nor would I have published an action plan to bring about their implementation.

If I had not taken the allegations seriously, the criminal justice working group, which the inspectorate recommended be established to oversee implementation of the changes required, would not have met the day immediately following publication of the inspectorate's report. It should be noted that, in a slight variation of the inspectorate's recommendation, rather than the

group being solely chaired by an official from my Department, I proposed, and it was agreed, that the group would be co-chaired by my Department and the Department of Transport, Tourism and Sport. I believe that is in the public interest as each Department has a separate and complementary role on dealing with road traffic issues. I am pleased to also note that the DPP has now agreed to be represented on the group.

The action plan which I published, together with the inspectorate's report, prescribes a timescale for the implementation of the recommendations made and also noted where action had already been taken or commenced by An Garda Síochána to implement some of the recommendations. In this regard, a number of the recommendations reflected changes which had already been made as a result of the report by Assistant Commissioner O'Mahoney and the parallel report by the PSU.

The report we are discussing today deals with all aspects of the fixed charge processing system and not just the issues raised by Garda whistleblowers in regard to the use of Garda discretion. Some of the failings identified relate to matters other than the use by gardaí of their discretionary powers to terminate fixed charge notices and penalty points. It is important that we keep in context the extent of the difficulty in regard to the use by the Garda of this discretion. The inspectorate's report notes that, in 2011, there were 514,959 fixed charge notices issued. Some 4.4% of these, that is 22,781, were cancelled. In 2012, some 449,403 notices were issued and 4.8% of these, that is 21,960, were cancelled. In 2013, some 393,588 fixed charge notices were issued and 4.4%, that is 17,393, were cancelled. It is my understanding that when notices which clearly could not have been pursued because of technical or other issues were excluded, the use of discretionary powers at issue relates to approximately 2.5% of notices issued. There are, of course, many other issues identified in the report about the enforcement of notices, including with regard to the service of summonses on those who do not pay the fixed notice penalty. While there are clearly problems to be addressed and dealt with, with regard to the discretionary cancellation of fixed charge notices, this particular issue is only part of the problem.

I am sure it must be a source of some frustration to the Comptroller and Auditor General that the various deficiencies which he identified in past years were not addressed by previous Governments. There have been other reports on the matter, including one furnished to my predecessor in the Department of Justice, then Minister Dermot Ahern, from the Garda Síochána Ombudsman Commission on the fixed charge processing system, which he received in early 2009. I do not know why that report was not published or why its recommendations were not implemented in full. That GSOC report clearly addressed and anticipated some of the managerial and administrative difficulties of which we are now all aware. As I believe there should be full transparency in matters of this nature, I have asked my Department to arrange, even at this late stage, for a copy of that report to be put on my Department's website. I believe the report will be of some interest as, among the many issues it addresses, is the importance of An Garda Síochána having appropriate flexibility in exercising discretionary judgments with regard to whether to issue or terminate fixed notice charges. It makes the point that it is important the Garda exercises such discretion in order to maintain good public relations, as receiving a fixed charge notice might be the only time an individual member of the public is required to engage with An Garda Síochána.

In dealing with what has become known as the penalty points controversy, I want to stress to the House that my only interest at all times has been the public interest. That required that allegations made by whistleblowers be properly addressed and that any problems with the penalty points system be tackled so that public confidence in it could be maintained. That is exactly

what has happened and is happening. I am firmly of the view that it is unacceptable for any member of An Garda Síochána to use his or her discretion in regard to the cancellation of fixed charge notices or penalty points other than in a fair and impartial manner in accordance with the criteria which apply. It is clearly a serious matter where departures have taken place in applying that standard and all required steps must be taken to ensure it does not happen in future.

These are all important issues which require a proper response. I have already acknowledged today, and on previous occasions, the important role of the whistleblowers in highlighting problems and helping to bring about real change. I hope that they can take some satisfaction from the considerable changes which have been and are being brought about. Following receipt of the allegations made, what was important was that I made sure that their claims were properly addressed and this I have done. Further new claims made by them, subsequent to the publication of the O'Mahoney report, with regard to the fixed charge processing system, resulted in my referring all of these matters to GSOC for its consideration and I want to be careful to say nothing today which could in any way prejudice the investigation being undertaken by GSOC.

The most serious allegations specifically made relating to the fixed charge processing system and penalty points related to what were described as: shocking criminality by several Garda officers; serious fraud and corruption within An Garda Síochána; perversion of the course of justice by members of An Garda Síochána; Garda inspectors and superintendents perverting the course of justice on a massive scale; at least seven road fatalities resulting from the termination of fixed charge notices; hundreds of official Garda PULSE records altered and destroyed; and an allegation that the Garda had no discretionary power whatsoever to cancel notices. I would be failing in my duty as Minister for Justice and Equality, and in danger of misleading the House, if I did not point out that there has as yet been no finding to show that these allegations are correct. It is generally accepted that gardaí may, in clear and transparent circumstances, exercise discretion to terminate fixed charge notices, and the approach that should be taken is clearly detailed in the report of the Garda Inspectorate. All of these issues will be revisited by GSOC. It would be unfair for the individual members of the Garda Síochána involved, and against whom allegations have been made, to be presumed guilty of such serious charges. In this context, having regard to the conclusions of the O'Mahoney report, and these matters again pending before GSOC, it is inappropriate that Members of this House and commentators outside it act on the assumption that all of the allegations made are accurate. The presumption of innocence remains a central tenet of our justice and constitutional system.

I accept it was no part of the remit of the Garda Inspectorate to examine individual allegations of criminality or corruption with regard to the fixed charge processing system. However it would also be unfair if I did not note that what the Garda Inspectorate identified was summed up by the chief inspector of the Garda Inspectorate, Bob Olson, when he said that what they saw was "managerial and administrative dysfunction." GSOC may take a different view from that of the O'Mahoney report and that expressed by Mr. Olson.

There are issues of real substance to be addressed in ensuring that we have a fixed charge processing system that operates fairly, efficiently and transparently. That is what we all want to see and it is in the public interest. I do not seek to minimise in any way the failings that have been identified regarding the Garda Síochána but most people would recognise that penalty points are only a small, albeit important, aspect of the work it does. Penalty points are of particular importance in road safety. Mr. Olson, in an interview following the publication of the Garda Inspectorate's report on the fixed charge processing system, stated that this is a "very minor piece of what the Gardaí do."

A substantial proportion of Garda time is and must be spent in preventing and investigating crime and in providing the necessary evidence to facilitate the prosecution of individuals before the courts. Gardaí daily engage in the fight against subversion by the self-styled new IRA and other criminal terrorists and investigate serious crime including homicide, rape, sexual assault, robbery, burglary, fraud, money-laundering, kidnapping, aggravated assault, ordinary assault and a range of other offences, all with the objective of keeping our communities safe. In the context of the controversy that has surrounded the subject matter of today's debate, we should not lose sight of the Garda Síochána's enormous success in effecting a substantial reduction in crime across the State. The recorded number of crime offences has decreased across a number of headings and the overall number of recorded criminal offences fell by almost 24,000 in 2012 as compared to 2006. In the most recent 12-month period covered by the Central Statistics Office there was reduction of 7.1% in overall crime and 10.4% in burglary. Regarding burglaries, Operation Fiacla, one of the Garda targeted operations, has been successful in that the most recent figures available up to 28 February 2014 detail that there have been 8,344 arrests and 4,755 charges brought pursuant to the operation.

The Garda national drugs unit, working with other national units, continues to target persons involved in the illicit supply and sale of drugs, with overall Garda drug seizures for the period 2011 to 2013 valued at over €237 million. Targeted operations by the Garda Síochána in co-operation with the Revenue Commissioners in the same period resulted in approximately 2.7 million litres of fuel being seized, 29 fuel laundries detected and shut down and 119 filling stations closed down by the Revenue Commissioners throughout the State for breaching licensing conditions. In the same period 245.5 million cigarettes, with a retail value of €108 million, and approximately 20,800 kg of tobacco, with a retail value of €7.75 million, were seized.

The Garda continues to target and confront the various criminal gangs that exist in this State, with considerable success. For example, concerted Garda action in recent years against criminal gangs in Limerick has resulted in more than 20 gang leaders serving sentences for offences including murder, attempted murder and drugs and firearms offences, with life sentences imposed for at least 12 gang-related murders. It is estimated that more than 100 prisoners in our prison system are associated with Limerick gangs, and a number of important trials are pending. This is relevant to today's debate because it is crucial that the reforms required by the Garda Inspectorate be implemented but also that we keep this issue in perspective and in proportion. The Garda Síochána plays a vital role in the fight against crime, and gardaí perform these duties often at great risk to themselves. In considering the administrative and managerial dysfunction of the fixed charge processing system as detailed in the inspectorate's report, and as also detailed in earlier reports, it is of relevance that we have regard to the primary objective of the system, which is to reduce road fatalities and accidents, to ensure compliance with our road traffic laws and to increase road safety.

The record of the Garda Síochána on keeping the roads safe is particularly instructive. In 2005 there were 396 road deaths, while in 2012 there were 162. While every death on our roads is a death too many, by any objective assessment the engagement by the Garda Síochána in bringing about greater compliance with road safety rules and in reducing road fatalities has been a substantial success. This is further evidenced by the substantial reduction in the numbers of individuals found to be over the specified alcohol limit in the context of roadside checks undertaken in 2013 as compared with 2007. The rate of detection at mandatory alcohol testing checkpoints, MATs, has gone from one in 94 in 2007 to one in 476 in the first ten months of 2013 for which figures are available. Unfortunately, there was an increase in road

deaths in 2013 to 190, while to date this year there is again a decrease in road fatalities. Garda enforcement continued at a high level in both 2012 and 2013, and it seems from the information available that the increase in road deaths in 2013 substantially related to individuals riding motorbikes, pedestrians and the extensive use by drivers of mobile phones. Driver distraction has become an international focal point with regard to road fatalities, and I welcome the examination of this issue conducted at last Thursday's seminar on driver distraction held by the Road Safety Authority, RSA. I hope the insights gained at that conference will assist in identifying new appropriate action that can be taken by either or both the RSA and the Garda Síochána to effect further reductions in road fatalities and serious injuries resulting from road accidents.

While there was a worrying increase in the number of road deaths last year, at 190 they were still substantially below the 396 fatalities that occurred in 2005. Garda enforcement of road traffic laws is central to achieving the substantial reduction in road fatalities that has occurred since 2005, and of course the contribution of the Road Safety Authority is also of crucial importance. It is only fair to acknowledge the role of all members of the Garda Síochána, both management and rank and file, in the progress made to date. I hope that implementation of the recommendations made by the Garda Inspectorate will result in further progress.

Since my appointment as Minister I have believed it would be in the interests of the Garda Síochána and the public it serves that there be an independent review of the Garda Síochána. It was agreed under the Haddington Road agreement that such a review would take place, and the terms of reference of the review are as follows:

To review and make recommendations on the use by An Garda Síochána of the resources available to it, with the objective of achieving and maintaining the highest levels of efficiency and effectiveness in its operation and administration.

The review shall encompass all aspects of the operation and administration of An Garda Síochána, including:

- the structure, organisation and staffing of An Garda Síochána;
- the deployment of members and civilian staff to relevant and appropriate roles;
- the remuneration and conditions of service of members of An Garda Síochána, including an evaluation of annualised hours/shift pay arrangements;
- the appropriate structures and mechanism for the future resolution of matters relating to pay, industrial relations and attendance matters.

There was a delay in the commencement of the review because of issues that had to be addressed with the Garda associations subsequent to the Haddington Road agreement. The issues that arose were addressed in a number of meetings held under the auspices of the Labour Relations Commission and work on the industrial relations aspects of the review formally started on 28 February. This is being undertaken by Mr. Raymond McGee, a former deputy chair of the Labour Court. The other part of the review - dealing with efficiency, effectiveness, structure, organisation, staffing and deployment - will be carried out by the Garda Inspectorate. Arrangements are being finalised, again under the auspices of the Labour Relations Commission, to facilitate the formal commencement of work by the inspectorate.

The Garda Inspectorate performed very valuable work in the review of the fixed charge pro-

cessing system and is well placed to carry out a much wider review of An Garda Síochána. It is expected that the review will be completed before the Dáil reconvenes in September and it will provide important insights to any further reform required of a statutory or non-statutory nature, as will the report of the Oireachtas joint committee relating to GSOC and the other inquiries being conducted into matters relating to An Garda Síochána. It is, of course, important not to prejudge the outcome of the work being undertaken by the various bodies and individuals on matters relating to the management and running of An Garda Síochána. I referenced this morning the work to be undertaken on the establishment of a Garda authority.

I hope the House can agree that it is in the public interest to do what we can to move on from the present controversy relating to penalty points and get on with the work under way which will achieve a fair, transparent and effective system. It is of crucial importance that we proceed to implement, in accordance with the action plan, the recommendations made by the Garda Inspectorate. I look forward to the recommendations being implemented and coming to fruition. It is my earnest hope - I know it is shared by my Government colleagues - that we will take all actions required to establish a system in which there will be absolute public confidence and in respect of which there can be no further controversy. An additional step should be taken to ensure the numbers of fatalities on the roads reduce further, with the numbers of serious injuries. Ultimately, we must ensure greater road safety.

An Ceann Comhairle: Deputy Niall Collins is sharing time with Deputies Dara Calleary and John McGuinness.

Deputy Niall Collins: I welcome the opportunity to take part in this very important debate on the report of the Garda Inspectorate. As a question and answer session will follow, I will use the opportunity to offer some questions which I hope the Minister will deal with.

I thank the chief inspector of the Garda Inspectorate, Mr. Robert Olson, for his clear, unambiguous and very concise report. Having read it, everybody agrees that it sets out across five chapters where we are and where we hope to get to on this issue. What is most welcomed by the public is that arising from the report and implementation of its recommendations will be a transparent code of Garda discretion that will be equal for all. This is to be welcomed.

Earlier we had a discussion about An Garda Síochána. With other members of the Opposition, I detailed the catalogue of the Minister's failings to date. I will reiterate them.

The Minister mentioned community policing, but he spearheaded the closure of almost 140 Garda stations in communities across the country. This has deprived many of the presence of community gardaí. We should also recall that the Minister was not too long in office when he attempted to prematurely shut down the Smithwick tribunal. He may contest that claim, now that the tribunal has concluded, but he was outed in that regard. We are discussing the penalty points issue, but we have also heard about the bugging of GSOC and the Minister's treatment of that body, whistleblowers and the confidential recipient. He has not dealt in his statement with any matter relating to Mr. Oliver Connolly. There has also been an issue regarding the Judiciary, while the Garda Commissioner has resigned. Some interesting information came into the public domain during Leaders' Questions today in that regard.

Why did the Minister leak the report into the public domain before placing it before the Houses of the Oireachtas? That was contemptuous of the Houses and Members; we are second-best when issues come up for discussion in an appropriate forum. Yesterday the leaders of the

two main Opposition parties were called to a briefing by the Taoiseach, but the media had the story before then. There is a trend of showing disrespect for the Opposition parties, which is not good enough. There was a report in the *Sunday Independent* on an interview with Mr. Robert Olson that he had never met the Minister for Justice and Equality, despite the fact that they shared a building. This came from a one-to-one interview between the journalist and Mr. Olson.

Deputy Phil Hogan: It must be true so.

Deputy Niall Collins: It is bizarre and the Minister for Justice and Equality should shed some light on the issue.

My party and I support the recommendations made in the Garda Inspectorate's report which seek to rectify a number of problems uncovered in the system that cost the State almost €8 million per annum. The report recommends that the summons service process be reviewed to establish why so many summons were not served and that a system be immediately introduced to ensure all penalty points are endorsed on driving licences. It recommends that the cancellation authority for penalty points be centralised and that petitions for cancellation only be considered when accompanied by factual third party evidence, with all offenders being informed of the cancellation policy. There is also a recommendation that the Department of Transport, Tourism and Sport address the legal difficulties in imposing penalty points on the drivers of company and hired cars, as well as unregistered vehicles. The inspectorate recommends that consideration be given to enacting new legislation imposing heavy penalties on companies which refuse to name offending drivers and that in the case of off-duty gardaí, a superior officer be notified of any detection, as it could affect the assignment of duties. We fully support the recommendations made in the Garda Inspectorate's report.

The Minister took the opportunity to make a long-awaited apology to the whistleblowers. People will wonder why it took him six months to do this, after all the kicking and screaming. What has changed that he has now decided to issue this apology? It is hard to shake the suspicion that he knows the game is up. The public has cast its judgment and the Minister has decided to make a last-ditch effort to save face and his own skin. He has reinstated the good names of Sergeant Maurice McCabe and John Wilson, but it is too little, too late. When he issued his apology he implied John O'Mahoney should have done more and made better efforts. In the Minister's classic form he apologises but subcontracts some of the blame to the author of the previous report on which he seeks to rely. It has taken him six months to apologise. That is not good enough. The Taoiseach stood over the Minister when he discredited the good names of two citizens and allowed that cloud to hang over them for almost six months. Shame on the Minister for doing that.

The Minister did not address the actions of Mr. Connolly, the former confidential recipient, and what he said in the transcript circulating in the public domain. I asked the Minister this morning, and he has not taken the opportunity in making a statement here now, to address what Mr. Connolly said to Sergeant Maurice McCabe about how the Minister would act and what he would do. That is very serious for an officeholder in the Minister's capacity.

The Minister did not address, or attribute any of the credit due to the Minister for Transport, Tourism and Sport, Deputy Varadkar, for describing the whistleblowers as "distinguished", which helped bring about his statement today. He was followed by other members of the Cabinet. The Minister has not acknowledged the very valuable input of the Road Safety Authority.

That was a glaring omission in his statement.

I have asked the Minister several questions. He said the position of Garda Commissioner has been filled temporarily and he intends to carry out an open competition to fill the vacancy permanently. Everyone will welcome that. Hopefully the person who fills that position will not carry the baggage of any previous scandal. Will the interviews conducted by the recently departed Commissioner for the senior vacancies stand, or will an open interview process recommence for the vacancies for deputy and assistant commissioners?

Deputy Dara Calleary: The Minister stated he hoped the insights gained at the road safety conference last week would assist in identifying new appropriate action. I congratulate him - his luck is in. Were it not for that conference, and the remarks of the Minister for Transport, Tourism and Sport, Deputy Varadkar, who called the Minister for what he is, we would not be here and would not have heard the apology to the Garda whistleblowers. The Minister was dragged kicking and screaming into the Chamber this week. The Minister for Transport, Tourism and Sport shamed him into making the speech he has just made. His first wish for the impact of that conference has come true. I hope his second wish for its impact on road safety will come equally true.

The Minister for Transport, Tourism and Sport deserves some credit. Once again, however, the Minister for Justice and Equality could not resist passing the ball to the Assistant Commissioner, Mr. O'Mahoney, saying it was his fault that he did not speak to the whistleblowers. This morning it was the fault of the Attorney General for not drawing attention to the tapes. It is always the fault of someone else, never of the Minister.

The Minister for Transport, Tourism and Sport is in Farmleigh paying tribute to the Irish rugby team. The Minister for Justice and Equality should be there because his ability to pass a ball would give him a place on the team. The problem is those receiving the ball might not be best equipped to take the kind of balls the Minister passes.

Deputy Finian McGrath: He is a soccer manager.

Deputy Dara Calleary: The speech is also an attempt to rewrite recent history. One would imagine from listening to it that the Minister is the most enthusiastic reformer of An Garda Síochána who ever walked the earth and that he is the best Minister since Ministers were invented, according to the Taoiseach and all those who defend him. He stated repeatedly, "if I ignored the allegations". He tried his level best to ignore the allegations. Were it not for his own actions, which prompted a motion of no confidence in this House last year there would have been none of these reports. That he had private information, given to him by the former Commissioner, which he used against Deputy Wallace, landed him in a situation where he had to give in to all those reports. That is the only reason we are here again today and why the reports were commissioned. His ability to have that tittle-tattle puts into doubt his remark that he had no knowledge of the very serious issues of which he pleads ignorance in his Department. He was in control of basic information, or does he ask senior Garda officers about the police files of his political colleagues? That is why we cannot trust him to manage his job. That is why his wish to move on, as he always wishes, cannot be respected because while we move on with him in charge the kind of confidence he expects and hopes for in An Garda Síochána will not exist.

I welcome the announcement of a review. What will be the public input into the review? Has the Minister envisaged what kind of public consultation system there will be? Will the

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Garda Inspectorate seek views from people around the country? Does the Minister intend to proceed with the appointment process for a new Commissioner immediately or await the outcome of the review? As he has laid out the review he hopes for a changed force. I hope with that blueprint in place he will proceed with the appointment of a Commissioner to manage that changed force. I do not know whether he has had time to reflect on that process and what it will involve but I welcome the fact that it will be an open process.

The issues raised this morning are central to this debate because the Minister's style is in question. His and the Taoiseach's acknowledgement this morning that the Attorney General went to the Taoiseach first on Sunday with the allegations in her file is very serious. It demonstrates a completely dysfunctional relationship between the Minister for Justice and Equality and the Attorney General, the Minister responsible for security, who is also the Minister for Defence, and the chief law officer in the country. It speaks volumes that the Attorney General had no confidence in the Minister's ability to manage information and went to the Taoiseach and, most bizarrely, refused to speak to him on the phone but wanted to speak to him face to face and that the Taoiseach did not bring the Minister into that loop for 24 hours. It shows that the Minister is not fit to serve. He does not have the confidence of the Attorney General. He may have the confidence of the Taoiseach but the confidence of many of his colleagues as expressed in recent days is weak, to say the best of it.

If we are to move on from here the Garda review process needs to consider the kind of personnel and training involved in senior management of the Garda. I welcome the fact that the Minister has drawn attention to the Garda record in recent years, to its successes in policing and protecting communities here and abroad but those on the street and on the beat have been let down by management who cannot see the importance of their role, or understand the importance of public confidence in their role. That management style needs to change. While the Government continues to cling to the Minister the change unfortunately rests on his shoulders. That is why the review must involve the public and international expertise on how a modern policing force can continue to drive forward in our community with the kind of threats we face. Will the Minister deal with the question of international involvement?

We are at a very serious impasse in the history of An Garda Síochána.

5 o'clock

What we saw yesterday was an attempt to politicise the force by sacking the Commissioner. He did not retire. The Secretary General of the Department of Justice and Equality does not call on a Monday evening to offer a retirement card. The fact that the information was revealed through RTE because the Taoiseach did not announce it in the House makes me wonder what else happened on Monday that we have yet to be informed about. The review that the Minister announced is incredibly important. These reports are incredibly important. The Guerin report and other reports will lead to change in the management structure and the rebuilding of respect and morale in the force. Meanwhile, however, the confidential recipient and the Commissioner have gone, and God knows who else will go before the report is published in September. I suspect it is the Minister's intention to remain in office. I regret to say that while he is still there, there can be no change.

Deputy John McGuinness: The Minister concluded his statement by expressing the hope that we can move on from the present controversy over penalty points. Effectively, he is saying that the dogs may have barked but his caravan is going to move on. That is the difficulty,

however. Earlier in his contribution he suggested the issue was a very minor piece of what the Garda does.

Deputy Alan Shatter: I quoted the chief inspector of the Garda Inspectorate.

Deputy John McGuinness: The Minister quoted him in favour of his position.

Deputy Alan Shatter: No.

Deputy John McGuinness: Yes, you did.

An Ceann Comhairle: We will not have comments directed across the floor. Please speak through the Chair.

Deputy John McGuinness: The attitude was that the culture had to be protected. The Minister would not be here today but for the fact that he set out to protect the culture that led us to this position. One need only to look at his attitude towards Maurice McCabe and John Wilson. I wish John Wilson a speedy recovery, which is something the Minister did not do. I do not doubt this affair has had an impact on his health. Did the Minister ever meet or speak to Maurice McCabe and John Wilson? Does he intend to call them in to ask them about this debacle and ascertain what information they gave to the Road Safety Authority, the Comptroller and Auditor General and the Committee of Public Accounts? Does he know what documentation was in circulation? Has he seen the documentation and does he understand why two serving policeman, Maurice McCabe and the now retired John Wilson, were so annoyed and upset about the system that they put their careers at stake to become known as whistleblowers?

What the Minister said about the goodness of the Garda and the work it does is true and beyond doubt. None of us questions that. However, we are questioning the culture that condemned those two men the moment they opened their mouths to say that something was wrong. I like to consider them as concerned citizens who are employed as gardaí. A range of meanings can be drawn from the word “whistleblower”. These are concerned citizens who came forward with statements that they could back up with facts and evidence. When they tried to make the institution understand that something was wrong, the desire to protect the culture kicked in. The Minister was part of that culture of protection. He did not listen. Much could have been done but he did not do it. I raised these issues in another debate while the Minister was also sitting opposite. The only issue he raised with me by letter subsequent to that debate was why the lady whistleblower in question did not use the processes available to her. He wrote to me, but perhaps it is the fault of somebody else in the Department who stamped a letter about which the Minister knows nothing. That was the only issue he raised with me. Why should this individual use the processes? She went to the confidential recipient but he told her the last person who had used the system was washing cars in Navan. After I made my statement in the Dáil, did the Minister check it out? I doubt it. This person was reporting that something was wrong with the system. She was declaring it could not be trusted. We heard nothing about it from the confidential recipient, who has since been relieved of his duties. Surely that man has a body of evidence that he could give to the Minister or the acting commissioner, but no attempt has been made on the part of the Minister or his Department to get the information. That lady’s case remains to be dealt with. She was bullied and pushed out of the force, like John Wilson but not like Sergeant McCabe. What impressed us most about Sergeant McCabe’s contribution to the Committee of Public Accounts was that despite legal advice not to do so, he turned up in full uniform and he sat on his own across from members to tell us his side of the story without

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mentioning a single name. He told us that he was proud to appear before the committee and to be a member of the force. His fundamental message was that the force needed to be sorted out but during the course of the O'Mahoney investigation nobody went to him. In any factory or business, if an employee spoke badly about his or her organisation, the foreman or boss would ask to have a chat. That did not happen.

The Minister has apologised to John Wilson and Maurice McCabe. What about the lady whistleblower to whom he has not apologised? What about the way he treated them prior to his remarks? Essentially he told them to put up and shut up. That was an awful way to deal with two men who had nothing in their minds but the betterment of the force. Will he apologise to the lady whistleblower who was forced out of the Garda because she made a complaint of sexual harassment? Is that something he should investigate? I believe it is. Will he apologise to Lucia O'Farrell, whose son was killed on the roadside? A number of legally minded people have told her that the Minister should do something about that case. I raised it with him on the same day I made my aforementioned comments but he never wrote to me about it. Did he look over the file and will he do anything with it? The O'Farrell case highlights all that is wrong with investigations, the Attorney General's office and the system of justice in this country. I appeal to the Minister to include that case for consideration. As the Minister for the Environment, Community and Local Government, Deputy Hogan, was whispering sweet nothings into the ear of the Minister, Deputy Shatter, I hope they heard clearly what I have said on that case.

Will the Minister, Deputy Shatter, apologise to the members of the Traveller community whose records are now on the PULSE system? Families who went to Garda stations to have papers signed for passport applications ended up being profiled on the system. Babies aged 16 days were entered into the system. Human rights are being violated left, right and centre. What about the Minister for Children and Youth Affairs, Deputy Fitzgerald, who is the protector of the children of this country?

An Ceann Comhairle: Deputy McGuinness-----

Deputy John McGuinness: Would the Minister, Deputy Fitzgerald, take a consideration in that regard?

An Ceann Comhairle: Deputy McGuinness should not put separate questions to another Minister.

Deputy John McGuinness: I believe Deputy Fitzgerald should.

Deputy Phil Hogan: It is going well.

Deputy John McGuinness: I believe she should.

An Ceann Comhairle: Is Deputy McGuinness listening to me?

Deputy John McGuinness: Can I ask her-----

An Ceann Comhairle: One does not address questions to other Ministers during the course of a debate.

Deputy John McGuinness: Okay, the Minister for Justice and Equality then.

An Ceann Comhairle: Deputy McGuinness is long enough here to know the rules of de-

bate.

Deputy John McGuinness: Maybe some day the Minister for Justice and Equality is having a conversation with the Minister, Deputy Fitzgerald, he might ask her about that.

Will the Minister, Deputy Shatter, apologise to the family in Wicklow whose son took his own life? There are also implications there for the Garda. What about the granddaughter and daughter of a lady, who was killed in an accident, who reported it to GSOC and cannot get an appointment with the garda who is investigating that case? Does that show the Minister that there is something seriously wrong within the management of the force and does it underline for him the need for a thorough overarching investigation of all of the issues that are being debated here in this House for the betterment of the force? I again ask the Minister if he will meet the whistleblowers; will he meet Ms Lucia O'Farrell; will he meet the family in Wicklow; and, will he meet the others who have concerns about how their cases were investigated because he will learn from that and, hopefully, then do something to reform the Department, the system of justice and those who are responsible.

Deputy Alan Shatter: On a point of order, perhaps Deputy McGuinness, between now and when we have questions, might revert to his files. On the issue he raised about a female member of the force, he might go back to the correspondence he purported to reference and come back to tell the House why he did not respond to me.

Deputy John McGuinness: I am responding to the Minister today.

Deputy Alan Shatter: Deputy McGuinness was asked repeatedly.

An Ceann Comhairle: Deputy McGuinness should resume his seat.

Deputy John McGuinness: I believe that this is the forum where the Minister should respond-----

Deputy Alan Shatter: Deputy McGuinness was asked for detail.

An Ceann Comhairle: Deputy McGuinness should resume his seat.

Deputy John McGuinness: -----and if the Minister had any decency in him, he would investigate that case-----

An Ceann Comhairle: Would Deputy McGuinness please resume his seat?

Deputy John McGuinness: -----instead of throwing out a red herring today about me replying to his letters. This is where I raised it and this is where I reply to the Minister.

Deputy Alan Shatter: It was an outrageous misrepresentation on an issue and he tried to make a fist of it.

An Ceann Comhairle: Would Deputy McGuinness resume his seat?

Deputy John McGuinness: The Minister does not have the decency to recognise that this, as the Parliament, is the place where we do our work and investigate matters.

Deputy Alan Shatter: If Deputy McGuinness had any real concern for that woman, he would have responded to this letter.

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An Ceann Comhairle: Deputy McGuinness should resume his seat. That was not a point of order.

I now call Deputy Mac Lochlainn, who is sharing his time, I understand, with Deputy McDonald, with 20 minutes for himself and ten minutes for Deputy McDonald.

Deputy Pádraig Mac Lochlainn: Let us together walk the path that the whistleblowers have walked over the past two years.

We will start off with the coming together of the two men. Can the Minister imagine they probably met while they were on duty, or in whatever circumstances, and got talking about some of the issues that they had come across? They, maybe, found strength in each other to raise them and then took their concerns to the former Garda confidential recipient, Mr. Oliver Connolly.

After months and months of getting nowhere - I will deal with the sacking of Mr. Connolly later on and some of the detail of the conversations that he had with the Garda whistleblowers, and I note that Deputy McGuinness has revealed some more details today about other conversations and a culture that existed - instead of being supported they were being advised that they would be better to stay schtum because they would not want to get in the way of the Minister and the Garda Commissioner and their close relationship. That is what is in the transcript. Rather than the Garda confidential recipient feeling empowered that he, as a mediator, would have the ability to bring these issues to the Minister for Justice and Equality and they would be pursued without fear or favour, he found himself advising them otherwise. It is disturbing to read through that transcript. That was the stonewalling that took place for those months.

After that, obviously, they got together and said that the seriousness of that which they were unravelling and on which they were building evidence was something that they could not merely let stay within this stonewall internal shut-down system. They then took their concerns to the Comptroller and Auditor General and sent detailed evidence of their allegations. They also sent them to the Road Safety Authority, and to the Department of the Taoiseach and the Department of Transport, Tourism and Sport. There was much concern, and many conversations taking place between those bodies, and it was established and agreed that this was serious material that needed to be taken seriously and addressed properly.

Still not really seeing progress, they then availed of their right under the law, under section 62 of the Garda Síochána Act, to take their issue to a Member of the Houses of the Oireachtas, in this case, Deputy Clare Daly. Deputy Clare Daly and other colleagues then did their job and came into this House and raised the urgency of this matter. Then, in and around that time, finally, rather than an independent examination immediately of all of these serious matters with a considerable bulk of evidence to back them up in terms of documentation, the choice was to go for an in-house investigation. That in-house investigation, carried out by the assistant commissioner, Mr. O'Mahoney, never availed of the opportunity to speak to the whistleblowers who made the allegations. The Minister should think about the following. Imagine I ring my local Garda station to state my house has been robbed and I am really worried. I ask if somebody can be sent out and the Garda comes out onto my street and knocks on every door on my street except my house, the house that was robbed and reported the alleged crime. That is what happened here and the Minister stood over that.

The report was issued in 2013 and the Minister went out on the plinth and castigated with

glee the two Garda whistleblowers stating that the vast bulk of what they had stated was reckless, disproved and all over the place. He held that line vigorously under challenge after challenge in this Chamber from the Opposition. That is what he did.

However, it all fell to pieces when the Comptroller and Auditor General made his report. The key findings of that report included one in five persons who were facing road traffic offences were getting off; a half of all road-traffic related summons were not being issued; and, in some Garda districts the level of termination of penalty points was 50 times higher than others. It was a damning report. After that, I came in here, along with other members of the Opposition, and stated that the two Garda whistleblowers had been vindicated and asked the Minister if he would find it within himself to acknowledge that and carry out an independent inquiry into these matters as soon as possible. There was no doubt about it then. It was big, it needed to be looked at. There was massive dysfunction in the management of the system which should ensure we do not have one rule for one motorist and another rule for another, and we needed to change all of that. The Minister refused to address it point blank. It then dragged on.

The Committee of Public Accounts did its job and brought forward the relevant officials until, eventually, the former Garda Commissioner, Mr. Martin Callinan, came before them. He talked about “so-called whistleblowers”, and then, of course, he went on to use that now notorious phrase, “disgusting”. The Minister knows the message that sent out to any person, man or woman, working in the public or private sectors, that if one speaks out, puts ones career on the line and isolates one’s family in one’s workplace, that is the level of support one can expect. The Minister never spoke out about those comments. Of course, he himself had misled the House by stating that the whistleblowers failed to co-operate - talk about turning words around to suit whatever agenda was there.

That was the period of two years on the path those two whistleblowers walked. I had a chance to speak to them, as had many other members of the Opposition, on numerous occasions. They and their families were very isolated and briefly wondered, at times, if they had done the right thing. It is a difficult and lonely place to be. There was very little support but, over time, more journalists, Opposition Members and some Government Members became interested. Finally, when it came to crisis point with what the Garda Commissioner said before the Committee of Public Accounts and the major outcry, the Minister decided to refer it to GSOC for a vigorous, independent examination of the matters at hand. That is the journey, that is what happened.

Now we move on to the apology. It is good that both men are entirely vindicated. They and their families can have some sense of solace that the Minister has finally done this. However, none of the public and no one watching these proceedings believes the Minister has come to this of his own volition. This is to save the Minister’s hide. It is too little, too late and this is about saving his political hide. It was impossible not to come in and issue the apology; otherwise, the Minister was gone. Even though the Minister has finally done the right thing and given an apology to the men, he should go. He should resign from his position because of other issues.

Let us walk through the allegations that GSOC offices were bugged. On Monday, the day after the report in *The Sunday Times*, the Department or perhaps the Minister advised the Taoiseach with a line misquoting the Garda Síochána Act. He turned the victim into the villain. Can we imagine anywhere in Europe where there is a real and legitimate suspicion that an independent ombudsman’s office had been the victim of a surveillance attack and that the focus immediately goes to whether it adhered to legislation and reported it to the Minister? That would

be bad enough if the Minister was right but he misquoted the legislation. The Minister landed the Taoiseach in that mess that day. The Minister summoned the GSOC chairman, Simon O'Brien, to his building. The next day the Minister came into the House and delivered a report that there was nothing to see here, that everything was hunky-dory and that it was all madness. That was the plan. We know the Minister was given a written briefing by GSOC on Monday that specified three key threats identified by Verrimus, the security company based in Britain. In respect of the second threat, the report stated that the chances of the test result on the phone in the chairman's office at 1 a.m. being a coincidence rather than a threat were next to zero. That is very strong language yet the Minister left it out of his presentation to the Dáil. The second threat concerned the IMSI catcher, also known as the stingray, a device that captures 3G and other networks. The threat was described by Verrimus as Government-level technology and the Minister chose to leave out that description. I can only reach the conclusion that the Minister did so to give the impression there was nothing to see so that he could protect the Commissioner and refuse to accept what was presented to him.

One would think the Minister would step back after doing so but the following Tuesday he came into the House with a peer review from an Irish security company, Rits. He gleefully talked about the fact that there was nothing to see here unless the customers of the Insomnia coffee shop were spying on GSOC. This was a condescending remark. The Minister said that not only was there no definitive evidence but no evidence whatsoever and nothing to see here. This was a strong rebuttal. That report was remarkably similar to that of the journalist Paul Williams in the *Irish Independent* that morning. When I heard the Minister's speech, I thought it was a strong statement. The Minister came before the Oireachtas Joint Committee on Public Service Oversight and Petitions and was asked to give a summary of the findings of the Rits report that led the Minister to make such a strong statement. After three weeks, now that he has finally done so, it is contemptuous. The Minister may come back with something stronger but the onus is on him to do so. What is in the public domain does not justify the Minister's testimony. The objective was to dismantle those who had profound concerns and circle the wagons around the Garda Commissioner.

The next issue concerns the sacking of the confidential recipient, Oliver Connolly. The behaviour of the Minister has been remarkable in his refusal to entertain any criticism of Garda Síochána senior management. By doing so, he has utterly failed the vast majority of the members of the Garda Síochána and led the organisation into disrepute. He has led them into crisis after crisis and the man or woman on the frontline now has a more difficult job to do. That is why the Minister must go. The culture in the Garda Síochána senior management was a closed culture and involved shutting down the ability of the outside world to criticise its management and mechanisms. That is all now in shreds.

That leads to my final comments. The Minister is now an adherent of an independent police authority. Is it not wonderful to see the Pauline conversion on the road to Damascus? I raised this matter in a priority question to the Minister. I asked him if he would go for an independent policing authority and the Minister robustly rejected it, talking about all the reasons why not. The Minister has come around but everything he has come round to has involved kicking and screaming. Let us go back over what the Minister has come round to. He has come around to an independent policing authority, more powers and a properly resourced and strengthened GSOC. Although Sinn Féin is not happy with it, believing it should be an independent commission of investigation, the Minister has come around to the idea of an independent review of the allegations that GSOC offices could be bugged. The Minister resisted but came around

to it under pressure. The Minister resisted the documentation handed over by the Fianna Fáil leader, Deputy Martin, to the Taoiseach. It is now subject to an independent review. We are not happy with that and believe it should be a commission of investigation but it is an independent review, which the Minister resisted. Now, the Minister resisted an apology but here he is to save his hide.

It is too little, too late. It is great that it happened but it should have come from the Taoiseach and he should have sacked the Minister and delivered this apology. The Labour Party will seek political cover tonight but in every town, village, street and townland, regardless of people's political affiliation, they think the Minister should go. We must then set about the vital work of restoring public confidence in the administration of justice and to put in place a modern policing organisation that is fully accountable and transparent for the century we live in.

Deputy Mary Lou McDonald: We all know that when Sergeant Maurice McCabe and the now retired garda, John Wilson, came forward within the Garda Síochána with serious concerns about the administration of the penalty points system, they were systematically and deliberately frustrated in their efforts. On paper, there was a system within the Garda Síochána through the confidential recipient for serving members of the Garda Síochána to bring forward their concerns and to have them addressed. Not alone did that system fail but it actively conspired to prevent the two whistleblowers making known their concerns and having the concerns investigated and remedied. That is how serious the blockage was within the Garda. It was not sloppiness, happenstance or accidental; it was a deliberate decision within the Garda to try to shut up the two men. Not alone that; another decision was taken within An Garda Síochána to apply pressure on those individuals and to obstruct them in carrying out what should have been very routine tasks in the course of their duties. That is what happened.

God knows the penalty points issue has been debated and discussed for months on end. Even today, I am still left with the very strong impression that the Minister does not understand how fundamentally toxic those events were within the Garda. I am convinced that the Minister's strategy of minimising the issue and trying to gloss over it is not just a public position on his part; that is how he analyses, interprets and understands what happened. Somewhere in the corner of the Minister's mind this was not such a big deal. It was revealing today when the Minister again referred to the penalty points system and said it was a minor aspect of their work to support his own case.

Maurice McCabe and John Wilson not only deserve an apology they deserve a commendation from the Minister and the Government for their courage and absolute persistence and stamina. Not alone do they deserve to be acknowledged; their families deserve to be acknowledged too. The Comptroller and Auditor General's report, to which my colleague referred, comprehensively vindicated the two men, as did the report of the Garda inspectorate. The Garda inspectorate went further than the Comptroller and Auditor General could go or was prepared to go in that it estimated the loss of revenue to the State by the failure to serve summonses at approximately €7.4 million. We never got a concrete figure from the Comptroller and Auditor General but the broad calculation was always somewhere in and around €5 million. The moneys that were lost, although not game changers in terms of the overall budgetary arithmetic, were nonetheless sizeable sums of money.

On top of what happened to the two gardaí within An Garda Síochána, the Minister compounded the wrongs visited on them. He abused the men in the most crude and public manner possible. He questioned their truthfulness and their personal and professional credibility. The

Minister came into the House and made a statement that was factually incorrect and calculated to further undermine the two men. In doing that, he was wrong. Today, under more pressure than grace, the Minister finally conceded that he was wrong. I take issue with the Minister on his apology. Remarkably, as he apologised the Minister claimed it was never his intention to mislead the House. I challenge him on that because it was very much the Minister's intention to mislead this House. It was clearly his intention to paint the two men as irresponsible-----

Acting Chairman (Deputy Liam Twomey): I remind the Deputy that it is not in order to accuse a member of the Government of deliberately misleading the House. If an allegation of that nature is being made against any Member it can be done only by way of substantive motion.

Deputy Mary Lou McDonald: I am responding to the Minister's speech. It is not in order for any Government Minister to abuse this House and to abuse serving gardaí in turn.

Acting Chairman (Deputy Liam Twomey): I am only reading out the Standing Orders of the House which are agreed by Members.

Deputy Mary Lou McDonald: You have read it now and I thank you for it. The Minister claimed that it was not his intention to mislead the House and I challenge that assertion because this House was misled. In a calculated and repeated fashion this House was told that the gardaí, in particular Sergeant Maurice McCabe, failed to co-operate with established Garda procedures. We were certainly misled had we been foolish enough to take the Minister on his word. The Minister knew at that time, as he conceded today, that no attempt had been made throughout the O'Mahony process to speak to those gardaí. The Minister knew that then, even as he made the statement.

One could ask what has changed between then and now. The Minister said in the course of his apology that he had revisited the information. What new information has crossed the desk of the Minister, Deputy Shatter, to demonstrate to him the error of his ways? I do not think there was any new information. The facts are the facts. The difference today is that the Minister knows it is no longer politically acceptable for him to continue the attack on those two men. He knows public opinion is entirely against him and entirely supportive of the two brave whistleblowers.

The Minister told us also that his brave new dawn for policing will be all about accountability. That is welcome. What about the Minister's accountability? Is it really sufficient for the Minister months later, having abused the men on the plinth outside the Dáil, and having abused his position to place false information on the record of the Dáil and then to persist in the falsehood, to simply come to the House and make a fairly lukewarm apology to the men? The question is whether that is enough. To my mind it is not. I do not think the Minister has any appetite for accountability himself. While he might preach it to An Garda Síochána he is certainly not amenable to taking the consequences of his own actions or inaction. If the Minister really believed in accountability he would step down from his position in Cabinet. The reason he would do that is that it would be as clear to him as it is to everybody else in the country that he has no credibility when it comes to reform of An Garda Síochána. He has no credibility when it comes to protecting whistleblowers. Neither does he have credibility when he lauds GSOC and talks about the need to reform that body. The Minister has absolutely no credibility when he claims that it was Tuesday morning before he saw crucial correspondence on the illegal recording of telephone calls to and from Garda stations. The Minister has no credibility whatsoever in respect of his portfolio.

In the course of the litany of chaos that has surrounded the Minister in recent months, people have fallen like skittles. The Minister's friend, the confidential recipient, is gone. The Garda Commissioner is gone. The Minister's friend, the Taoiseach, continues to defend him trenchantly and in a manner that amazes public opinion. The Minister's response to all of this in the midst of all this mess, over which he presides, is: "I hope the House can agree that it would be in the public interest to do what we can to move on from the present controversy ... and get on with the work which is under way which will achieve a fair, transparent and effective system." The Minister, Deputy Shatter, has made his apology in the hope that we will all move on and forget all about it but that is not a position that is acceptable to Sinn Féin. If the Deputy is going to be the Minister who talks about accountability he should start with himself. The accountable and responsible thing for the Minister, Deputy Shatter, to do is to step down.

Acting Chairman (Deputy Liam Twomey): The next speaker is Deputy Wallace who is sharing time with Deputies Clare Daly, Higgins and Joan Collins.

Deputy Mick Wallace: During the past 18 months the Minister's handling of the different crises that have arisen has been generally weak, ineffective and indecisive and too often it has been governed by his appetite for political survival rather than an appetite for doing the right thing according to the responsibilities of his Ministry.

I do not have enough time to go through everything but I will outline 30 bullet points as to why the Minister should resign:

No. 1 - he bypassed GSOC and ignored its statutory remit and role to investigate Garda misconduct in regard to the Roma children controversy;

No. 2 - in the terms of reference he set out for the Ombudsman for Children he did not allow for any examination of the racial ethnic profiling which was central to the whole issue;

No. 3 - he was satisfied with the Commissioner's assurances that no racial profiling takes place despite the ECRI report, UN committee report and the whistleblowers' PULSE allegations regarding 40 Traveller families;

No. 4: instead of dealing with the penalty points issue properly and thoroughly from the outset by setting up an independent inquiry or even referring it to GSOC, he first ordered a constitutionally flawed internal investigation that violated the rule against bias because the gardaí were allowed to investigate themselves and the rule of hearing the other side because the whistleblowers were not interviewed;

No. 5 - despite what the Minister said today, page 8 of the inspector's report states that they did not get the report until 4 July after some political pressure;

No. 6 - the Minister suddenly decided to refer the penalty points matter to GSOC in January of this year but again only under political pressure rather than in the considered exercise of his ministerial duties to properly address the matter;

No. 7 - he only allowed for GSOC access to PULSE this year, despite GSOC demanding it in September. He refused it at the time but political pressure again changed his mind;

No. 8 - he refused to conduct a separate investigation into the mandatory comment box, as recommended by the GPSU - the report would probably have been damning;

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No. 9 - the fixed charge manual which the GPSU demanded is still not published;

No. 10 - the audit system which was introduced was as demanded by the GPSU. It was not independent and the inspectorate pointed out that it just reinforces the old system;

No. 11 - the Minister refused to look at the lawfulness of discretion which has been open to question all along;

No. 12 - the Minister's main focus was the cover-up rather than the security of State intelligence with regard to the GSOC bugging allegations;

No. 13 - he undermined GSOC by wilfully misleading both the Dáil and the Cabinet in regard to the GSOC's duties under statute - section 80(5);

No. 14 - the Minister referred to the GSOC commissioners as being confused during their committee appearances as a way of minimising the seriousness of their concerns;

No. 15 - the Minister wilfully misled the Dáil as to the seriousness of the brief he received from GSOC;

No. 16 - he commissioned and clearly favoured-----

Acting Chairman (Deputy Liam Twomey): I must also point out to the Deputy that it is not in order to accuse a Minister of having deliberately misled the House. I ask him to refrain from doing that or otherwise I will have to ask him to sit down.

Deputy Mick Wallace: The Minister favoured the Rits report over the Verrimus report and undermined the latter.

No. 17 - he has not sought or received confirmations or assurances from the Army and gardaí regarding an assessment as to whether authorised or non-authorised surveillance took place with regard to the bugging of GSOC's offices;

No. 18 - he eventually ordered a weak review by Mr. Justice Cooke but gave him no judicial powers and again bypassed the Commission of Investigations Act 2004;

No. 19 - the Minister accused Maurice McCabe of not co-operating in the House which he has withdrawn today;

No. 20 - he still did not apologise for the derogatory comments he made on the day the reports came out when he said that the whistleblowers' allegations were "seriously inaccurate and without foundation";

No. 21 - he refused to include specific Garda whistleblowing procedures in the Protected Disclosures Bill until there was more political pressure and they are being tacked on now;

No. 22 - he falsely reported on RTE that Sergeant McCabe released to the public private data that he should not have accessed. He gave it to Members of the Oireachtas which was within his remit, he did not put it in the public domain. Neither did the Minister call on the Commissioner to withdraw his use of the term "disgusting" in regard to the whistleblowers;

No. 23 - the Sean Guerin paper review regarding the allegations by Maurice McCabe was without statutory basis;

No. 24 - the Minister was not concerned about the leak to Paul Reynolds before the Cabinet had even seen the report and the many leaks from gardaí to media. No one seems to be worrying about all the leaks from the gardaí but the Minister was worried about the leak from GSOC and leaks from the whistleblowers;

No. 25 - it is still noteworthy that Dermot Walsh, probably one of the best experts on policing in the country, recently emphasised again that the penalty points example is important because it demonstrates the lack of consistency and fairness in the application of the rule of the law in the State by An Garda Síochána. He emphasised the lack of management structures, training - the same sort of criticisms as in the Morris report - and the pattern of failings within senior Garda management, and the Minister has presided over this;

No. 26 - Professor Walsh also emphasised the lack of transparency - the Garda Inspectorate found that the policy regarding fixed charge notice cancellations was purposely not made public;

No. 27 - in this House the Minister has denigrated citizens exercising their legal right to protest at Corrib Gas as "tourist protestors" intent on "sabotaging jobs" and followed the last Fianna Fáil justice Minister in refusing to permit GSOC to initiate a section 106 investigation into policing issues at Corrib when we asked him to do so;

No. 28 - on 26 February in reply to Deputy Róisín Shortall, who asked about the Commissioner's "disgusting" remark, the Minister said "I have not read the transcript and do not know the context in which the Commissioner made his comment". Does the Minister think the people are stupid?;

No. 29 - Judge Smithwick's description of the Garda Síochána as valuing loyalty over honesty and truth sadly applied to the relationship that the Minister had with the Commissioner and, sadly, it looks like it also relates to the relationship that the Taoiseach has with the Minister; and,

No. 30 - as Gene Kerrigan said last Sunday, a fish rots from the head and the rot starts with the Minister.

The Minister has apologised to the whistleblowers today and has committed to an independent police board but when we introduced the police Bill last July he said that it would be undemocratic to oversee the police with an independent police board. The Taoiseach told us today that the Minister was the first to recommend strengthening GSOC but when we recommended that in our Bill he rubbished it.

With respect to the serious allegations regarding criminality and serious corruption which the Minister thinks have been dismissed, he should remember that they have only been examined by assistant commissioner O'Mahoney in a report now discredited whereas the Comptroller and Auditor General and the Garda Inspectorate's report were only asked to look into the system, not these allegations.

I have emphasised that the Minister seems to have played down the penalty points system as being only a small part of what the gardaí do but it is symptomatic of everything else they do. We have heard many sad stories from the public about their poor experience at the hands of some gardaí and they are nothing short of frightening. We have got information from ex-gardaí and serving gardaí and it made for difficult listening.

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A guy I do not know from Adam sent me a note the day after I addressed the Minister here on 26 February. He told me that I spoke for the people who are shy and cannot express themselves. He also told me that I spoke for the people who cannot speak out. He told me that I spoke for the people who keep their heads down and fear authority. He told me I spoke for the people who are hurt and sad and that I spoke for him.

Does it bother the Minister that he is the head of justice in Ireland while so many people feel they do not get justice and that the Minister does not represent them? I am sorry to say that while I find the Minister a very able man and very intelligent, it looks as though he is not fit for office, and he should not be here any more. I will be dead honest and say I will actually miss him when he is gone - I really will, and I am genuine about this - but he should be gone.

Deputy Clare Daly: The Minister cuts a lonely figure, surrounded by just one simple Government backbencher and not a Labour Party colleague in sight.

Deputy Patrick O'Donovan: Do not worry; I am not simple at all.

Deputy Clare Daly: Perhaps they have scurried off to try to find their conscience and public service in this area. The Minister started his latest explanation of his conduct today by supposedly clarifying the remarks he made about the whistleblowers in October last year when he accused them of not co-operating with the O'Mahoney tribunal. In his own way he put forward what has been described as an apology, but really it is a bit half-baked. His comments in October were not isolated; they were his consistent battle cry during the debate on these issues.

In May, when Deputy Collins welcomed the O'Mahoney report, he accused us of rejecting all of the conclusions contained in it when he stated that it was clear to any fair-minded observer that some of the most serious allegations made had no basis in reality. He was wrong and the Garda Síochána Inspectorate stated he was wrong. This month he told us he could take his explanation of the situation with Maurice McCabe and the O'Mahoney inquiry no further and that there was no basis to the allegation that he had misled the House. Today, again, he spent a considerable part of his contribution trying to cast doubt on a number of the allegations put forward by those Garda whistleblowers. The Minister made a list and stated there had been no finding to show these allegations were correct. I put it to the Minister that he is wrong. Denying the taxpayer revenue from fines that could have been collected is fraud and is perverting the course of justice. There have been no findings to state that these allegations are not correct.

The Minister sought to rely in his contribution on remarks made by Bob Olson. The Minister stated that the Garda Síochána Inspectorate had described the process as a managerial and administrative dysfunction. In actual fact, Professor Dermot Walsh made the point that there is a very thin line between mismanagement and corruption. As Deputy Wallace stated, the Garda Síochána Inspectorate, like the Comptroller and Auditor General, had a very narrow remit. It was not tasked with investigating corruption, and the quashing of penalty points is on the scale of corruption.

The reason these issues are under public scrutiny is not the fairy tale we listened to from the Taoiseach earlier that the Minister is the great Garda reformer. We know this is a lie from his contributions last year. The only reason this is on the agenda is the heroic efforts of the whistleblowers and their dogged determination, against the odds, in not letting the issue go. At every turn their efforts were met with belligerence and they were demonised, denied, vilified and ostracised by members of the force. It is their courage and strength that has resulted in the

spotlight being put on this issue, to the very great benefit of all decent gardaí and all citizens of the State.

How the whistleblowers were dealt with is important because it will set the tone for others in the force and outside it for the future. I classify the Minister's remarks as mealy-mouthed and a grudging recognition of their role, which does not in any way ring true with me. These men exposed the fact that the solutions to the problems identified in An Garda Síochána by the Morris tribunal and the measures that the State put in place were not working, and that the mechanisms that we stated would lead to a breaking down of the blue wall of silence did not work. It is very important that their stance is protected.

The former confidential recipient, Oliver Connolly, put out a statement that the transcript that was discussed in the House was unlawfully recorded by Maurice McCabe. This is not true, and we need to put this on the record in the context that such recordings are often the only security and believable evidence whistleblowers have, and this source must be protected. Intra-party recordings are entirely different to third-party recordings, and this point must be made. Everything the whistleblowers did and every single step they took was lawful, but at every turn they were blocked.

When the penalty points issue was announced and became public, what was the first response of the former Garda Commissioner? Was it to speak to the lads, hear their concerns and see what was wrong? No, it was not. It was to put out a press statement that there was no question of a culture of termination of penalty points. The very next day the Commissioner ordered a notice to go up on the notice board in all Garda stations, to protect the reputation of An Garda Síochána, that no members of the Garda were to talk to external sources on pain of prosecution. He then called in the whistleblowers and threatened to take them off PULSE. John Wilson's car was searched and other circulars went up. These people were ostracised in the Garda stations where they worked. For these reasons, and not just the "disgusting" remark which verbalised his attitude, it was entirely appropriate for Commissioner Callinan to go.

To me, Commissioner Callinan epitomised the idea that An Garda Síochána could be above the law and was not open to challenge, and that its interests were separate from the interests of the public. This system was highlighted by Mr. Justice Smithwick, who spoke about those who put loyalty to the force above honesty. Every day when I drive down Pearse Street I see a row of cars parked on double yellow lines with not a ticket on them because everybody knows they belong to gardaí. Civil servants pay for parking across the road in the car park, but others believe that if one is a garda a perk of the job is that the law does not apply to one, and this is exactly what the Garda Síochána Inspectorate report identified.

The excuses stated by the assistant commissioner, Mr. O'Mahoney, included that these were gardaí on duty and they had an entitlement to write off penalty points. The Garda Síochána Inspectorate report focused on the fact they did not, and that just because one is a garda it does not mean one can use being late for work as an excuse for speeding, as a former commissioner appears to have done. One must agree with the rules of the road and the procedures in place.

A number of aspects of the Garda Síochána Inspectorate's report are interesting. This includes how accurately Garda Maurice McCabe understood the situation. His analysis was perfect. What is also interesting about the report is that the analysis we put forward and sent to the Minister and the RSA was pretty much spot on with regard to the Garda Síochána Inspectorate report. This analysis was compiled by a young solicitor, Leah O'Leary. How come a young

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solicitor and a Garda sergeant were able to expose what five superintendents, six chief superintendents and 28 staff could not do in the O'Mahoney report? It was because they did not have a vested interest. They were interested in the truth, and this was the difference.

Ordinary citizens in the State want a police force that is accountable. We have the Cooke inquiry, the Guerin inquiry and now a commission of inquiry into these latest allegations. The fact that there are illegal recordings which could have resulted in illegal prosecutions has huge ramifications for the State. The fact that one of these tapes will reveal that somebody was fitted up for a serious crime is very worrying, but it is not surprising. We have met people the length and breadth of the State whose lives have been ruined by the fact that their cases were not dealt with appropriately by the Garda. The actions of the Garda in Ian Bailey's case were described by five Supreme Court judges as breathtaking wrongful misbehaviour. These gardaí were sent to France to give information about his case. Baiba Saulite was a young woman who was shot dead and whose two children were left without their mother. Gardaí have brought information to the Minister stating that the abduction of her children was not properly investigated and this led to this woman losing her life and to her solicitor's life being endangered.

6 o'clock

There have been cases of racial profiling of the Traveller community, an issue Deputy Mick Wallace and I raised with the Minister last year. The Minister is on the record as stating, "Both Deputies are a disgrace." We were a disgrace for putting on the record of this House the fact that racial profiling occurred. I spent the Sunday before last in Rathkeale, where a ten year old boy told me about how his house had been broken into and his family had been held at gunpoint in an armed robbery. This was a robbery the police never investigated because they were Travellers. He told me afterwards about how gardaí and the Criminal Assets Bureau had broken into his house and how he had got down on his knees and begged the gardaí not to shoot his granny and his mammy, yet it is claimed racial profiling does not occur in the State. This is what I am talking about. There are systemic problems in the operation of An Garda Síochána.

The last point I will make to the Minister is that the attitude of the Government is like the one I encountered when homeowners began to realise their houses were cracking because of pyrite. Cracks had emerged, but people were in denial. Those who raised and tried to state the issue must be dealt with were told not to talk about it because they would devalue the estate. Instead, it was suggested the cracks be covered up and that things would be okay. However, the truth will always come out and in that case, the only way to solve the problem was to remove the contaminated infill and rebuild the house. An Garda Síochána and the administration of justice cannot be restored with the Minister at the helm. I, too, will miss him, but his days are numbered.

Deputy Joe Higgins: The Minister for Justice and Equality, Deputy Alan Shatter, has finally apologised to the two Garda whistleblowers. To do so, apparently, it was necessary for him to be flanked by a praetorian guard of political heavyweights, with the Taoiseach on one side and the Minister for Finance on the other. They must have feared that, even as his very head depended on the apology, the Minister would be unable to bring himself to utter the hardest word in his extensive vocabulary, namely, "sorry".

The Irish Council for Civil Liberties yesterday issued a statement entitled, "Garda accountability; the rot must stop". It referred to the litany of scandals and crises affecting An Garda Síochána under the political supervision of the Minister for Justice and Equality and the Gov-

ernment. It complained correctly about the boxing off of each of these matters in different investigations with no real powers for those investigating. It demanded the creation of an inquiry to examine and report on the full spectrum of Garda accountability issues. That is precisely what is needed. However, a full and extensive examination cannot be carried out satisfactorily under the Commissions of Investigation Act, as it stands. For a start, the Act directs that any inquiry be largely held in private, but any inquiry into these matters should be held in public. The Government, apparently, intends to appoint senior or retired judges who themselves are pillars of the established order. Any inquiry into An Garda Síochána should have the testimony and experience of ordinary people, working-class people in particular, who should be able to bring their experience at the hands of Garda malpractice, whether by individuals or as a body, into full play. It should be a comprehensive, radical, root and branch investigation into how the Garda has operated for many years. However, this cannot happen unless those at the sharp edge of Garda activity in a wrong fashion are involved fully, including victims of malpractice, minorities and other groups. It should involve ordinary people who must wait for hours for gardaí to arrive at their door when they need them in an emergency after making an urgent call because of the austerity cutbacks made by the Government.

The most recent issue of the wholesale taping of the public, including legal advisers and clients, at many Garda stations has been overshadowed by the sheer incompetence pointed to by the fact that, allegedly, the Minister for Justice and Equality was not apprised that this was a serious issue until eight months after the Garda Síochána Ombudsman Commission had flagged it and four months after the Garda Commissioner and the Attorney General had set up a working group. Why was there such delay? Is it because the Garda Commissioner or the Government or both condoned this practice, that is, the illegal use of private conversations?

In another issue that beggars belief, the Data Protection Commissioner carried out a three year audit of the treatment of Garda data between 2011 and 2013, which led to the publication of a 95 page report this month. While it details all manner and means of data, data collection and data retention, it does not contain a single word about the taping of telephone calls. The Data Protection Commissioner must explain what happened in this regard, the reason this matter was not brought into the open or whether he was misled.

I will refer briefly to other issues that require attention. On children of members of the Traveller community being accorded criminal intelligence numbers on the PULSE system, thereby marking them out for life, I wish to hear about this issue. I also refer to the closeness of the top echelons of the Irish news and media to the top echelons of the Garda, to penalty points being wiped out for the former and the crooked coverage they give this entire issue which favours the management of the Garda.

Where does the Labour Party stand tonight? It has been utterly humiliated in this debacle. I refer to the spectacle two weeks ago in this Chamber of the Minister, Deputy Joan Burton, flapping incoherently while trying to defend the indefensible but without a word in demanding the apology the Minister has given tonight. Instead, it covered over the fact that such an apology needed to be given and then, humiliatingly, peeped agreement when the Fine Gael Minister, Deputy Leo Varadkar, saw fit to come out and call it. I suggest the Labour Party stands humiliated.

Deputy Joan Collins: When the whistleblowers Sergeant Maurice McCabe and John Wilson approached Deputies Clare Daly and Mick Wallace who, in turn, approached Deputy Luke 'Ming' Flanagan and me, they stated the abuses of the penalty points system were the visible tip

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of the iceberg of possible malpractice and corruption within sections or elements of An Garda Síochána. They have not only been vindicated through the report of the Garda Inspectorate on what they raised regarding penalty points but also on the wider and more serious issues that have come to light in the past 15 months or so and which will come to light again in the coming months. From very bad experiences, very good things can emerge. Points have been made in this Chamber on the cases the aforementioned Deputies have heard from individuals and families about their experiences at the hands of a section of An Garda Síochána. They would make the hair on the back of one's head stand on end. They are frightening and one would swear one was reading some of the accounts from a book of nightmares. However, the positive outcome is that all those isolated individuals who could not see beyond the four walls of their homes have begun to get organised and set up the Justice4all campaign, where they can work together, raise their issues and call for justice in the longer term.

I thank the Minister for Justice and Equality, Deputy Alan Shatter, and former Commissioner Callinan for doing some service to the State. They could have welcomed the actions of the whistleblowers and then quietly buried the penalty points issue with the O'Mahoney white-wash. Instead, in their arrogance, they attempted to denigrate and discredit the whistleblowers and elected public representatives who had raised these important questions. Their dismissive sneering attitude led them into a monumental cock-up which exposed serious issues within An Garda Síochána. It is not just the Minister who should take responsibility, as he has been fully supported in his approach up until today by the Taoiseach and members of the Cabinet. Labour Party members of the Cabinet had nothing to say for 15 months on this issue and only found their voice after the Minister, Deputy Leo Varadkar, raised the issue last week - fair play to him - and stated the men concerned should be classed as distinguished, not disgusting. This was followed for four to five days by Labour Party Ministers appearing all over the media and stating it would be helpful if former Commissioner Callinan and the Minister, Deputy Alan Shatter, corrected the record of the Dáil. However, since Monday, we have been back to the same old, same old - the silence of the lambs, from whom there has not been a whisper.

The Minister's head over heels about-turn in the Dáil today is welcome, but we cannot have confidence in a Minister who handled this issue in the way he handled it in the past 15 months. He should do the decent thing and follow ex-Commissioner Callinan. Last July there was an opportunity to deal decisively with the issue and put accountability and oversight of An Garda Síochána on a proper footing through the Garda Síochána (Amendment) Bill 2013 which was introduced by Deputy Mick Wallace with the support of the Technical Group. It called for the establishment of the Garda Síochána independent board, with monitoring, supervisory and oversight functions, over An Garda Síochána. This would be an important step in strengthening the democratic accountability of An Garda Síochána, which is necessary to promote public confidence and trust in the force. It also called for the independence and impartiality of the Garda Síochána Ombudsman Commission to be strengthened by amending the Garda Síochána Act 2005. It was a very important Bill which was dismissed from the Government benches, but we are now in a situation where the Government is calling for an independent policing board.

I will repeat a point I have made in the Dáil a number of times. By international standards, we do not have a corrupt Garda force. Those of us who have raised and pursued these issues do so on the basis that all State agencies have to be fully accountable to best serve the interests of the public and those who work in them. That is the reason this has been an important issue in the past few months.

I spoke to former garda John Wilson on Monday when he left hospital. I wish him well in

his fight against his illness, as, I am sure, does everyone in the Chamber. He said that, at that point, any apology from former Commissioner Callinan or the Minister would correct the Dáil record but it would not be made in the true sense. Like thousands of others, he feels the Minister should go.

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): It is important to note that the fixed charge notice and penalty points system has operated extremely well since its introduction in 2002 and enjoyed widespread public support. This is evidenced by the fact that more than 70% of those who receive a fixed charge notice pay within 28 days. The system plays a very important role in enhancing road safety, but it is essential that it be applied equally to everyone without favour to anyone and that it be applied equally to all road users and that is seen to be done.

My Department first became aware of the allegations of wrongdoing in the penalty points system in August 2012. The information provided by Sergeant McCabe was passed to the Department of Justice and Equality for investigation. As we are all aware, the allegations were investigated by Assistant Garda Commissioner O'Mahoney and his report was concluded in March 2013. In May last year the Minister for Justice and Equality referred the O'Mahoney report and another report conducted by the Garda Síochána professional standards unit to the Garda Inspectorate asking that the inspectorate carry out a full review. The inspectorate's report which we are debating today is entitled, *The Fixed Charge Processing System - A 21st Century Strategy*, and was brought to Cabinet two weeks ago on 12 March. The first recommendation made in the report is that a criminal justice working group be established to oversee and facilitate the implementation of the report's recommendations. The group which is jointly chaired by my Department and the Department of Justice and Equality held its second meeting yesterday. It will report progress on a regular basis to me and the Minister for Justice and Equality.

The penalty points system was introduced under the Road Traffic Act 2002. The main goal of the system is not to penalise people but rather to make them more aware of unsafe driving behaviour, to influence and improve driver behaviour and to reduce the numbers of deaths and serious injuries on the roads. With the acceptance of the system by the general road user community and its importance to road safety, it is imperative that a credible and properly administered system is in place.

The year 2012 marked the tenth anniversary of the penalty points system and I decided this milestone provided an appropriate point at which to conduct a comprehensive review of the whole system and identify any change necessary. The review of the system which my Department conducted made recommendations for the introduction of new offences, changes to the number of penalty points and other matters. When it was completed, I forwarded its contents to the Oireachtas Joint Committee on Transport and Communications for its consideration. The committee made a number of very helpful suggestions which are reflected in the new Road Traffic Act 2014 which was signed into law on 25 February. The offences where penalty points are being increased include speeding, driving while holding a mobile phone, dangerous overtaking, failure to obey traffic lights and driving without an NCT certificate. The new penalty points offences include non-display of an L plate or an N plate, contravention of rules at mini-roundabouts and a failure to respect a Stop sign. I pay tribute to rank and file gardaí up and down the country who properly implement the traffic laws in all weather conditions and at all times of the day and night. It is one of the tragedies of this whole affair that their good and continuing work and reputation have been sullied by the inappropriate behaviour of a few.

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There is little point in improving or increasing the number of penalty points offences or enforcing the system if there is a lack of trust in how the system operates. Following recent revelations and the findings of the Garda Inspectorate, it is essential that any fault in the system is rectified and that we have a robust and credible system in place. This will be done.

The inspectorate's report makes 37 recommendations, some of which can be implemented now, while others will take a little time. The report was eloquent and found inconsistent and widespread breaches of policy by those charged with administering it and found no meaningful evidence of consistent quality management supervision, training and clear policy guidelines for its implementation. The report also found that there was no auditing of the cancellation process, either at Garda headquarters, regional, divisional or district level or at any level which would have identified these problems. That, of course, is a matter of concern for us all. The working group will ensure all of the recommendations made are implemented in the fastest possible timeframe. Many changes have been implemented since the O'Mahoney report was published. All of the key agencies involved are members of the group and they will work together to bring about improvements in the system and address the shortcomings highlighted in each of the studies conducted to date.

I am aware that gardaí have made considerable strides in putting in place measures identified in the inspectorate's report. These can and shall be acted on immediately. Work has also begun on recommendations that can be implemented in a matter of weeks and a plan of action has been agreed on those recommendations that require further consideration and, in one case or two cases, may require legislation. One measure referred to which I consider to be a very high priority is the so-called third payment option. A provision is included in the Road Traffic Act 2010 that allows someone served with a summons related to a fixed charge penalty points offence to pay the amount involved up to seven days before his or her scheduled court appearance. The introduction of this option will save a lot of court time, as well as Garda time. However, it has not yet been possible to commence it because the administrative structure for dealing with it is not yet in place. I understand gardaí have now agreed, in principle, to operate this system, but a number of administrative and technical matters have still to be resolved. When in place, the third payment option will bring about a significant improvement in the overall fixed charged notice system.

One of the major objectives of the new improved system must be to ensure penalty points are assigned in all cases where a traffic offence has been committed. A number of gaps in legislation have been identified and addressed in recent years. The definition of a driver's licence, for example, has been extended to include foreign licence holders. Drivers charged with an offence are now required to provide a copy of their licence for the court, but, unfortunately, in some cases, that does not appear to be happening. The Courts Service and the Garda are taking steps to ensure those persons who do not produce a licence are pursued and prosecuted. Some other matters remain to be dealt with and they will be addressed in the near future.

Chief Inspector Olson said in his report that the solution was entirely dependent on coordinated collaboration between the Department of Justice and Equality, the Garda, the Road Safety Authority, the Department of Transport, Tourism and Sport, the Courts Service, An Post and various appointed contractors involved in the operation of the fixed charge processing system. I fully agree with Chief Inspector Olson and am committed to ensuring that my Department engages actively with all parties to make sure the recommendations are implemented in full and with speed.

Finally, I would like to say something about the events of recent days and the whole issue of the possible unlawful taping of phone calls to and from Garda stations. Needless to say, this revelation came as quite a shock to the Government, but we acted quickly, if not immediately, by establishing a commission of inquiry. This is not a government that sweeps things under the carpet. That era is over, and if I have anything to do with it I will make sure that is the case. A series of controversies now surround the Garda, from bugging, tapes and collusion to penalty points, but the Government is now acting. The Cabinet decided there would be an open competition for the post of Garda Commissioner and that a new Garda authority would be established, providing better oversight of Garda operations. This is a very big change. The reforms will take time, but in the meantime I ask the public to continue to support and trust rank and file gardaí. They are the ones we meet across the counter, who walk the beat; they are the ones who work day and night, in all sorts of weather, and occasionally put their lives at risk. They are not to blame for any of this, in any way, and they deserve our continued support and trust.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this debate. At the outset I must say that I bear the Minister no ill will on a personal basis or in a professional capacity. He is somebody whom I have observed over the years and I have considerable regard for his intellect, his work rate and many other attributes that he has displayed. Unfortunately, however, his handling of this particular issue on this occasion has been disturbing. It is deeply disturbing that we are here today and that the Minister has held out until now in issuing an apology to two people who, in the words of the Minister for Transport, Tourism and Sport, have done the State some service, and whose actions were “distinguished”. I support the position of the Minister’s colleague, Deputy Varadkar, in that regard. Even the Minister’s apology today was less than wholesome. He said, in the context of the charge that was made that the whistleblowers did not co-operate, that he apologised to both and wished to “withdraw the statements made”. He went on to say that it was never his intention “to cause any upset and, if any upset was caused...” but there was no need for that qualification. Upset was clearly caused in that case. At a later stage, the Minister went on to apologise for any offence that “may have been caused by any other remarks made by me”. The Minister’s use of the word “may” is something that I find difficult to accept, although the Minister is not unique in this regard. Some of his colleagues and some former Ministers from various parties, including my own, have sought to qualify apologies. It does no service to the Minister or to anyone else who seeks to find refuge in that kind of qualification. I am disappointed that the Minister chose to use that language. The Minister has accepted the evidence that has been presented that the whistleblowers acted in good faith, did not seek not to co-operate and would have co-operated with the O’Mahoney investigation had they been given an opportunity to do so and that, therefore, his statements were incorrect at the time.

However, there is still an outstanding matter here. While I know Deputy Wallace is well able to speak for himself, I find it quite unbelievable that, to date, the Minister has not apologised for his actions concerning that Deputy. In fact, if there is a resigning matter in all of this, it is the fact that the Minister used privileged information that was provided to him by the Garda Commissioner in a private briefing session to seek to gain some level of political advantage. To me, that is where the absolute wrong was committed by the Minister. In his failure to recognise the evidence and to apologise, it could be argued that the Minister was lethargic in coming to the conclusion that he got it wrong. He sought to get evidence to support the position he had taken at the outset and finally, when it was abundantly clear to him that he was wrong, he issued the apology. However, from the very start, somebody with the Minister’s intellect and legal training, who understands the burden of the office he occupies, should clearly have known that to divulge any information provided to him in his capacity as Minister for Justice and Equality in

order to gain political advantage was wrong. It was absolutely wrong. If the Minister for Communications, Energy and Natural Resources obtained information regarding an exploration or the potential for oil to be found in some part of the country and, as a result of that information, sought to buy shares in the company, he would be sacked immediately because he would have used privileged information available to him by virtue of his office to gain personal advantage. I do not see any difference between that action and the action the Minister for Justice and Equality took in terms of using the information that was provided to him. He did so to gain political advantage for himself, to make himself appear better than Deputy Wallace and to enable him to win an argument within the political sphere. The other action would have been financial, while the Minister's actions were political, and I do not see the difference.

I wish to quote from the Code of Conduct for Office Holders, of which the Minister, as an office holder, is well aware. It reads as follows:

In accordance with the provisions of the Ethics Acts, office holders shall, in so far as it is relevant, have regard to and be guided by the Code in the performance of their functions and in relation to any other matters specified in the Code. This Code seeks to ensure that office holders must at all times observe, and be seen to observe, the highest standards of ethical behaviour in the carrying out of the functions of their office. Office holders are obliged to act in accordance with advice given and guidelines published by the Standards in Public Office Commission (Standards Commission) unless to do so would constitute a contravention of another provision of the Ethics Acts. Pursuant to Section 10(8) of the 2001 Act, codes of conduct will be admissible in proceedings before a Court or other tribunal or a Committee or the Standards Commission and any relevant provision may be taken into account in determining a matter.

That sets out the framework from which one starts. It is very clearly laid out. Section 1.4 of the code makes reference to the principles of ethical conduct and reads as follows:

Holders of public office have a duty to keep faith with the public trust placed in them by the manner in which they carry out their official responsibilities. This is a personal responsibility and requires them at all times to promote the common good, fairly and impartially, to conscientiously and prudently apply the resources of their office in furtherance of the public interest and to observe the highest ethical standards in the performance of their duties.

The Standards Commission has described ethical behaviour in the following terms

“A successful ethics regime is one which provides mechanisms whereby the sensitivities of political/public life can be handled, where competing interests can be reconciled and where individual legislators/executives can be guided in their difficult decisions by reference to the general principle that the public interest should always take precedence over the interests of the individual and, perhaps more importantly, over the interests of a political party whether in power or in opposition.”

My reading of what the Standards Commission has adjudged leaves the Minister's pretence and his failure to recognise his wrongdoing on very thin ice indeed. I believe the Minister needs to address that in the fullness of time. Taking into account the Minister's intellect, which I have praised and recognised, the Minister leaves himself with no other option but to resign.

We also have the farcical situation in which the Taoiseach has involved himself. He sidelined the Minister on Sunday. I do not claim to know what had the Taoiseach in Dublin or why

he was minded to make contact with the Attorney General, but there is one thing I will give the Taoiseach credit for - he is politically astute. Whatever by-the-way remark was made by the Attorney General, when she indicated that there was some other issue of some relevance and that she could not talk about it over the phone, as he told us, if it was of such relevance, one would assume that she would have communicated it to Government previously. It seems to me that it was a by-the-way remark and the Taoiseach capitalised on it, from a political perspective, very quickly. He knew that if he had another issue, he had the Labour Party backed into a corner. The manoeuvring of the Taoiseach over the last two days was a classic case of political expediency, for which he may be caught out in the future. It has certainly backed the Labour Party into a corner, because the Taoiseach now has something on the Attorney General. It appears that she had been aware since last November of the information that is now of such serious import. With the Attorney General and the Labour Party on the back foot, it protects the Minister because, as the biblical adage goes, it would be an eye for an eye, a tooth for a tooth - if the Minister went, the Attorney General would too. The Labour Party is once again joined at the hip with Fine Gael. In the fullness of time, the public will see the importance of the issue around the bugging of phones or the recordings made in Garda stations. However, it is not of such significant interest. Instead, it is being used to wrap another shield around the Minister.

There have been a series of resignations on the Minister's watch. He never really dealt with the resignation of the Garda confidential recipient. The chief executive officer of the Road Safety Authority, Noel Brett, has gone, exasperated with the Minister's inability to provide an appropriate level of funding to the police force to carry out the kind of enforcement necessary to continue the reduction in road traffic fatalities. The Minister himself recognised earlier that there has been an increase in road deaths. John Wilson effectively took to the ditch and had to resign from the force. The Commissioner is now gone. Who next? Today on local radio, some of the Minister's colleagues were prepared to push the blame on to the Secretary General of the Department of Justice and Equality. It was he who failed, they argued, to bring the information to the Minister's attention. The Minister also tried it with the Attorney General. The Minister puts all these people on the periphery while he continues to defend, protect and preserve his own personal interest over the interests of the Garda Síochána and the administration of justice in the State. The stability of the Government has been put at issue over the past several days to protect the Minister. It is bizarre.

Deputy Liam Twomey: The fixed charge processing and penalty points system have saved lives and are vital to our road safety. It is also vital, however, that citizens have full confidence in the systems. Will the Minister put on the record again not just the number of lives on our roads that have been saved but the massive reduction in traumatic road traffic injuries over the past several years because of the system?

What will happen next? It is quite possible that we will be back in the Chamber next week with Opposition Members demanding the Minister give more powers to the Garda to control crime. The difficulty for the Minister is striking the right balance between giving new powers to the Garda and dealing with its existing powers. Concerns have been raised about the weakness of the Garda Síochána Ombudsman Commission and whether it has the resources and legislative provisions to do its job properly. I am glad the Minister said he would deal with this issue swiftly.

There is no organisation in this country that is without its rotten apples. The Garda is no different. While we will never eradicate this problem, we must ensure we minimise it as best we can to reduce the harm that a few bad apples can do to this fine organisation. In all of my

professional dealings with the Garda, I find it an extremely dedicated organisation not just in fighting crime but in dealing with child protection issues and domestic violence. I find the empathy of individual gardaí incredible, along with their commitment to their job, when one considers that dealing with such issues can lead to burnout.

Earlier, Deputy McGuinness claimed that the culture of the force caused the events we have been discussing today and over the past several weeks, as well as the condemnation of the two whistleblowers. It is a culture that has existed for longer than the three years of this Government's tenure. In fact, it existed during the 15-year tenure in government of Deputy McGuinness's party, when it talked about looking after whistleblower legislation but did nothing. It actually butchered the freedom of information legislation when it was in power, contributing more to that culture of secrecy and of what others describe as putting loyalty above the truth. I am glad that tonight we are starting this journey of making a difference in how our Garda Síochána will be run.

It is important that a strong Garda supervisory authority is formed which balances the rights of citizens with the operation of the Garda, and that gardaí feel comfortable in doing their job. However, it is not a simple sort of authority that can be drawn up overnight. What we can do in the short term is to give the extra resources and additional legislative support that GSOC needs. The time people are waiting for cases to be dealt with at GSOC is lengthening. It is important, so as to maintain the trust and confidence in the Garda Síochána, that those who guard the guards have the resources they need to do their job properly. I would have expected there to be more support for and discussion as to what is actually needed for GSOC. There is a need to restore people's confidence in what is happening in the Garda Síochána.

Many members of the Garda Síochána feel battered and bruised by what has happened over the past several months. They feel their organisation, of which they are very proud, has taken a hammering, along with the people's confidence in it and how it is perceived. Confidence in and the perception of the force must be restored forthwith. Will the Minister swiftly bring forward urgent legislation to strengthen GSOC's resources to allow it get on with its job? Will he also bring forward his proposals for a Garda authority so it can be debated in the House and begin the process of restoring the people's confidence in the Garda Síochána?

There is a massive need for a cultural change within the Garda Síochána. To some degree it has been protected from cultural change because of the strains it faces in fighting crime. For many years, the force fought the significant threat to the stability of the State from the IRA at the height of its activities. Over the past several years, it has taken the brunt of the fight against organised crime and a drug culture which, to some degree, has taken hold in our society. Gardaí have been battling these with reduced resources. One can see why bad practices slip in, whereby some individuals with low morals in how they carry out their jobs get away with such practices. There is a need for us to take on that culture and make it change. The majority of gardaí are completely committed and dedicated to their jobs and would be very much behind what we are calling for tonight.

I always expect these political charges and the toing and froing along with the distortions of what actually happened. That is what we do in this Chamber. However, if people delve down into what is actually happening, they will see the need for change in how the Garda works, as well as how we strike the balance between letting gardaí do their job and examining how they do it.

The penalty points system requires a significant review. I am glad the Minister has taken on board some changes as to how it will work. The Minister for Transport, Tourism and Sport is correct that it needs to be examined and changed.

I want to put on the record a matter concerning myself, in case it is brought up at a later point and it is claimed that I never referred to it. This day last week, I myself was in court in regard to a fixed penalty points notice. It was a strange situation as I had no recollection of receiving a notice in regard to the fixed notice penalty points. I went into the court and explained that to the judge and he took on board what I said and the charge was struck out. Neither the fine nor the two penalty points that would have applied had I received the letter were imposed. I find it unusual that this sort of thing can happen and that people may not receive the correspondence. Something must be done in this regard so that if people must go to court, they will at least receive the two penalty points and the fine they should pay. This and other changes must come into play when it comes to doing a full review of the penalty points system.

Deputy Aengus Ó Snodaigh: Is trua nach bhfuil an tAire, an Teachta Shatter, anseo mar is chuige atá an díospóireacht seo dírithe. Tagann an leithscéal a ghabh sé níos luaithe sé mhí ró-dheireanach. Glacaim leis go bhfuil brón ar an Aire agus go nglacann sé leis go bhfuil sé ag gabháil leithscéil leis an mbeirt gharda ar chaitheadh smál orthu toisc an méid atá ráite fúthu thar roinnt míonna. Ach tá an damáiste déanta. Tá damáiste déanta dá gclú agus dá gcáil agus do shláinte duine amháin acu. Theip ar a shláinte de thairbhe an bhrú mór faoina raibh sé le tamall de bhlianta anuas, na sé mhí dheireanacha ach go háirithe.

Measaim nár ghabh an tAire ach leath leithscéal agus go bhfuil gá le gníomh de réir an leithscéil atá eithe aige. Cúig bliana ó shin is ea a thosaigh an tromluí don bheirt gharda a rinne iarracht chróga droch-chleachtas nó caimiléireacht laistigh de chóras na bpointí pionóis a nochtadh. Ar dtús, rinne siad iarracht é seo a dhéanamh go himheánach, laistigh de struchtúr an Gharda Síochána, ach nuair a theip ar sin, chuaigh siad lasmuigh den struchtúr sin. De réir an dlí, chuaigh siad chuig an confidential recipient, Oliver Connolly. Nuair a theip ar sin agus nuair a rinneadh bagairt orthu go gceasfadh an tAire, an Teachta Shatter, orthu dá leanfaidís lena líomhaintí, chas siad - bhí an ceart sin acu - ar thacaíocht a lorg ó Theachtaí Dála chun iarracht a dhéanamh an cheist maidir leis an gcóras a ardú.

Measaim go nglacann gach duine leis nach raibh na gardaí seo ach ionraic ó thús agus nach raibh i gceist acu ach córas, maith, ceart a bheith ann. Ní raibh siad ag iarraidh an Gharda Síochána a bhriseadh, an Coimisinéir Martin Callinan a bhriseadh as a phost nó fiú an tAire Shatter a bhriseadh as a phost. Ní sin a bhí i gceist acu. Is é a bhí i gceist ná a léiriú go himheánach go raibh fadhb ann agus gur cóir go ndéileálfadh an córas le sin. Táimid imithe beagán den bhealach le sin a dhéanamh inniu agus beagán eile ó thosaigh na tuairiscí ag teacht amach go raibh rud éigin mícheart leis an gcóras.

Today, the Minister gave a belated apology, but it should not have taken this long for him to admit the two men were right from the start or that former garda John Wilson and Sergeant Maurice McCabe were, in fact, courageous men. For two men within an organisation renowned for its collegiality and its closing of ranks when under attack to try to expose within the organisation of An Garda Síochána that there was a problem with the penalty points system was courageous. For them to continue having been rebuked was courageous. Instead of undermining them, dismissing them or attacking their characters, as happened in recent months, both by the former Garda Commissioner, Martin Callinan, and the Minister, Deputy Shatter, they should have been praised from the start.

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They were whistleblowers who should have been put up as an example to others, because through their actions they have managed to expose major flaws within the system. They have managed to expose malpractice and corruption within the penalty points system. However, their reward from within An Garda Síochána is a living disgrace. I do not know whether everybody has seen the harrowing account on television recently by former garda John Wilson. Even at this late stage, those who have not watched it should watch it and see how this man's health was broken by the controversy and as a result of how he and his colleague, Maurice McCabe, were treated. In his account he told how he was victimised and harassed within An Garda Síochána. A dead rat was hung from his door, he was arrested in public and was ostracised and sent on fool's errands around the county. His health broke because of this and he believes he has suffered a severe consequence as a result.

Nobody can say these were not courageous men. This should not have happened to them, but it did and as yet I have not heard anybody say that what happened to them was wrong. As far as I am aware, sanctions imposed against Sergeant Maurice McCabe within An Garda Síochána have not been lifted to date. They should be lifted forthwith. There should be recognition within An Garda Síochána that what happened was wrong and that the sanctions should never have been imposed on somebody who had the interests of An Garda Síochána and the penalty points system at heart from day one. If we had other courageous men and women like these two men in other organisations to highlight wrongdoing within those organisations, we would have a better society. These two men stood out, not only against An Garda Síochána and all its members, but also against the Department of Justice and Equality and the Minister because they believed they were right. They have been vindicated as having been right, but that vindication has not been fully validated by the Minister.

One of the big questions I have in regard to all of this concerns how Assistant Commissioner O'Mahoney got it so wrong, particularly when we consider the Comptroller and Auditor General's initial account and the subsequent account following the O'Mahoney report, the report of the Garda Inspectorate. These exposed major failings. They state there were consistent and widespread breaches of policy by those charged with administering the penalty points system. This totally contradicts the O'Mahoney report. The Garda Inspectorate report also stated that the accumulation of fixes over the years resulted in a technically deficient managerially uncoordinated and inefficient support system.

The Garda Inspectorate report made major recommendations and, thankfully, some of those are being acted on already. I acknowledge the Minister's hand in that and acknowledge his role and that of the Minister for Transport, Deputy Varadkar, in recognising the system needed to be changed. However, this could have happened five years ago. If these men were listened to five years ago, we would be in a far better place at this stage and their health might not have been affected.

What are the consequences for the assistant commissioner for such a shoddy piece of work? Does the Minister back the report of the assistant commissioner now? We are led to believe there is a new era of transparency and that the era of the nod and the wink and the backhanders is gone. I have heard the Minister saying that the Garda Síochána needs to be beyond reproach, but that has not been the case here. In the Minister's summing up and question and answer session he should have the courage not just to apologise but to admit that he was wrong in his approach to these men from day one. He should admit that there have been consequences for their lives and, in one case at least, for their health and that he will do his damndest to make his mistakes right. I see the Minister nodding his head. If he is unwilling to take those steps-----

Deputy Alan Shatter: I was not nodding my head regarding anything Deputy Ó Snodaigh said. As he was speaking I read something and nodded my head.

Deputy Aengus Ó Snodaigh: Hopefully, the Minister will acknowledge that the men have suffered consequences beyond the one line uttered by the Minister, because he was not willing to back them in full. Hopefully, the Minister will take whatever steps are required to make right the abuse, harassment, victimisation and ostracisation of both men in their work. One of them had to leave work because of it and is out of a job. I urge the Minister to consider that consequence.

Deputy Anne Ferris: The backbone of a democratic state is a sense of trust between its citizens and its police force. Without that level of trust, a police force has no moral power and the citizen is no longer adequately protected by the State. In Ireland that sense of trust between citizen and police ran so deep for so long that our Garda Síochána has been able to retain its rare status of being one of the last unarmed police forces in the world. That trust is a precious aspect of Irish society and it behoves every Member of this House, as democratic representatives of Irish citizens, to do whatever is necessary to protect for the people of Ireland the integrity of the Garda Síochána. We owe that to the people and to the members of the Garda force.

On 19 February I stated in this House that it was no longer appropriate for the Garda Commissioner to report to the Minister for Justice and Equality, if it ever had been. It sometimes takes a little while in Dáil Éireann for a good idea to gain currency but I am pleased that out of this whole sorry mess there is at least one seed of hope. Yesterday's decision by the Cabinet to establish a new policing authority is good news. It will be important for the new authority to have the right balance of international policing skills with community and democratic representation. We can learn much from other police jurisdictions about this. I would welcome a reciprocal presence of at least one shared board member who sits on policing authorities both North and South of the Border.

In my role on the justice committee I look forward to developing further, within the review of the Garda Síochána Act 2005, concepts such as the policing authority and the strengthened role of GSOC. However, as well as the complex and strategic organisational change that is ahead we need to consider the proper resourcing of the force. The substantial financial revenue that will be recovered by fixing the flaws in the penalty points system should be initially reinvested in the resourcing of the Garda to create a modern policing system that is fit for purpose.

On appointment to the Garda Síochána, each member swears an oath. Most of the 13,000 serving gardaí and the majority of the thousands of retired gardaí made their oaths in good faith and have conducted their working lives in accordance with that pledge. Given all that has happened over the past few weeks, it is worth reminding the House of the words of the Garda solemn declaration as sworn by every new garda: "I will faithfully discharge the duties ... with fairness, integrity, regard for human rights, diligence and impartiality, upholding the Constitution and the laws and according equal respect to all people."

Does this oath that swears regard for human rights give scope to a member of the force to retain the details of an innocent two-year-old Traveller child on its criminal surveillance data recording system? It most certainly does not. Does the Garda oath that swears fairness, integrity, legal compliance and upholding of the Constitution give scope to a member of the force to illegally and secretly tape-record privileged, confidential client-solicitor conversations? Of course it does not. Does the oath to uphold integrity and fairness leave scope for the rampant

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abuse of the fixed charge processing system in the manner described by the report of the Garda Inspectorate? Any Garda I know would answer “No” to all of those questions.

We need to get back to a place where the Garda oath is respected by those at the top of the tree as highly as it is regarded by those at the bottom. It is not enough for our gardaí individually to know the difference between right and wrong, yet maintain silence in the face of an injustice committed by a colleague. We need a Garda culture that applauds and welcomes those members of the force who put their hands up to highlight wrongdoing. That is the real challenge for the next Garda Commissioner.

Deputy Michael McNamara: I commend the Garda Inspectorate on its report. It has done the State a considerable service in producing a very detailed report with a long list of recommendations. I thank and commend the Minister, Deputy Shatter, on having commissioned that report. In an attempt to politicise this debate it has been overlooked that the Minister, Deputy Shatter, commissioned the report at a time when much less controversy surrounded this issue. The report completely vindicates the whistleblowers and the role they played, saying but for the amount of public scrutiny that was on the fixed points penalty system none of this would have arisen. That public scrutiny arose out of the fact that those whistleblowers did what they did. They did what they did because they felt no other option was open to them. It is very important that this House, this system of government and this Government vindicates whistleblowers. I have every confidence that the Government and Legislature will do so in the form of legislation which has already passed Second Stage in this House, to the debate on which many of us had the opportunity to contribute.

The report of the Garda Inspectorate vindicated to an extent the role of whistleblowers, particularly stating that this issue would not have been examined but for the public controversy and scrutiny which arose. I am not surprised and am very glad to note that the Minister, Deputy Shatter, today put on the record of the House a clarification on the role of whistleblowers, and the two whistleblowers in particular. I greatly welcome that. One of the main recommendations of the Garda Inspectorate was that the Department of Justice and Equality immediately convene a chair of a criminal justice working group comprising the Department of Justice and Equality, the Courts Service, the Department of Transport, Tourism and Sport, the Garda Síochána and the Road Safety Authority to oversee and facilitate the implementation of the recommendations in this report. It is key that all those recommendations be implemented to ensure public confidence is restored in the fixed point penalty system.

Like all issues, the story has moved on somewhat, and very quickly, since this report was published to yesterday’s Government statement that a statutory commission of investigation is being established to examine the surveillance of telephone calls in and out of Garda stations. That came as a major shock to many people in this country, perhaps especially to members of the legal community, many of whom were on television last night, who would have been making and receiving telephone calls to and from those Garda stations. It is in the public domain that Ennis Garda station was among many stations which were the subject of an eTenders notice in 2007 for the provision of surveillance equipment.

7 o’clock

It is a complete shock to know that surveillance equipment was used to monitor telephone calls in and out of the Garda station. Clearly, the expenditure of public funds was authorised for the provision of that surveillance system in 2007, and among the issues to be examined by the

commission of investigation is who cleared the expenditure, who knew the expenditure would be taken by the State and, most importantly, who knew what the surveillance equipment would be used for.

An Leas-Cheann Comhairle: The next slot is to be shared by Deputies Pringle and Finian McGrath.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this evening's debate on the Garda Inspectorate report. The Minister finally, belatedly, gave a conditional apology today for impugning the integrity of two fine Garda officers. He stated: "If any upset was caused I hope that correcting the record today will put the matter to rest", and continued by stating "I apologise for any offence that may have been caused". This apology does not have much meaning, as the Minister was backed into a corner before he would apologise, and the act was in no way sincere. The Labour Party trumpets itself as the watchdog of the Government, but it took a Fine Gael Minister to call on the Minister for Justice and Equality and former Garda Commissioner Callinan to retract statements which sparked the series of events that have led to this.

Was that the case? It now appears obvious that the revelations about the bugging of Garda stations are what forced the Garda Commissioner's resignation. I wonder, if the imminent disclosure of the transcripts of bugged phone calls through discovery in the courts was not happening, whether we would even be hearing about this issue. The Minister's position is untenable because of his dealings with the whistleblowers - notwithstanding the conditional apology - as well as his undermining of GSOC, his use of confidential information against Deputy Wallace and now the taped phone calls at Garda stations. These indicate that the Minister is not the person to lead the Department.

The whistleblowers have been vindicated by the report of the inspectorate and not the Minister's statement. Because of this report they are now beyond reproach, if there was anyone, bar the Minister and the former Garda Commissioner, who did not believe them. Garda John Wilson and Sergeant Maurice McCabe made accurate claims regarding grave wrongdoings in the fixed charge processing system. Not only that, but they went through the proper channels, contrary to what the Minister stated in the Dáil at the time when he argued that the whistleblowers did not co-operate with an internal Garda inquiry on penalty point cancellations.

The inspectorate report states: "The inspectorate was told by senior Garda staff, that but for the public scrutiny, the extent of the deficiencies within the fixed charge processing system would not have been detected." That is not down to anything done by the Minister about these allegations but rather to the proper work carried out by the Garda whistleblowers. It is now up to the criminal justice working group, made up of all the fixed charge penalty points system stakeholders, to oversee and facilitate the implementation of the recommendations in the report. Judging by its content, there is much work to be done to rectify the shambles that is the fixed charge penalty system.

It turns out that Letterkenny Garda station in Donegal was one of 27 stations for which gardaí in 2007 sought a system to automatically record telephone calls and radio traffic. Will we now see convictions being overturned because of the illegal operation of the system in Donegal and other parts of the country? We can consider that the Morris tribunal into the activities of some gardaí in Donegal heard evidence that gardaí had bugged the station to listen to the conversations of detainees and people who were wrongly arrested. These activities were known for a long time. I remember at the time of the Morris tribunal that the only concern in

official circles was to ensure that it was emphasised that this was a Donegal problem and existed nowhere else in the country. That was a lost opportunity for real and meaningful change in the Garda Síochána.

Reform from the top down is required to boost the morale of the force. An independent Garda authority would go some way towards introducing accountability, but the future appointment of commissioners must be examined as part of an overall reform. We know there is so much more to this, and overall reform is required with increased transparency and accountability. There are still many questions that need to be answered. I do not believe this is the Minister to guide the needed reforms through, and by his actions he has shown he is not fit to carry them out. I recognise the fantastic job that the vast majority of gardaí do on a daily basis in these hard times, but we also know that much change is needed now, on a much wider scale than we could have ever imagined, so that the force can do the job it was supposed to be doing all along. Those many gardaí working conscientiously to deliver effective policing deserve proper reform of the organisation. They need that new start now and they deserve the chance for it to happen under new leadership.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak in this important debate on the Garda Inspectorate report on the fixed charge penalty processing system. Before getting to the detail of the report, I should say I have had major concerns in recent days about the general management and running of our justice system, which has been severely damaged and undermined, with a lack of trust in the system now emerging. This problem must be fixed now and we must start at the very top. Trust and confidence are major issues, and if the people do not have trust and confidence in a line Minister, he must go. Only then can we begin reform and change the action plan. The process must start at the top. The Garda Commissioner has gone but the Minister must also go. This is not a personal issue but it concerns the management and supervision of our justice system. I remind the Minister that this debate concerns the holding of a Minister to account, public service and leadership.

I use this opportunity to commend and thank our two great whistleblowers, Garda John Wilson and Sergeant Maurice McCabe, who have done this State a great service.

Deputy Colm Keaveney: Hear, hear.

Deputy Finian McGrath: I challenge the Minister on his argument that some Opposition Deputies are anti-Garda or at least do not praise the Garda. The Minister is wrong. Many of us have brothers or other relations and friends serving in the Garda. These good people have never used politics or politicians to climb the greasy pole of promotion and have just done their job to the best of their ability. These people should also be remembered tonight, because they have taken the hit when all they wanted to do was serve the public. I will not take any lectures from the Minister on this matter, as these people want honesty, trust and professional policing.

The objective of the Garda Síochána Inspectorate is to ensure that the resources available to the Garda Síochána are used to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services. That comes from section 117 of the Garda Síochána Act 2005, and we all agree on that principle.

We should remember another group that has been ignored in the debate - that is, the silent majority who complied with the law, took penalty points and paid fines before getting on with

their daily lives.

Deputy Frank Feighan: Hear, hear.

Deputy Finian McGrath: They have been let down, and it is important that we acknowledge that. The Minister indicated that in 2011 there were 514,959 fixed charge notices issued and, of these, 22,781 were cancelled. In 2012, there were 449,403 notices issued, with 21,960 cancelled. He also spoke about discretionary powers. There should be discretionary powers to deal with emergencies and crises in people's daily lives but not for the friends and pals of politicians or senior gardaí. I will raise and fight that issue.

Deputy Frank Feighan: Absolutely.

Deputy Finian McGrath: The Minister said there was no evidence of corruption. When people get away with this kind of thing, it is corruption.

Deputy Frank Feighan: Absolutely.

Deputy Finian McGrath: The Minister said, "No individual should receive preferential treatment because of his or her perceived status, relationship or celebrity." Sadly, however, it has happened. I await the findings of the report.

I acknowledge and commend the Minister for apologising to the whistleblowers today. Many of us were rightly critical of the delay in doing so. We all want a Garda force that is effective, honest and has the trust of citizens.

Deputy Peter Fitzpatrick: I pay tribute to the former Garda Commissioner, Mr. Martin Callinan, for his 41 years of service to the community and the State in fighting crime and serious criminals. I wish him and his family the best.

The Minister for Justice and Equality, Deputy Alan Shatter, stated:

...any use of Garda discretion to effect the termination of fixed charge notices must be applied in a fair, impartial and transparent manner and on 15 May 2013, I published seven crucial applicable principles to ensure this. They are as follows: 1. There must be no question mark hanging over the integrity of the fixed charge notice system and in the application of penalty points; 2. No individual should receive preferential treatment because of his or her perceived status, relationship or celebrity; 3. The law and any discretionary application of it to individuals must be administered fairly and with compassion and common sense; 4. No member of the Garda should feel compelled by a person's position, relationship or celebrity status to treat that person any more or less favourably than any other person; 5. There must be proper oversight and transparency to the discretionary decision making process and the applicable rules and procedures must be fully complied with; 6. All statutory provisions, regulations, rules, protocols and procedures applicable to the termination of fixed charge notices must be readily accessible to all members of the Garda and the circumstances, factors and procedures applicable to the termination of fixed charge notices should be detailed clearly on the Garda website for the information of members of the public; and, 7. Where application is made to terminate a fixed ticket charge, where possible and appropriate, material to support any application made should be sought while understanding in some circumstances no such material may exist or be obtainable. These principles were applied by the Garda Inspectorate ... it is unacceptable for any member of An Garda Síochána to use his

or her discretion in regard to the cancellation of fixed charge notices or penalty points other than in a fair and impartial manner in accordance with the criteria which apply.

The whistleblower plays an important role:

...in highlighting problems and helping to bring about real change. The most serious allegations specifically made relating to the fixed charge processing system and penalty points related to what were described as: shocking criminality by several Garda officers; serious fraud and corruption within An Garda Síochána; perversion of the course of justice by members of An Garda Síochána; Garda inspectors and superintendents perverting the course of justice on a massive scale; at least seven road fatalities resulting from the termination of fixed charge notices; hundreds of official Garda PULSE records altered and destroyed; and an allegation that the Garda had no discretionary power whatsoever to cancel notices.

There is to be an independent review of An Garda Síochána under the Haddington Road agreement. The terms of reference are:

To review and make recommendations on the use by An Garda Síochána of the resources available to it, with the objective of achieving and maintaining the highest levels of efficiency and effectiveness in its operation and administration.

The review shall encompass all aspects of the operation and administration of An Garda Síochána, including—

- the structure, organisation and staffing of An Garda Síochána;
- the deployment of members and civilian staff to relevant and appropriate roles;
- the remuneration and conditions of service of members of An Garda Síochána, including an evaluation of annualised hours/shift pay arrangements;
- the appropriate structures and mechanism for the future resolution of matters relating to pay, industrial relations and attendance matters.

The other part of the review - dealing with efficiency, effectiveness, structure, organisation, staffing and deployment - will be carried out by the Garda Inspectorate.

Deputy Frank Feighan: I come from a family that is very proud of the integrity, professionalism and dedication of gardaí. My grandfather, James Fehilly, was a member of the IRA who fought for the freedom of this country and was one of the first gardaí to take up duty. He served in Ballina and Cahir and retired in Rush, County Dublin. As I grew up in Boyle I was always confident of the professionalism, dedication and integrity of gardaí who defended the State in difficult times. I am not a politician who takes potshots at the professionalism of gardaí in doing their difficult duty. I wish Mr. Martin Callinan and his former officers well now and in the future. They have served the State.

Penalty points were introduced in 2005 and have saved hundreds of thousands of lives. The Minister said, “There must be no question mark hanging over the integrity of the fixed charge notice system...” Gardaí should have impartiality to pursue the matter of penalty points in a transparent manner, but what happened in the system was wrong. I have four penalty points. I had six. This time next year I hope to be down to two and in 2016, before the next general election, I hope to be canvassing with none. Two points is two too many. I probably drove too

fast and I took the charge. Nobody should be able to escape penalty points. That is only fair. I was given two, if not four, of my penalty points on the Lucan Road. I was driving to Leinster House at 6 p.m. for a vote. The speed limit goes from 80 kph to 60 kph before coming to the M50, which I think is unfair, and I was pulled in by gardaí. I gave them my name and was given two points. I could have said I was on the way to vote in the Dáil. I cannot understand why that law still applies because, unlike my constituency colleague who was not travelling to Leinster House but driving around Roscommon, I think it is wrong. However, he decided he was above the law and that it did not apply to him because he was a Deputy and well known. That is wrong. He said it was corrupt, yet he is one of the Independent Deputies who highlighted the issue. He should not lecture Deputies on how to conduct their business because, in his own words, he was corrupt. He got off and was not given four penalty points. That is wrong.

In 2005, 396 lives were lost on the roads. In 2012, 162 lives were lost. Unfortunately, that number rose to 190 last year, but I understand the number will be lower this year. However, many thousands of lives have been saved, which is welcome. What is the Minister's view of the comments by the Data Protection Commissioner on the obligations of An Garda Síochána to protect the privacy of people's personal information held in the penalty points system? This is a serious question which needs to be addressed. It is not always a case of black and white. This is a grey area.

Deputy Billy Timmins: Any time I listen to a debate about the security forces I am acutely aware of the shortcomings that are outlined but, having served in the security forces, I find it stomach-churning to hear issues debated with a lack of understanding, often by people who are less than role models themselves. I am also conscious of the lack of resources across the spectrum and the fact that, as we speak, gardaí and members of the Defence Forces are working in difficult situations and putting their lives on the line at home and abroad. It is important to acknowledge that the security forces have the full backing of this House. They should not be used as a political football.

I was not going to allude to penalty points but I changed my mind after listening to Deputy Feighan, who has nearly as many penalty points as the Roscommon county football team. We recall receiving penalty points, which are always accrued because we did 31 mph in a 30 mph zone, but we never reflect on the many penalty points we did not get even though we were speeding or breaking lights. That is an inherent characteristic of Irish society, and the Members of this House are representative of Irish society. Members of this House include good, decent and hard-working people but also some rogues. It is important to realise that we are not all angels.

I am a strong believer in allowing gardaí to exercise discretion, provided it is done in a fair and practical manner. With respect to the issues that have caused controversy in recent months, Chief Inspector Olson produced a thorough report which contained a large number of recommendations. This is welcome, but how many reports have we received with recommendations that were implemented on an *ad hoc* basis? It is important that the Minister provide the necessary funding to implement the inspector's recommendations.

The Minister, Deputy Shatter, has been a lightning rod over the past several weeks. I do not wish to patronise him, because he does not take kindly to being patronised, but it is widely acknowledged that he is a very hard-working and reforming Minister who takes a strong interest in his portfolio. However, viewed from the outside, great effort and time appear to be spent on image, spin and producing legislation - the Minister, Deputy Shatter, is probably one of the

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Ministers who are least vulnerable to this accusation - and not enough attention is given to managing Departments and ensuring legislation is implemented correctly. Perhaps Ministers should concentrate on their jobs rather than running up and down the country to announce ten jobs in a burger joint or 200 jobs in a high-tech industry. I am not here to attack the media, but they put the political establishment and the Government under pressure to project a good image. The best image a Taoiseach, a Minister or anyone else can project is to do the job he or she is elected to do.

The Garda Commissioner was correct to resign because he was going to be made into a scapegoat in the coming weeks. His initial assessment was incorrect, as was the Minister's, but I am glad the Minister has chosen to apologise. I welcome the intervention by the Minister for Transport, Tourism and Sport, who I am sure is getting flak from his Cabinet colleagues. That direct, fresh-air approach is needed and it should not be used as a battering ram to attack other Ministers. It should give rise to a more open and transparent system.

If the Taoiseach instructed the Secretary General of the Department of Justice and Equality on Monday to approach the Garda Commissioner regarding the issue of taped conversations, why did he not give the letter to the Minister until the middle of the following day? Why was the Minister out of the loop? Can a case be made for ministerial responsibility? Whether it is due to the Taoiseach, the Tánaiste or media pressure, Ministers getting involved in areas outside their responsibility cause difficulties and confusion, with the result that people lose sight of what is required from them.

It is important that Garda personnel be rotated to other tasks, particularly in respect of the drugs squad. Across the globe, drugs squads have been shown to be vulnerable to corruption. I ask the Minister to consider rotating staff between all areas of the Defence Forces and the Garda.

Deputy Thomas P. Broughan: I welcome the opportunity to comment briefly on the report of the Garda Inspectorate. Some of the matters that have come to light in recent days are scarcely believable and point to potentially serious defects in the administration of justice in this State. I hope the new commission of investigation will cast a light on the performance of all Ministers for justice over the past three decades. It is unfortunate that the group of "others" - the fourth group in the Dáil - did not get an opportunity to comment on recent matters, because the shocking reports given to the Dáil earlier today by the Taoiseach and the Minister, Deputy Shatter, raise serious questions about the Minister and the Attorney General. The Minister failed to deal adequately or swiftly with issues brought to his attention by Garda whistleblowers, and it now seems he is not keeping abreast of issues raised with his Department pertaining to the recording of incoming and outgoing calls to Garda stations.

I have always been a strong supporter of the proposal to establish an independent Garda authority. It was the policy of my former party, the Labour Party, for several decades, and the Minister for Public Expenditure and Reform, Deputy Howlin, prepared a very fine paper on the subject while he was in Opposition. I hope the proposals in that paper will form the nucleus of the new independent Garda authority.

I welcome the report by the chief inspector of the Garda Inspectorate, Mr. Bob Olson, as significant in its own right and I have studied it carefully. For the past four or five years I have been raising the issue of the enforcement of road traffic laws and fixed charge notices. I salute the courage and determination of Sergeant Maurice McCabe and Garda John Wilson and

commend them on their service to the Irish nation. The Garda Inspectorate report vindicates both men and the information they presented about anomalies in the penalty points system. I welcome the Minister's correction of the record of the House this afternoon and his comments in relation to the whistleblowers' conduct. I also commend my Dáil colleagues Deputies Mick Wallace and Clare Daly on their work in this area. I welcome the Garda Inspectorate's recommendations on the establishment of a criminal justice working group, the updating of the fixed charge penalty system manual, the need to improve the notepad tracking system and the need to investigate the issue of penalty points offences committed in company cars or hired cars.

The report deals with the 5% of penalty points notices that were removed. The other side of the coin, as the Minister will be aware, is the failure of the courts system to impose points and the Judiciary's flagrant disregard for laws that were passed by this House. A recent judgment by Mr. Justice Gerard Hogan in the High Court has confirmed that section 55 of the Road Traffic Act 2010 precludes District Court judges from allowing offenders to make donations to the court poor box to avoid incurring penalty points for certain road traffic offences, but this practice continues. There was an incident recently in which a well-known business person involved in a charity avoided a conviction by paying €250 to the court poor box. Section 55 of the Road Traffic Act 2010 clearly states: "Section 1(1) of the Probation of Offenders Act 1907 does not apply to a penalty point offence (within the meaning of section 1(1) of the Act of 2002)." The Minister has informed me in replies to parliamentary questions that 1,255 defendants in 2012 and 1,754 defendants in 2013 avoided penalty points convictions in court by making donations to the poor box. That is an appalling lacuna. The Minister has stated his intention to reform the law relating to the use of the court poor box with the criminal justice (community sanctions) Bill. However, in the meantime, I urge him to ensure that there is full and proper enforcement of section 55, which was enacted by a commencement order signed by the Minister for Transport, Tourism and Sport, Deputy Varadkar, on 1 June 2011. This is particularly pertinent because of Mr. Justice Hogan's judgment in the case of *Kennedy v. Gibbons*, [2014] IEHC 67. Significantly, Mr. Justice Hogan ruled in that case that the cumulative effects of section 55 and other provisions of the Road Traffic Act on penalty points offences were such as "to override the District Court's power at common law to accept a donation to the poor box in lieu of proceeding to a formal conviction in the case of those road traffic offences which attract the application of penalty points on a mandatory basis." Mr. Justice Hogan's judgment categorically places central importance on section 55 of the 2010 Act. I strongly urge the Ministers, Deputies Shatter and Varadkar, to consult An Garda Síochána and the Courts Service, including by ensuring that a specific direction is sent to the President of the District Court, so that all parties are aware of the judgment and its implications, thereby ensuring that persons charged with road traffic offences attracting penalty points cannot avoid conviction by making donations to the court poor box. This issue is just one strand of the overall fixed charge system, but it is significant and has been largely ignored. The Minister has an opportunity here to remove that significant anomaly on that side of the penalty points issue.

I note that the Minister has prepared a detailed action plan on the inspectorate report and I look forward to the implementation of that report.

An Leas-Cheann Comhairle: Deputy Nolan is sharing with Deputy Ciara Conway.

Deputy Derek Nolan: Before I begin my substantive contribution, I want to acknowledge the role played by the former Commissioner, Deputy Callinan, over his distinguished 41-year career. It did not end in the best of light, but we should not define the man, nor his record of service, by one event, one month or one year in his tenure. He certainly did much good work

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for the State in his role as Garda Commissioner. In my exchanges with him over the brief period I have been in this House, through the Committee of Public Accounts, I found him in other areas, apart from the penalty points, to be diligent in his work. I acknowledge and commend him on that.

I welcome the publication of and the debate on the Garda Síochána Inspectorate report. I acknowledge and commend the Minister for Justice and Equality on his commissioning of that report, which is a point that is often missed. I also acknowledge the large role played by the Comptroller and Auditor General, Mr. Seamus McCarthy, and his team in doing much of the underlying analysis and work which form the basis upon which the report was prepared. In fact, the Comptroller and Auditor General's report, which has been debated at the Committee of Public Accounts and will be the subject of a report that the committee is preparing, is one of extraordinary clarity, detail and good work, and is a real example of the public service and the organs of State doing their job extremely well.

However, it must be pointed out that both the Comptroller and Auditor General's report and the Garda Inspectorate report are much more damning and harsh with regard to the actions of the Garda than the report that was prepared by the assistant commissioner, Mr. O'Mahoney. That contradiction between the internal report and the external reports points to something worthy of note: that the internal investigation was definitely not as meaningful or, perhaps, as thorough or damning as it ought to have been.

For the Garda Síochána, this has been a particularly damaging time. Its reputation has been tarnished and its trust has been damaged by endless headlines, allegations, reports and perceptions, be they with regard to GSOC, whistleblowers, penalty points or, now, the taping of conversations in Garda stations. It is reported or suggested that perhaps Mill Street Garda Station in Galway could have been one of the stations involved.

When I spoke to the former Garda Commissioner, Mr. Callinan, on the penalty points issue at the Committee of Public Accounts, I tried to ask him what would constitute corruption in his view, because the assistant commissioner's report stated that there was no criminality or corruption, and we had a rather long interchange without any satisfactory answer being given. I still find it difficult to accept that there was no corruption in a system which was clearly abused for the gain of others and that we have been unable to find a way of showing that. I understand that this has been referred to GSOC to look into and it may probe it to a greater extent, and, in fact, that three members of the force have been disciplined on the basis of the O'Mahoney report, but this is something that was so widespread, according to the report, that there must have been more to it.

I welcome Monday's announcement of the establishment of a Garda authority. This provides a strong future for the Garda. It is something that was in the Labour Party manifesto and I am glad that it has now worked its way in, through Cabinet, as a Government decision. When up and running, it will allow for a properly functioning, transparent, public-oriented and publicly accountable Garda. I am sure the Minister is completely committed to seeing that through.

I will have to put on the record - because if I do not I will be neglecting my duty to my constituents - that there is a great deal of controversy, worry and angst with regard to the administration of justice, the Garda and, in fairness, Deputy Shatter, as Minister for Justice and Equality, and I am receiving constant telephone calls telling me that he should resign, that this is a sham, etc. At all times, I have been able to sit down with constituents and go through it

step by step. However, it has got to the stage at which we really are in a very serious position and the public's patience is at an end. I wanted to say to the Minister that today, on the radio, on Galway FM, I again stated that the Minister for Justice and Equality had nothing to answer for, but we are in a position of utmost good faith at this point. If anything, following the most recent revelations over the past number of days, we are at a very high standard where we must have full disclosure. Everything must be explained, such as why there were delays in letters, where the information was, why it did not come out and who was responsible for not delivering it. All of this information is pertinent, and the matter is causing severe worry. It is no longer an issue of process; it is an issue of who knew what and whether there is a cover-up. This is what we are getting out there. We need the utmost good faith and not merely technical correctness but for everything to be brought out and put forward in a full and transparent manner. I had to say that to the Minister.

Deputy Ciara Conway: I commend the report of the Garda Inspectorate, which clearly vindicates the assertions of the whistleblowers. I welcome the Minister's apology to the whistleblowers and correction of the record in this House about their alleged non-compliance with the investigation, but the fact of the matter was that they were not asked. I am glad that the Minister has apologised to the former Garda Wilson and Sergeant McCabe in this instance.

The Government decision to establish an independent Garda board is pertinent and important. There is no doubt that this has been a long-established policy of the Labour Party. It did not make it into the programme for Government but, as my colleague Deputy Nolan stated, I am glad that it has now made its way into Cabinet and that we have had a decision on it.

The past couple of weeks and months have shaken the public in terms of how justice is administered in this country. The vast majority of people have little interaction with the Garda. They are law-abiding persons who go about their business and, for whatever reason, never come to the attention of the Garda. However, we are human and fallible and sometimes our foot is on the accelerator in the car and we go too fast. The one time we have any interaction with the Garda is when penalty points are being given out.

Penalty points were introduced in this country to improve the standard of road safety because for far too long we had lost too many young lives to speeding and careless driving. What has shaken the public in all of this scandal is the knowledge of that one time when most people interact with the Garda, which is when they receive penalty points. The general assertion is that everybody is equal before the eyes of the law. However, in this instance it has been clearly shown that factors such as celebrity, membership of elite groups and political status meant that some were more equal than others. I for one am really glad that this report has come out and shown the way in which justice was being administered and the fact that there were abuses of the system.

For the vast majority of people, their interactions with the Garda Síochána are at that level.

I will move on to the news that has broken over the past 24 hours in respect of the alleged illegal taping of conversations in Garda stations. The Garda station in Waterford was one of them, a matter documented in court in respect of the conviction of gardaí. Going back to 2002, prior to the establishment of GSOC, reports of detection rates in Waterford Garda stations were falsely documented. A report from the RTE website states:

A long-awaited report on an internal Garda investigation into crime detection rates in the

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Waterford Garda Division has still not been completed, months after the initial allegations were made.

[I]t was claimed that some figures compiled in the Waterford Division were not accurate and that some recorded crimes were reported to have been detected, even though nobody had been charged with the offences.

The report states that Waterford Garda division was reported to have considered crimes to have been detected even though no conviction or court proceedings had taken place. If gardaí were satisfied that they knew who was responsible, that was the end of it and it was considered detected. The report also states:

An internal Garda inquiry was set up to investigate the matter and to give an exact definition of what had or had not been “detected”.

A Garda spokesperson said today that the report still had not been finalised and there was no indication as to when it would be completed.

The matter has not been resolved and I ask the Minister to examine this. We now have two allegations reported in public in respect of the conduct of the Garda Síochána in Waterford: the illegal recording of telephone calls and the misrepresentation of crime detection rates as far back as 2002. As a representative of constituents, I know that will shock the public, and we do not want to have poor relations between the Garda Síochána and members of the public. Even though the vast majority of us do not interact with the Garda Síochána, we need to know we are safe where we live and in our communities. I ask the Minister to take these points into consideration.

Deputy Colm Keaveney: In Greek mythology, the punishment for hubris - pride, arrogance and an excessive belief in one's own capabilities and worth - was handed out by the goddess Nemesis. In Greek tragedy, it was often the cause of the downfall of those riddled with guilt. This Government has been collectively responsible for a significant amount of hubris since its first day in office. However, the Minister for Justice and Equality has managed to manifest the execution of this hubris and it has come without any redeeming defect. The Minister has spoken in the Dáil over the past few days, and particularly today, with respect to the most extraordinary 48 hours in my experience in politics. These events have come at the end of the penalty points controversy, the Minister's contemptuous attitude towards whistleblowers, the sacking of the confidential recipient, disturbing revelations of spying at GSOC and, finally, the stunning ignorance of anything to do with the latest revelations on recordings. We have been asked to believe the incredible account that the Taoiseach gave to the House this morning concerning the timeline of the Cabinet's discovery of the recording issue. If the Taoiseach's account is taken as true, the Attorney General has serious questions to answer in regard to her communication of vital information to the other Cabinet members. An issue that was quickly judged by the Taoiseach and the Cabinet to be worthy of a full inquiry headed by a justice of the Supreme Court was allowed to sit on the Attorney General's desk from November of last year, apparently without her realising its seriousness. In the end, it was only raised by the Taoiseach when he contacted her on another matter. If he had not contacted her, how much longer would we have had to wait before she brought it to the attention of the House and the Taoiseach? What are the lines of communication between the Attorney General and the Minister's office? Are they functioning as they should be? Evidently not, given the failure over four months to communicate this issue to the Minister's office. We know that the Taoiseach, who has professed his full

confidence in the Minister for Justice and Equality, waited almost 24 hours before informing us of the serious issues with an aspect of the administration of justice for which he is responsible.

This morning, we learnt that the Garda Commissioner resigned his position following a visit from the Secretary General of the Department of Justice and Equality on Sunday night. This is the same Secretary General who failed to pass on the urgent letter from the Garda Commissioner to the Minister, Deputy Shatter, until after the Commissioner had resigned.

An Garda Síochána was founded on the principle of community policing and relies on the good faith and trust of the communities. It operates within the fabric of trust of the citizens of this country. The handling of the penalty points controversy, the response of the Minister to the concerns of the Road Safety Authority and, particularly, his reaction to the whistleblowers has been marked not by a desire to manage the administration of justice but, rather, by a desire to crush dissent from his opinion.

The interesting timing of the revelations of the past 48 hours may have overshadowed the impact of the Garda Síochána Inspectorate's report but it cannot take away from the fact that it vindicates ordinary decent people who took a brave decision to blow the whistle. These are people with families, who are married with children and who over the past two years have carried the stigma of being labelled. For two years we failed to act on the concerns of the whistleblowers, even after the Taoiseach passed on details of Sergeant McCabe's concerns in July 2012. We still failed to act. For over two years, the Minister for Justice and Equality has done nothing to address the serious allegations set out in Sergeant McCabe's dossier. These allegations include assault, abduction and, ultimately, the brutal murder of Ms Sylvia Roche Kelly. Nothing was done.

Sergeant McCabe brought these concerns to the Garda confidential recipient, Oliver Connolly, a political supporter of the Minister, only to be told, "If Shatter thinks you're screwing him, you're finished". This is in line with the pattern of the Minister's behaviour with regard to the suppression of dissent. The Minister has since washed his hands of the Garda confidential informant, firing him and failing to provide any explanations for Mr. Connolly's extraordinary statements to Sergeant McCabe. His actions have resulted in the independent oversight of An Garda Síochána being left in complete disarray.

Not only were Sergeant McCabe and the other whistleblowers subject to isolation, intimidation and having their allegations ignored; they were then subject to a disgraceful discrediting by the Minister and others. He falsely accused Sergeant McCabe of non-co-operation with the Garda investigation when, in reality, he had not been invited to an interview in the process. Sergeant McCabe, a decent and honourable member of the force, deserved and received an apology, although some argue it was not whole. This apology is owed not just by the Minister but by all Ministers who continued to express support for the Minister, Deputy Shatter, while he refused to acknowledge his ill-judged comments about these decent people.

I acknowledge that the Minister has corrected the record of the House and apologised for his false statements and the hurt caused to Sergeant McCabe and Mr. Wilson. Why it took so long is another matter and one can only wonder about the pressure brought to bear on him relative to the pressure brought to bear on those decent individuals. The silence from the Labour Party benches on this issue has been deafening. They have long sold out on their commitments on economic matters and on their promises in the areas of disability and mental health in return for the delivery of a social agenda. In this, they see Deputy Shatter as a key ally and turn a blind

eye to his conduct in office. This is just one more item on the long list of betrayals of the party's value system since taking office.

Acting Chairman (Deputy Ann Phelan): These statements are on the report of the Garda Síochána Inspectorate on the fixed charge processing system, and we should stick to that.

Deputy Colm Keaveney: I acknowledge the commitment of the Minister for Transport, Tourism and Sport, Deputy Varadkar. I disagree with him on economic matters but, because of his capacity for straight talking and honesty, I was proud of him when he made specific comments outflanking the Labour Party in his criticism of the attack on its workers by Aer Lingus. I entirely agree with his criticism.

Fine Gael and Labour came to power on the promise of a democratic revolution. Many took that to mean a commitment to reform the way of doing politics and the political structure, but that has not been the case. It has been a case of hubris. The democratic revolution was simply about securing power based on the belief that power in itself was sufficient. We are now seeing the effects of that hubris - the effect of an excess of arrogance from which the Government suffers.

Many serious issues need to be addressed in this country. I refer to the attack on workers to which the Minister for Transport, Deputy Varadkar, referred, and conditions and pay. Instead, we are becoming involved in saga after saga with respect to the difficulties in this country. We have spent the past four weeks in this House discussing the successes of Government and the saga under discussion has gone on and on. We have wasted week after week, yet the Government continues to show poor judgment and indulge in self-congratulation in respect of the programme for Government. We have reached the point at which we will not accept any more arrogant and aggressive aloofness. It is time for humility. I urge the Minister to bear that in mind in contemplating Mr. Wilson and his family and Sergeant McCabe and his family. We must bear in mind their conditions at work and the pressures that have been piled on them by this House. They are isolated in their place of employment. Some days they are supervised and other days they are not. They feel unwanted by the State. As the administrative head of justice in this country, the Minister should make a further effort to acknowledge their dedication, commitment and above all their actions on behalf of their community, this country and the Dáil.

Deputy Seán Conlan: Many speakers have referred to what they would like to happen to the fixed charge processing system and the fact that reform is required. The current system is not without flaws and the new system that has been introduced is likewise not without flaws. Under the current system one receives one fixed charge notice. If one does not receive the fixed charge notice - we do not have an infallible postal system - the first one knows about it is when one receives a summons. It is totally unjust that the system in place allows for a person to receive a summons in the post when a fixed charge notice has not been received and there is no ability to pay the fine. I know people to whom that has happened. There should be a system in place to allow one to pay the fine for so many days or weeks after one receives the summons rather than wasting the time of a court and adding to that the additional costs involved in having to appear in court and explain the situation.

I have previously heard arguments as to why a proof-of-service system is not practical for the fixed charge system, but from a justice perspective, individuals need to know why they are expected to appear in court if they have not received a fixed charge notice. The situation must be addressed as a matter of urgency because it does happen. I know people to whom it has

happened.

The taping of telephone conversations in Garda stations has been going on for 30 years. It is not the fault of the Minister, Deputy Shatter. The Minister first became aware of the matter this week and the Taoiseach first became aware of it at the weekend. One could ask which Minister for justice, if any, was ever aware of the recording of telephone conversations in Garda stations and whether it was sanctioned by any Minister for justice or any Garda Commissioner in the past 30 years.

Given that there are only approximately 2,500 tapes – that is the information available currently – that suggests to me that the recordings were more *ad hoc* than systematic. If that is the case, does it mean it was done by individual superintendents in individual Garda stations, or was it done at a higher level? I agree the approach being taken is correct. However, to lay blame at the door of the current Minister is the wrong place to start. We must find out who sanctioned the recordings initially and whether it was something that developed on an individual basis in individual Garda stations. We can start to make judgments when we find the facts but until such time as we do, we should hold back and be wary of casting aspersions on anyone. As yet, none of us know the facts. I could speak at length on the issue but that is all I will say at present.

We need to put in place a new fixed charge processing system. The current system of receiving a notice from Thurles is not infallible or without flaws and needs to be remedied. The important issue is road safety, not the collection of revenue for the State, and that should be our primary focus. We must ensure good practice and that people observe the rules of the road rather than focusing on revenue generation, which seems to be the focus of attention for many.

Deputy Caoimhghín Ó Caoláin: The events of the past two days, with revelations of widespread institutionalised violations of civil rights by gardaí, coming in the wake of the penalty points scandal and the bugging of the GSOC office, represent without question a crisis for the justice system in this State and for the Garda Síochána and the coalition Government.

The country is still trying to come to terms with the revelation that telephone conversations to and from Garda stations were routinely recorded for many years and under successive Garda Commissioners and successive Ministers for justice, including the current Minister, Deputy Alan Shatter, and Commissioner Martin Callinan, who has now resigned. The implications of that for the civil rights of citizens and for the integrity of the justice system are profound. One could ask whether innocent people have been convicted of offences they did not commit as a result of that and whether guilty people will walk free because their convictions might now be found flawed on the basis of the systematic eavesdropping.

The Minister's speech this morning did absolutely nothing to address the true depth of the crisis or to acknowledge his own central role in it. On the contrary, he could not wait to rush through his highly questionable narrative about his knowledge of the Garda recordings before he launched into yet another of his tirades against the Opposition and those who dare to challenge his performance as Minister. He did not even have the grace to acknowledge that there is deep public concern reflected in the Oireachtas on all sides and that the country has only begun to come to terms with the enormity of what is being revealed. The narrative the Minister skipped over is quite incredible. The GSOC report of June 2013 relating to phone call recording in a particular case stated: "On consideration of the ruling of the court the Garda Commissioner may wish to re-evaluate his practice regarding the recording of such calls and the consents required

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if it is to be permissible to use such recordings in evidence.” Is it credible that the report was not noticed by the Department of Justice and Equality and that its importance and implications were not realised or brought to the attention of the Minister when it was published? If it was brought to the Minister’s attention then he misled the Dáil this morning. If it was not brought to his attention then that is an admission of gross incompetence on the part of the Department of Justice and Equality.

Is it credible that the Minister only saw the letter from the Garda Commissioner at 6 p.m. on Monday? If that is indeed the case, it shows a truly astonishing level of incompetence, or worse, in the Department of Justice and Equality. One could ask what it says about the role of the Attorney General and the level of communication between the Attorney General and the Minister.

8 o’clock

Are we still expected to believe that the Garda recording scandal was not central to the decision of the Garda Commissioner to resign? The questions are multiplying and neither the Minister, Deputy Shatter, nor the Taoiseach has done anything to address them properly. Their contributions raise far more questions than they answer.

We are told that reform of the Garda will now accelerate. I hope and trust that it will. We are told that the latest scandal will be fully investigated and I hope it will be, but we must also have full accountability and full information from the Minister for Justice and Equality and from the Government. The Minister and the Government have failed to provide that accountability and information. With respect, I believe the Minister should indeed leave office. The Attorney General must also account fully for her actions, or lack of them, in all of this as the case may be. Are we now going to have a situation where the Labour Party in government is calling for the resignation of the Fine Gael Minister for Justice and Equality and as a *quid pro quo* the Fine Gael Party in government is threatening to call in turn for the resignation of the Attorney General, a Labour nominee?

Instead of looking after number one, each of these parties should consider the great damage their prevarication has caused. There can be no more riding this out. It is long past time that the cold light of day was faced and that this coalition removed Deputy Shatter from ministerial office and if the suspected failures of her office are confirmed, the Attorney General should follow fast on his heels. In his statement this afternoon the Minister, Deputy Shatter, said: “I hope that my correcting the record of the Dáil today will put this matter to rest” - well he might so hope.

This minimalist apology would have had more credibility if it had expressed the hope that his correcting the record would have gone some way towards addressing the great hurt and harm intentionally done to Garda Sergeant McCabe and to the former garda, John Wilson. For the Minister, Deputy Shatter, it is all about getting beyond this mess, primarily of his own making, and at the least cost to himself.

Sadly, there is little in this latest address by the Minister, Deputy Shatter, to this House that comes anywhere close to a real statement of contrition. Let the Taoiseach and the Tánaiste note well that the Minister’s attempts to ride this out further will cost their parties dearly.

Acting Chairman (Deputy Ann Phelan): We will proceed to questions following the statements. The order of the House did not provide for a time limit on individual questions and, to be as fair as possible to all concerned, I propose a time limit of two minutes for each question

and two minutes for the reply. I will take questions in rounds from each of the main groups, Fianna Fáil, Sinn Féin, the Technical Group and others in that order for as long as time permits. One hour is allowed for questions. As there are only two Deputies present so far, I will not be rigid in the time allocation. I call Deputy Niall Collins.

Deputy Niall Collins: I will confine my questions to the issue of the Garda Inspectorate and the report. I flagged two issues when I spoke earlier. First, there was what we would describe as the premature leaking of the report. Can the Minister give us an undertaking that the next time important reports are due - important reports such as the Cooke and the Guerin reports are due and they will be discussed - that they will not be leaked to the media and that the Members of the Oireachtas will rightfully have first view of those?

Second, I asked the Minister in my initial contribution about Mr. Robert Olsen of the Garda Inspectorate in the context of it having been detailed in a newspaper interview that he had never met the Minister and that they - or at least the Department of Justice and Equality - shared the same building. Could the Minister comment on that?

Third, on the vacant position of Commissioner, the Minister has appointed Noreen O'Sullivan to act in an interim capacity and the Minister said that the position will be filled by open competition. On the consequential back-fill vacancies that will occur, the recently departed Commissioner conducted a round of interviews to fill deputy commissioner posts and an assistant commissioner post. Now that former Commissioner Callinan has departed the scene will interviews take place again? In other words, will the process that had taken place under the stewardship of Commissioner Callinan be declared null and void and will the process start again once a new Commissioner has been appointed, or will those vacancies of deputy and assistant commissioners be filled by open competition also, or by what process will they be filled?

Deputy Alan Shatter: I will take the Deputy's questions in the order he raised them. I can absolutely assure him that I did not leak the inspectorate's report. A query came into the Department of Justice and Equality from a well known journalist who clearly had substantial knowledge of what was in it. I was asked would I do an interview and I explained I could not do an interview on the substance of the detail of the report because the following day it was being brought to Cabinet and then it was to be laid before the House and I agreed simply to make some general comments. I give the Deputy my absolute assurance that I did not leak it and the individual who was responsible for the report would know I did not leak it. As to where it came from, I cannot answer that. We all know in political life that stuff emerges and it is a mystery, on occasions, how it does. I did not leak it; I had no intention of leaking it. It was my intention to bring the matter into Cabinet, brief colleagues on it and do what we ultimately did, which was later that day to lay it before both Houses. That is basically what happened in relation to that issue.

In relation to the Garda Inspectorate, one of the issues that arises is that the Garda Inspectorate is independent. I have met with GSOC which is also independent in the circumstances of seeking to resolve issues of difficulty that arose between GSOC and An Garda Síochána. In the context of the Garda Inspectorate, there have been some very important issues with which it has been dealing, and it is important it deals with them independently, including the fixed ticket charge issue. It is correct to say that I have not personally met Mr. Olsen. I am looking forward and hoping to do that at a time when I will not be open to a charge in this House that if I had met him I was in some way trying to impact on his independence or subvert him. I am conscious of the brouhaha that arose when I asked - not demanded or insisted - the Garda Síochána Ombuds-

man Commission to brief me on the other issue and it requested to brief me because matters had appeared in the newspapers and if I had not had a briefing the next thing is that I would have been criticised in this House for knowing nothing about the issue. I have not personally met him. I know that in relation to the issues where he sought information, it had been furnished to him by departmental officials in my Department. It is not out of any disrespect for him that I have not met him. It is out of respect for the independence of the inspectorate and some issues it is dealing with. I am very conscious at this moment that it is about to embark on the review that is to take place similar to the Haddington Road agreement. The last thing I want is any of the Garda associations being of the view that I am trying to influence unfairly the outcome of that. I hope the Deputy understands there are issues there of relevance.

On the final issue the Deputy raised, there was a TLAC-style competition with regard to the vacant posts he mentioned in An Garda Síochána. The outgoing Commissioner was one member of the group. The outgoing Commissioner has given great service to this State.

Acting Chairman (Deputy Ann Phelan): I must ask the Minister to conclude.

Deputy Alan Shatter: The Deputy asked me three questions and the Acting Chairman said she would give some leeway.

Acting Chairman (Deputy Ann Phelan): Okay.

Deputy Alan Shatter: They completed that process and there is an appointment to be made. I hope it will be made relatively shortly. It would be unfair on the individuals who went through that process to require that it be started again. It is not an issue to which I have given much thought in the context of the events which have happened in the past 48 hours, but I would have understood it would still have been appropriate. There has been a proper interview process and names have been put forward and it would be appropriate for an appointment to be made. I do not see any reason to impugn the integrity of the group which engaged in the process. I hope in the not too distant future that the matter will be dealt with.

Acting Chairman (Deputy Ann Phelan): As a number of Deputies have arrived, I must be more conscious of the time allowed.

Deputy Pádraig Mac Lochlainn: In the Dáil on 23 May 2001 the Minister questioned the then Minister with responsibility for justice, former Deputy John O'Donoghue, about allegations made which became the subject matter of the Morris tribunal in County Donegal. In particular, he asked whether the Minister would confirm whether there was an allegation that gardaí in County Donegal were bugging conversations between solicitors and their clients. Obviously, he was aware of this practice, or certainly raised concerns about it when he was in opposition. Will he confirm, given that he had such an interest in the area, whether on assuming office he asked the Garda Commissioner, Mr. Martin Callinan, whether this practice was continuing and whether he could absolutely guarantee that it was not ongoing? I would like him to clarify this.

Why did the Attorney General go straight to the Taoiseach with the revelations about recordings of telephone calls in Garda stations without first briefing the Minister?

How many questions am I allowed ask?

Acting Chairman (Deputy Ann Phelan): The Deputy has two minutes in total.

Deputy Pádraig Mac Lochlainn: Who sits on the working group established in November by the Garda Commissioner following his consultations with the Attorney General on 11 November? Was the Department of Justice and Equality aware of the working group's remit? Why did the Attorney General not inform the Department and the Minister that a working group had been established by the Commissioner to investigate the recordings? Did any official from the Department sit on the working group?

Deputy Alan Shatter: As the Deputy knows, there was a great deal of concern about events taking place in County Donegal. There were allegations of which I was aware. I had no means of establishing their veracity and raised appropriate questions in the House. Eventually the Morris tribunal was established. I was the Fine Gael justice spokesperson at the time. My former colleague in this House, Mr. Jim Higgins, MEP, was the justice spokesperson immediately preceding me. He did a lot of work on the issue, as did Deputy Brendan Howlin, now a Minister. When Mr. Higgins took up another position, I was justice spokesperson. I proposed motions in the House which ultimately led to the Morris tribunal.

I had no information to suggest that what has now been revealed was taking place in Garda stations. I was simply told there was an issue in County Donegal and I raised questions. All of us in the House are familiar with the Morris tribunal which sat for a very long time and produced a report. It is some considerable time since I read the report, but I have no recollection of any finding that there was a taping operation going on in Garda stations throughout the country. If there had been, we would have all known about it a long time ago. When I was appointed, I did not ask the Garda Commissioner whether there was a telephone system in Garda stations to tape telephone calls. It would not have occurred to me that such a system was operating. I again reiterate that the first I knew of it was in the briefing I received in the Department - a detailed briefing by officials - on Monday evening. Towards the end of the briefing the Taoiseach contacted me and I joined him and the Attorney General for a conversation.

I was not present on Sunday, but I understand the Taoiseach and the Attorney General who work extraordinarily hard and extremely long hours were working in their Departments. I may be wrong, but it is my understanding they were both working. It may have been the case that the Attorney General was working at home; as I have not asked this question, I do not want to give a version of which I cannot be sure for fear of someone accusing me of misleading the House. My understanding is a conversation took place in the context of a set of civil proceedings which I referenced earlier but into which I cannot go because of the fact that matters are pending before the courts. The Attorney General briefed the Taoiseach about her concerns.

The Attorney General is extraordinarily hard-working and for fear of some new myth developing, she and I speak to each other regularly about new legislation being drafted. As it happens, this was not an issue with which I was personally familiar. Of course, I knew proceedings were taking place, but as Minister, I am not involved in the day-to-day engagement in these proceedings. They are dealt with through the Chief State's Solicitors office and the Office of the Attorney General and counsel who are appointed to deal with these matters.

As I said previously, there is no more mystery about this. As I understand it, both the Attorney General, having assessed the full background as information became available to her, and the Taoiseach took the matter very seriously. I took it very seriously. During the course of this evening Deputies have raised some of the issues of concern. There are all sorts of possible implications, which is why a decision was made to have an independent commission of inquiry to address the matter. I cannot put it any further than this. It would be unfortunate-----

Acting Chairman (Deputy Ann Phelan): Thank you, Minister.

Deputy Alan Shatter: I wish to say this as it is very important. There is absolutely no reason for the Attorney General to be subject to any criticism. She cannot answer for herself in the House, as she is not a Member. I know that she works extraordinary hours because there are occasions when she and I speak to each other on the telephone at 6 a.m. about issues and legislation. On this issue we had not had a conversation. I was not aware of the concerns which had arisen any sooner than Monday evening and cannot add any more to this.

Deputy Pádraig Mac Lochlainn asked another question and if I am given leeway, perhaps he might come back in and we will get to it.

Deputy Pádraig Mac Lochlainn: Will the Minister clarify who sits on the working group established by the Garda Commissioner in November last year following his consultations with the Office of the Attorney General on 11 November? Was the Department aware of the working group's remit? Why did the Attorney General not inform the Department of Justice and Equality and the Minister that a working group was being established by the Commissioner to investigate the recordings? Does any member of staff of the Department sit on the working group?

Deputy Alan Shatter: I do not have all of my papers on this issue with me. I had them in the House this morning. I am advised by the departmental officials that no one from the Department sits on the working group. The first I knew of it was in the past 24 hours. Today is Wednesday - I am trying to re-focus on timelines in order that no one shoots me for them. I do not know who sits on the working group. I presume it involves officials from the Office of the Attorney General and An Garda Síochána. It seems to be a working group organised by An Garda Síochána; I am not entirely clear, as I do not have the letter with me. The letter I read did not detail who was on the group. My understanding of it is that it is working through issues relating to the tapes. I am advised by the departmental officials that no one from the Department has been or is on the group and we are not privy to who is on it. I am sure it is a matter that can be clarified.

Deputy John McGuinness: Earlier the Minister asked me to check my file and come back to him. That is why I am here. Earlier today and in a previous debate, I raised a number of issues with the Minister. He wrote to me on 28 February and suggested that were I to give him the details, he would arrange to have the matter followed up. I await a response from the lady in question as to how she wishes to proceed, because it is her call.

Deputy Alan Shatter: Yes.

Deputy John McGuinness: Earlier today and in the previous debate, I pointed out to the Minister the serious difficulties she faces. Would the Minister encourage whoever is investigating this case to deal with it as a priority? Would he consider meeting Sergeant Maurice McCabe, John Wilson or the lady about whom I have just spoken in order to learn from them the precise extent of their complaints? The Minister also asked me to check on the Lucia O'Farrell case. Again, I pointed out to the Minister that it is a case in which all the details have been given to him by the lady in question.

Deputy Finian McGrath: That is right.

Deputy Mattie McGrath: Yes.

Deputy John McGuinness: She has received acknowledgements from the Department of Justice and Equality. It might be worth the Minister's while to refer to the UCD Sutherland School of Law, where two barristers have stated that in this context, they respectfully request that consideration be given to including the case of Shane O'Farrell in the files to be examined by Mr. Guerin. That letter was sent to the Taoiseach on 28 February. Consequently, it is clear there is a case to be answered in this regard. The point I was making in respect of Shane O'Farrell and his mother, Lucia O'Farrell, is that there are such questions on the investigation, how the case was handled and what happened afterwards from a number of different Government agencies that would inform the Minister as to the weaknesses in all this.

The other issue to which I referred and about which the Minister asked me to revert to him was that of the profiling of Travellers on the PULSE system. Because this is such a serious matter which infringes the human rights of individuals and families and is extensive, I asked that the Minister arrange for an investigation or even talk to Sergeant Maurice McCabe, who obviously is in possession of the material pertaining to this matter, and ask him what he considers to be the issue. The Minister should do so to inform himself in order that he knows what he is dealing with when he is speaking to the Garda or whoever will investigate this matter. Finally, I referred the Minister to the loss by a family of a daughter and a granddaughter and the fact that in the course of the investigation, GSOC has failed to date to get appointments with the investigating gardaí in a Cork Garda station. I find that to be absolutely incredible.

Deputy Alan Shatter: I will take these matters in reverse order. First, the Deputy has raised a case regarding a matter in Cork of which I am not aware. Everyone in this House who has an interest in these issues is familiar with the report that was produced by GSOC arising out of the Boylan case, in which it made a complaint about the length of time it took to get some information and documentation from An Garda Síochána. I had previously told the House in respect of this matter that while substantial documentation was furnished over an extended period of time, it was quite clear that this was an issue of great concern to GSOC, and arising out of that - I revert to a conversation Deputy Collins and I had a few minutes ago - I took with great seriousness the concerns expressed by GSOC. We organised in my Department a meeting with the then Garda Commissioner and the head of GSOC to discuss the difficulties that had arisen. For some time - I am now talking about last summer - there had been ongoing discussions involving GSOC and An Garda Síochána on the creation of a new protocol to ensure issues of difficulty were dealt with between them and that there were strict timelines for dealing with issues, with some matters addressed where unexpected difficulties could arise. Those protocols had not been completed and as the talks in my view had gone on for an unduly lengthy period, I urged them to bring matters to a conclusion. Ultimately, the protocols were completed and agreed and were signed in September of 2013. As part of the arrangement that was to be put in place to prevent the type of situation that the Deputy describes from arising, it was arranged that if GSOC encountered difficulties such as an inability to access materials for an inordinate length of time, or protocols not being complied with, an official in my Department would be informed. If need be, the official in question would resolve the matter with the Garda Síochána or sit down with the heads of the Garda Síochána and GSOC and mediate a solution, because one cannot have such issues dragging on. Consequently, if there is a difficulty, we have a mechanism to deal with it, and I urge that it be dealt with. The Deputy can communicate to the person concerned that if it is believed that GSOC is having this difficulty, it should invoke this mechanism and it should be resolved.

As for the other few issues raised, I am conscious of time, but the Deputy raised the issue

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of a letter I sent to him. I appreciate that he now has come back with what might be described as a modified presentation from that made earlier, because he previously berated me about this matter on the basis that he had told me about it and I had told him there were procedures in place that should be followed. The Deputy raised a serious issue in this House in an earlier debate. I had concerns about it and met him just outside the confines of the Chamber. I explained to him that I did not know the detail of the matter. I explained to him that if he wrote to me detailing the circumstances of the individual, I would have the matter looked into. Out of concern, I wrote to him a short number of days thereafter stating:

Dear John,

Earlier this week you raised the issue of a female member of An Garda Síochána who took a complaint of sexual harassment to the confidential recipient. I am not aware of any details of what is alleged to have occurred, other than what you said in the Dáil and what has been reported in the media. Any such allegations of the type described are, of course, operational matters that would fall to be dealt with under the procedures in place in An Garda Síochána for dealing with complaints of this nature. However, if you forward the details of the case to me, I will arrange to have the matter followed up and will revert to you in due course.

I am still waiting for the Deputy to do that, so obviously he was mistaken earlier on what he said. There are of course internal Garda procedures to deal with issues of sexual harassment. However, if there is an issue of this nature and it is not followed up properly, I have no difficulty with the details being given to me and I will ensure it is followed up in a manner that is appropriate and does not prejudice any issues. However, I again state to the Deputy that it obviously is for the individual concerned to determine to what extent the individual wishes information to be furnished to the Minister for Justice and Equality. I totally understand that. However, if the information becomes available, the Deputy is very welcome to furnish it to me and I assure him that I will follow it up.

Deputy John McGuinness: To put it on the record, the lady in question did go through the process.

Deputy Alan Shatter: Yes.

Deputy John McGuinness: However, as she still awaits an outcome, the Minister can understand the reason she may not have the confidence in the process that one should have.

Deputy Alan Shatter: Sure.

Deputy John McGuinness: When I get the reply from her, I certainly will raise the matter directly with the Minister.

Deputy Alan Shatter: Yes, but that is the exact reason I invited the Deputy to give me the details. Clearly, I cannot follow it up without her agreement and until I get the details. However, I am very happy to do it.

Deputy John McGuinness: I asked whether the Minister would meet Maurice McCabe or John Wilson. Will he meet them?

Acting Chairman (Deputy Ann Phelan): Thank you. I call Deputy Mattie McGrath.

Deputy Alan Shatter: The issues they are dealing with now are being dealt with by GSOC in the first instance and secondly by Mr. Guerin. In the circumstances, we should let those processes take their course.

Deputy John McGuinness: My final question pertained to Lucia O'Farrell.

Deputy Alan Shatter: On that issue, I must write to the Deputy.

Deputy Mattie McGrath: Has the Minister yet met the families of the Omagh bomb victims, as the Taoiseach has promised me several times here?

Deputy Alan Shatter: I apologise, but could the Deputy repeat the question?

Deputy Mattie McGrath: Has the Minister yet met the families of the Omagh bomb victims?

Deputy Jerry Buttimer: That has nothing to do with this issue.

Deputy Mattie McGrath: The Taoiseach has told me several times in this Chamber that the Minister would do so at his request.

Deputy Jerry Buttimer: This is not in order.

Deputy Mattie McGrath: In a separate question, would the Minister now-----

Acting Chairman (Deputy Ann Phelan): Deputy, that question is not permitted. It is not on the order.

Deputy Mattie McGrath: It is not on the order.

Acting Chairman (Deputy Ann Phelan): No. We are taking questions on the statements on the Garda Inspectorate report on the fixed charge processing system.

Deputy Mattie McGrath: Questions on statements. Obviously, the Minister has not, but I will move on. It simply is not credible for the Minister-----

Deputy Jerry Buttimer: Who wrote that question for the Deputy?

Deputy Mattie McGrath: Sorry?

Acting Chairman (Deputy Ann Phelan): The Deputy should continue.

Deputy Mattie McGrath: Excuse me, Deputy Buttimer. You are Chairman of a committee, as the Acting Chairman has reminded you. Have some manners, please.

Acting Chairman (Deputy Ann Phelan): Continue, and there should be only one voice.

Deputy Mattie McGrath: I think I have the floor, Acting Chairman.

Acting Chairman (Deputy Ann Phelan): You have the floor.

Deputy Mattie McGrath: Could I have the protection of the Acting Chairman?

Acting Chairman (Deputy Ann Phelan): Continue. Your time is ticking away.

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Deputy Mattie McGrath: It is but I cannot continue if I am going to be interrupted.

Acting Chairman (Deputy Ann Phelan): Please continue.

Deputy Mattie McGrath: In spite of the Minister's self-professed 6 a.m. phone calls with the Attorney General from his office on the many mornings he is in early, has he confidence in and is he in charge of his Department if it took him 15 days to read a very important letter from the then Commissioner? I think the Minister informed us this morning that he got a phone call from the Taoiseach and that the first he heard about this was at 6 p.m. on Sunday but that it took him until 12.20 p.m. on Monday to read the letter. Surely the officials in the Department deal with the Minister. The Minister questioned Deputy McGuinness about not getting a letter but what guarantee have we that the Minister gets letters sent to him when the Commissioner's letter took 15 days to be read, although not dealt with, by him and in spite of the fact senior officials, the Commissioner and the Attorney General were in meetings about the very same topic?

Deputy Alan Shatter: I can only tell the Deputy what happened. This letter apparently arrived in my Department on 10 March. It arrived in the context of issues relating to the civil action that was taking place. I understand there was some initial meeting on 10 March and a further meeting on 11 March. I think the substantial focus on the part of officials in the Department was on the proceedings, which I cannot go into in any detail. Clearly, the letter had information that was of importance. I can only say to the Deputy that it was not furnished to me. I can say to him that an enormous volume of correspondence of a very important nature comes into the Department of Justice and Equality on a daily basis. This would not be the only important piece of correspondence that would be received. Both during the day and going home in the evening, I would normally take a substantial amount of papers and correspondence with me.

In the context of the events of that week, I do not have my diary in front of me but my recollection is that Deputy Niall Collins, Deputy Mac Lochlainn and I follow each other around with some regularity and we would have spent all of the Wednesday morning on the DNA database legislation. From what I remember, I think that week - I am open to correction - the Cabinet meeting was on a Wednesday and not a Tuesday. That would have occupied my full day that day. On the Friday, I was in the Department of Defence. On the Thursday, the Secretary General of my Department was at the Committee of Public Accounts and I think he spent some considerable time, because the committee was dealing with other matters, waiting to deal with matters at the committee. As events fell, the letter was not furnished to me.

I went to Mexico for the St. Patrick's Day ministerial arrangements and did a series of things in Mexico through the Sunday, Monday, Tuesday and Wednesday. I was not back in Dublin until the Friday. The reality is, and the way matters worked out, and as we know from my reply earlier today to, I think, Deputy Mac Lochlainn who raised it, the Taoiseach had a conversation on the Sunday evening with the Attorney General. I was briefed on it on the Monday. The letter was not furnished to me. I was briefed on the matter but was not told of the letter. I did not receive a letter but my officials, in fairness to them, gave me a sufficiently detailed briefing for me to engage with the Taoiseach and the Attorney General on the issue. I received and was made aware of the letter from the former Garda Commissioner only on the Tuesday, as I detailed earlier today in the statement I made to the House.

Deputy Gerry Adams: I think it is fair to say that we are agreed that these are very serious issues.

Deputy Alan Shatter: With which of the two issues are we dealing?

Deputy Gerry Adams: I am talking about the issues that are currently at the core of this controversy around the illegal recording of conversations in and out of Garda stations. I assume the Minister thinks these are really serious issues. In all of his answers, the Minister has said he was not told about these serious issues. The Taoiseach briefed myself and the Fianna Fáil leader and told us that he phoned the Attorney General about an unrelated matter on Sunday evening and the Attorney General told him, when they had dealt with that issue, that she had a very serious issue she needed to discuss with him. They met and the Attorney General then told the Taoiseach about this issue of the illegal recordings of phone calls in and out of Garda stations.

When did the Attorney General give this information to the Minister? Does he have any explanation as to why the Attorney General told the Taoiseach and not the Minister, as he has suggested?

The Taoiseach also told the Dáil that he sent the Secretary General of the Department of Justice and Equality to talk to the former Garda Commissioner before he resigned. Is it appropriate that the Taoiseach should send the Secretary General of the Minister's Department on this mission given that he is the Minister responsible?

Is it appropriate that the working group does not have representation from the Department of Justice and Equality on it and that the Minister does not even know who is on it and that he never thought to ask who is on this working group? Is this not of concern to him? He also said he did not receive the former Garda Commissioner's letter of 10 March, which he said his Department received on 10 March, and that he did not receive it until yesterday. Has he established why this was not brought to his attention before then, working on the assumption that we are both agreed these are extremely serious matters?

Deputy Alan Shatter: In regard to the issue the Deputy raised, I have already gone through the matter. These are serious matters and when I became aware of the extent of this matter, I took it with great seriousness, as did the Taoiseach and the Attorney General. In the context of the working group, this, as I understand it, was an internal Garda working group and there was a representative of the Attorney General's office, I am advised, on it. There was no one from my Department on it. What was happening within this group was that it was seeking to ascertain the extent of the problem and how many tapes there were. I cannot give the Deputy a specific answer as to at what point it was established and how many tapes there were. My understanding of what happened, which reflects exactly what the Taoiseach said earlier, was that there was a substantial number of tapes found and that there was a change in the system in 2008 which changed, in some way, the technology. I am still not clear on how many recordings exist and I cannot definitively say from which Garda stations.

This is why we want the matter inquired into. I know that the interim Commissioner is having this matter examined in great detail and I expect she will report to my Department on the matter. It is important the Attorney General's office is aware of the maximum amount of information so as to ensure that appropriate detailed terms of reference are given to the individual to be appointed to carry out the statutory inquiry.

There is no mystery about how this occurred. I have detailed how it occurred. Unfortunately, it seems to be the case that recordings of this nature were going on for some considerable time going back many years through the lifetimes of a series of Governments. I want to get full

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detail of this and full details of what implications it might have for our criminal justice system, our civil law system and any litigation that is taking place.

Deputy Gerry Adams: The Minister did not answer my two questions.

An Ceann Comhairle: I am sorry. I cannot be accountable for that. I call Deputy Regina Doherty.

Deputy Pádraig Mac Lochlainn: I have to protest.

An Ceann Comhairle: You can protest as much as you like but I am trying to manage a situation where there are 24 minutes left and there are eight other speakers. There are two minutes to ask the question and two minutes to answer it. I cannot judge whether the question was answered properly.

Deputy Gerry Adams: The Minister did not answer my questions at all.

An Ceann Comhairle: I am sorry but Deputy Adams can ask one of the other speakers from his party to repeat the question.

Deputy Gerry Adams: That is not very fair on me.

An Ceann Comhairle: I am sorry but I cannot do anything about it.

Deputy Pádraig Mac Lochlainn: This is farcical.

An Ceann Comhairle: The Deputies are going to have to decide-----

Deputy Pádraig Mac Lochlainn: People are watching this and they want answers.

An Ceann Comhairle: I do not need Deputy Mac Lochlainn to interrupt or get involved.

Deputy Pádraig Mac Lochlainn: Can I raise a point of order please?

An Ceann Comhairle: No.

Deputy Pádraig Mac Lochlainn: Why not?

An Ceann Comhairle: Because I am saying so and because there are time restraints.

Deputy Pádraig Mac Lochlainn: This is farcical.

An Ceann Comhairle: There are eight Deputies who wish to contribute - Deputies Regina Doherty, Joe Higgins, Seán Crowe, Catherine Murphy, Pearse Doherty, Shane Ross, Jerry Buttimer and Richard Boyd Barrett.

Deputy Jonathan O'Brien: Excuse me, but I indicated-----

An Ceann Comhairle: There are now 23 minutes left on the clock. If eight people take four minutes each, that makes 32 minutes, which means some Deputies will not get in. I cannot have this sort of carry on-----

Deputy Pádraig Mac Lochlainn: It is not carry on.

An Ceann Comhairle: I ask for the co-operation of the House to allow Deputies-----

Deputy Pádraig Mac Lochlainn: This is farcical.

An Ceann Comhairle: Deputy Mac Lochlainn can call it farcical but I am trying to manage a situation that is unsatisfactory.

Deputy Jerry Buttimer: Deputy Mac Lochlainn is playing politics.

Deputy Pádraig Mac Lochlainn: Deputy Buttimer should stop being a hound dog.

An Ceann Comhairle: I now call Deputy Regina Doherty and Deputy Mac Lochlainn will be taking a walk very soon if he does not stop interrupting the proceedings.

Deputy Jerry Buttimer: The Deputy has been playing politics with this for the last three months.

An Ceann Comhairle: Deputy Regina Doherty, without interruption.

Deputy Jonathan O'Brien: I indicated twice at 8.10 p.m.

An Ceann Comhairle: I am sorry. I have the list in front of me. I ask Deputies to reduce their contributions so that the eight people can get a chance; otherwise, it is over.

Deputy Mary Lou McDonald: If the Minister would just answer the questions we would be happy.

Deputy Regina Doherty: I will try to talk fast. I wish to ask the Minister about the very first inquiry that GSOC made into the fixed penalty charge system. Does the Minister know what gave rise to that inquiry? Does he know why the report was never published? Does he know if there was communication between GSOC and the Minister's predecessor, the then Minister for Justice, former Deputy Dermot Ahern? Does the Minister know if any actions were taken by the former Minister arising from the unpublished GSOC report? Will the Minister now publish the report?

Deputy Alan Shatter: This was a report that was sought, as I understand it, in 2007 on the fixed charge processing system. GSOC conducted a substantial examination of the system and produced its report in 2009. I genuinely do not know why it was not published and I am not going to attribute any motive for its not being published. It is a very detailed report which seems to have been sent to the former Minister, Dermot Ahern, on 30 April 2009, accompanied by a letter from the commissioners Mr. Conor Brady and Ms Carmel Foley of GSOC. The report contains a series of recommendations for effecting various reforms and changes. Some of the recommendations mirror those contained in the report of the Garda Inspectorate. However, the Garda Inspectorate's report also makes a lot of additional and different recommendations. It is my intention to publish the report on the Department of Justice and Equality website.

The letter sent to the former Minister, Dermot Ahern, gives an indication of how the investigation originated. It references that on 20 December 2007, following consideration of a recommendation from GSOC, as provided for under section 106(2) of the Garda Síochána Act, Mr. Ahern's predecessor, the late Deputy Brian Lenihan, requested GSOC to undertake an examination of practice, policy and procedure in regard to the fixed charge processing system as operated by the Garda Síochána. The letter goes on to say that the examination report has now been completed and that the report, with recommendations, "is presented herewith". The letter points out that the commission would have hoped that this exercise could have been completed

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by an earlier date but that due to an initial backlog of complaints and an onerous caseload, priority in resourcing allocation had to be accorded to operational matters. The presentation of the report was also somewhat delayed by the untimely death of the late chairman of the commission, Mr. Justice Kevin Haugh, who had a particular commitment to and interest in this project. The letter is quite lengthy so I will paraphrase-----

An Ceann Comhairle: I ask the Minister not to paraphrase the rest because we are over time.

Deputy Alan Shatter: I would be happy, when we publish the report on the website, to also publish the accompanying letter because it synthesises one or two issues of relevance and importance. I would have thought that it was a report that warranted publication. Its recommendations certainly have not been implemented in full, although some elements of the Road Traffic Act 2010 sought to reflect some aspects of the report. If other recommendations contained in this report had been implemented, some of the difficulties that have been disclosed may well have been avoided.

Deputy Joe Higgins: The former Garda Commissioner sent a letter to the Minister regarding the taping of conversations in Garda stations on March 10. Did the Minister have any conversation or contact with the Garda Commissioner on that or any other issue between that date and the date of his resignation? What does the Minister know of the Garda Commissioner's decision to resign? Did the Minister know that the Taoiseach was sending the Secretary General of the Department of Justice and Equality to meet the Garda Commissioner? What message did the Secretary General relay to the Commissioner? What was the content? Was the Minister in on that and did he consent to it? What was the effect of that visit on the Garda Commissioner in the context of his decision to resign the next day?

Deputy Alan Shatter: I ask Deputy Higgins to repeat his very first question.

Deputy Joe Higgins: Did the Minister have any conversation with the Garda Commissioner between 10 March, when the letter was sent, and the date of the Commissioner's resignation?

Deputy Alan Shatter: I understand.

Deputy Joe Higgins: In the letter that the Garda Commissioner sent to the Minister he referred to himself as being the "data controller" *vis-à-vis* the recordings. However, a massive report from the Data Protection Commission states that representatives of that office went to Garda Headquarters in 2011 and that they had elaborate discussions on all data-related issues but not once was the issue of recordings raised or mentioned in the report. Who is to blame there? Was it concealed from the Data Protection Commission? What does the Minister know of that and what will he try to find out in that regard?

I ask the Minister to also address the giving of criminal intelligence numbers to children, including children of members of the Traveller community, as he knows happens with the PULSE system.

Deputy Alan Shatter: We are now ranging far and wide and way beyond the report of the Garda Inspectorate but I will do my best to respond to the Deputy's questions.

I will truthfully say that I do not recall whether or not I had phone conversations with the Garda Commissioner between 10 and 15 March, when I went to Mexico. I certainly did not

talk to him from Mexico. I genuinely cannot recall whether I did. Certainly, there are occasions when we would talk about issues. I have no recollection of having a conversation with him about any issue that week but I cannot say that 100%, because I do not make a note every time there may be some brief matter that arises about which we would have conversed. I do not recall talking to him that week but I cannot say that for certain. I can say for certain that this issue was never the subject of a conversation between the Garda Commissioner and myself.

Regarding the Data Protection Commission report, as the Deputy quite rightly says, it is a very large report covering a period of years. It praises An Garda Síochána for compliance in some areas. There is also a very important critique of some issues that need to be better addressed and better dealt with. The Deputy is absolutely right - as my reading of the report confirms - that there is no reference to this particular issue. Quite clearly, from what we know of the data protection legislation, if one is going to maintain data in the manner in which it appears that data were maintained in relation to this issue, it would fall under that legislation. This, clearly, was not a matter of which the Data Protection Commissioner was aware.

I want to correct a point I made earlier as my official has just clarified it for me. I am advised that the Garda working group is not and was not a working group in the Attorney General's office but an internal Garda working group. For fear that there is wrong information in that regard, this was an internal Garda working group examining issues relating to the tapes, presumably to get a full handle on the extent of what was happening in so far as there was some uncertainty with An Garda Síochána. I am also advised that there was no member of the Attorney General's office on the working group either.

An Ceann Comhairle: Before we continue, I want to seek the views of the House. It is now after 8.50 p.m. According to the order of the day, this business has to be completed by 9.30 p.m. and 15 minutes, from 9.15 p.m. to 9.30 p.m., is allowed for the Minister to respond. It also states a Minister or a Minister of State shall take questions for a period not exceeding one hour before then. That hour will be up in 13 minutes. Does the House approve that the order be changed to allow questions to continue until 9.15 p.m. and that the Minister will be called then? Is that agreed? Agreed.

Deputy Seán Crowe: Sergeant McCabe was refused access to the PULSE system. In the light of the information given today and the Minister's apology, should he have access to the system again? The Taoiseach has said he sent the Secretary General of the Department of Justice and Equality to meet the Garda Commissioner. I presume it was because he was concerned by what he had heard about the recordings in the Attorney General's report. Why did the Attorney General brief the Taoiseach and not the Minister who was the line manager in this matter?

Will the Minister outline the possible impact the practice of recording telephone calls in Garda stations may have on pending court cases? Is he concerned about the impact these various controversies are having on rank and file gardaí?

The Minister has claimed he does not know who is sitting on the working group established by the former Garda Commissioner in November 2013. Will he give us the information on who is sitting on it? What is its remit? Does he not think it was strange that the Attorney General did not inform the Department of Justice and Equality or him that a working group was being established by the Commissioner to investigate the recordings?

Deputy Alan Shatter: I emphasise that it is my understanding that it is an internal Garda

working group and that the Attorney General does not have an official on it. I hope the Deputy will ensure he passes that information on to Deputy Gerry Adams who had left the Chamber before I made the correction earlier. This is a complicated issue as it is, without some inadvertent piece of information giving rise to another controversy.

As to what impact this might have on litigation, I have to be very careful what I say about this matter. Where there is pending litigation, be it criminal or civil, I dare not say anything that could prejudice its outcome. Those who are before the courts or engaged in litigation will receive appropriate legal advice on its implications. I do not know the extent of the litigation. I do not know what material is included in these tapes. I am aware, from advice given, that there is material of great importance and relevance to one particular case. The focus on that case and the work done arising from it have set the alarm bells ringing - if that is a reasonable way of putting it.

As the Taoiseach told the House, there are approximately 2,500 tapes. As part of the commission of inquiry that will take place, these tapes will have to be transcribed to ascertain the importance or otherwise of the information on them. That will not be an easy exercise and obviously will take some time. Then there is the question of what might have been digitally recorded and what might be on an old-fashioned taping system.

There are many issues on which I, the Taoiseach and the Government, as well as all Members, require clarity. However, I do not have that information. I assume the work being done within the Garda force will give us greater clarity as to whether there are additional tapes, on how the digital recording system worked and exactly which Garda stations are affected.

Deputy Catherine Murphy: A data protection code of practice was worked out between the Data Protection Commissioner and the Garda in 2007. It appears there was intensive work done to get the code in place. For it to have legal force, rather than it just being guidance, it must be laid before the Houses of the Oireachtas under section 13(3) of the Data Protection Act 1988 which states:

Any such code that is so approved of may be laid by the Minister before each House of the Oireachtas and, if each such House passes a resolution approving of it, then—

(a) in so far as it relates to dealing with personal data by the categories of data controllers concerned—

(i) it shall have the force of law in accordance with its terms,

I have gone through the whole list of codes laid before the Houses, but I cannot find this one. Does the code have the force of law or is it just a guidance document? If the latter is the case, does the Minister intend to change this?

This issue comes under European law, too. In the past year the European Commission launched an inquiry into the independence of Hungary's data protection ombudsman. The Irish Data Protection Commissioner recommended that the Garda destroy any material that was not subject to a disclosure order. Will the Minister agree that this is a breach of the data protection legislation and that it is wrong to destroy files obtained either legally or illegally? Is it correct that their destruction could potentially lead to the collapse of a case if it seeks to use them?

Was there a risk analysis carried out, as any other organisation would do, when the record-

ing systems switched over from analogue to digital?

An Ceann Comhairle: The Deputy is over time.

Deputy Catherine Murphy: The Minister can get back to me if the information is not readily available. It would be extraordinary if no risk analysis was carried out.

Deputy Alan Shatter: I find it extraordinary that information on the tapes has emerged in the way it has. At the highest levels within An Garda Síochána work is necessary to understand fully the extent of the taping and where it took place. I am not clear on the extent to which, if any, information recorded is accessed or used. I am very conscious, not just as Minister for Justice and Equality but as a lawyer, of the serious implications of this in the context of issues that could arise.

9 o'clock

Therefore, I find all of this and the manner in which it is being dealt with very “unusual”, to use a neutral word.

In regard to destruction, I presume the Deputy refers to the destruction of the tapes that have been found. At this moment in time, I do not believe this is something that should occur. It could result in a miscarriage of justice, where there is information on a tape that might be of relevance to some form of court proceeding. If information emerged on the tapes on other matters, destruction of the tapes could result in that information ceasing to be available. This is an issue in respect of which great care and caution needs to be undertaken.

I believe there is no question of anything being destroyed, until such time as what is contained on these tapes is known and understood and the statutory commission of inquiry has undertaken and completed its work. Subsequently, there may be a view, based on the recommendation of the commission of inquiry, as to how the tapes should be dealt with and what should be done with regard to information on them. I do not want to prejudge that, but there can be no question of their destruction at this time. That would be a serious matter.

Deputy Pearse Doherty: I want to take the Minister back to some of the information he provided earlier today, where he said the Garda Commissioner’s letter explained: “there was a legislative underpinning of such recording contained in an Act of 2007”. Can I take it from this that there was no legislative underpinning of these recordings up to 2007? Can I take it also that there is at least a likelihood and possibility that these recordings were illegal and in breach of the law and that offences could have been committed? Is this an issue the Minister wishes to pursue? Does he want to pursue the issue that whoever sanctioned these recordings had no legislative underpinning and could have been in breach of legislation?

The second issue I wish to ask about concerns the Attorney General. The Minister provided the Dáil with information that the Attorney General was made aware on 11 November 2013 of the existence of the tapes and of the possible existence of other tapes. He then went on to say that she had no knowledge at the time of the circumstances surrounding the making of the tapes, the background to their being made, the content or the number of tapes. The Minister has told us what she did not know, but what did she know? Did the Garda Commissioner phone her and say they had found some tapes - perhaps they could have been recordings of the latest documentary - and did she not ask what they were about? I am sure she knew they were tapes of conversations within Garda stations. She must at least have had that basic information. If

not, when did she get the basic information on them?

Is the Minister alarmed, with the passage of a number of months, that this information was not brought to his attention? When this information was brought to the attention of the Taoiseach, it resulted in a commission of inquiry. Unfortunately, we see in the courts today that it has resulted in an impact on trials that are due to take place. Therefore, is the Minister concerned that the legal adviser to the State did not bring this to his attention when she found out the seriousness of the issue?

Deputy Alan Shatter: I cannot speak on behalf of the Attorney General in respect of details I do not know. My understanding is that on her side, this particular issue arose in regard to a piece of litigation involving two different people that was taking place and that tapes were disclosed or found that could be of relevance - and proved ultimately to be of relevance - to this litigation. This is my understanding of the November issue. I understand the focus was on this piece of litigation. I do not know the timeline as established by the working group the Garda Commissioner set up, but clearly the Attorney General became very concerned and alarmed and I presume at some point the scale of the issue became clear. However, I do not think it was clear in November. When it became clear, she, appropriately, briefed the Taoiseach and that is the position.

The Deputy mentioned some trials today may have been affected by this. It is not a national secret that I spent most of my day in the Chamber, so I am not familiar at the moment with events that happened in the courts today. Obviously, the implications of this are serious and that is the reason the issue is being taken seriously.

The Deputy asked about the 2007 legislation I referred to earlier. As I understand it, that is legislation which ensured the legality of recording a 999 call. A tape can be made of such conversations automatically. There is legislation regarding taping, such as telecommunications legislation. For brevity, there was a 1983 Act and a 1993 Act. The 1983 Act seemed to require that if a conversation was taped in these sorts of circumstances, the taping required the consent of both parties to the conversation. The 1993 Act seemed to change the law to require only the consent of one of the parties to the conversation. However, I do not pretend to be an expert on this aspect of the law.

Deputy Pearse Doherty: Is an offence committed if there is no consent?

Deputy Alan Shatter: Clearly, the legal implications of all of this are a matter to be considered by the statutory commission of inquiry.

An Ceann Comhairle: Before Deputy Ross contributes, I ask him to be conscious that Deputies Buttimer and Boyd Barrett have yet to put their questions and we have just eight minutes for the three of them and the Minister must reply.

Deputy Shane Ross: I have just two questions for the Minister. First, can he explain what happened to the letter and what discussions were there in his office in regard to this in the extraordinary five days between 10 March and the Minister's departure to Mexico? What was going on, what inquiries has he made and what action is he taking as a result? My second question was asked also by Deputy Higgins, but the Minister did not get around to answering it. What did the Taoiseach tell the official to tell the Garda Commissioner when he went to see him?

Deputy Alan Shatter: I have already dealt with the matter relating to the letter. I explained

that, as has been explained to me, it arrived on 10 March. It contained information that was relevant to the issue we have been discussing, but there was also information which was primarily focused on particular sets of civil proceedings. I understand that information was the initial focus of any engagement by officials in my Department and that it led to a meeting that took place on 11 March. I was not furnished with the letter. The officials in my Department were dealing with it in the context of the pressures of that litigation and the requirements that court orders of discovery be complied with. That litigation affected the State, the Department of Justice and Equality, An Garda Síochána and involved the Office of the Chief State Solicitor, the Office of the Attorney General and counsel appointed to represent the State. My understanding is there were consultations and engagements along that route. The matter was not discussed with me at that time.

I do not recall whether the Deputy was present when I explained to the House that I spent a large part of the Wednesday morning in question dealing with the Criminal Justice (Forensic Evidence and DNA Database System) Bill in the Oireachtas Select Committee on Justice, Defence and Equality. I do not recall at this moment what I was doing on the Wednesday afternoon. I may have had been at some event, but simply do not remember at the moment. The simple position is the letter was not furnished to me.

Deputy Shane Ross: Did anybody tell the Minister it existed?

Deputy Alan Shatter: No. I spent Friday in the offices of the Department of Defence in Newbridge dealing with defence matters. We had meetings there dealing with a variety of issues of importance to the defence brief and the Defence Forces and discussions on a variety of defence matters, therefore I was not in the Department of Justice and Equality on Friday.

Deputy Shane Ross: I asked a second question about what the Taoiseach told the official to tell the Garda Commissioner.

An Ceann Comhairle: Sorry, the Minister may come back to it later.

Deputy Shane Ross: It is very important.

An Ceann Comhairle: The Minister has 15 minutes to wrap up so I presume he can come back to it.

Deputy Shane Ross: He can deal with it then.

Deputy Jerry Buttimer: All Members of this House should all join to support the men and women of the Garda Síochána in doing the work they do. It is important we continue to show support for them. This morning the Minister spoke in the House about road fatalities. Can he outline the reductions in road fatalities as a consequence of the introduction of the fixed charge notice and penalty points system? The Minister for Transport, Tourism and Sport, Deputy Varadkar, addressed the House this evening on the fixed charge processing system in terms of a 21st century strategy which was brought to Cabinet on 12 March. As the Minister knows, one of the recommendations was that a criminal justice working group be created by the Departments of Transport, Tourism and Sport and Justice and Equality. Is it intended that this group will report to the Cabinet or to the Houses of the Oireachtas so that we can have an insight into that? It is important that the Minister give us an insight into the timeline regarding the inspectorate and where we go in terms of the creation of the oversight authority. It is extraordinary that Fianna Fáil, whose members have been shouting and roaring for three months, is absent

from the House now.

Deputy Richard Boyd Barrett: The Attorney General briefed the Taoiseach about the seriousness of the bugging, the Minister was briefed on Monday and then the Secretary General of the Department of Justice and Equality went to see the Garda Commissioner. Did the Minister know the Secretary General of his Department was going and what he was going to say to the Garda Commissioner or what he did say? Could the Minister give us a simple answer?

Deputy Alan Shatter: In response to Deputy Buttimer, the Minister for Transport, Tourism and Sport, Deputy Varadkar, and I stated earlier that the fixed charge notice system has had a very dramatic and beneficial impact despite the administrative and management dysfunction that has been identified. There were 396 fatalities on our roads in 2005 and this had been reduced to 162 in 2012. As I said earlier, even a single fatality is one fatality too much, but it is a very dramatic reduction. Unfortunately, last year the numbers increased to 190 but it is still a far better position than in 2005 and fortuitously, so far, as we come to the end of the first quarter of this year, I am advised that fatalities are somewhat down on last year. I hope that continues to be the case.

It is important to put this in context. In all the criticism of the Garda Síochána that has been voiced, both the rank and file and management have taken very substantive action to try to ensure that our roads are safer and that people drive safely. In my initial statement to the House I detailed the extent of Garda activity and engagement in that context. I will not repeat it because we are time constrained. Saving lives on our roads is not simply about Garda engagement but is about people being compliant. The GSOC report of 2009 detailed the importance of compliance in reducing traffic accidents. If we were to judge the system of fixed charge notices against such criteria provided, clearly it has been successful. Both the Minister for Transport, Tourism and Sport, Deputy Varadkar and I would like to see the figures decrease further.

The recommendations made for administering this system are of great importance. I have set the timelines and the action plan has been published. The working group will report to the Minister for Transport, Tourism and Sport, Deputy Varadkar, and me. From time to time we will report to our Government colleagues on progress being made. I have no difficulty with our occasionally reporting to the House. So far this working group has met twice, so, clearly, it needs some time to complete the work it is doing.

On Deputy Ross's question, as I said previously, I was present with the Taoiseach and the Attorney General at the meeting that took place in the Taoiseach's Department on Monday evening. The Secretary General to the Government, Mr. Martin Fraser, was present and later we were joined by the Secretary General of my Department. The concerns around this issue and matters relating to it were discussed in great detail. The Secretary General of my Department was not "despatched" but was asked to discuss matters with the Garda Commissioner and he did so that evening. I cannot add to that any further.

Deputy Richard Boyd Barrett: What matters was he told to discuss with the Garda Commissioner?

Deputy Alan Shatter: He was asked to discuss with the Garda Commissioner issues that had arisen regarding the tapes that had been found, the nature of the recordings and the serious implications for the Garda Síochána of what had become known.

An Ceann Comhairle: That completes the question time. We have just over ten minutes

for the Minister to reply to the overall debate.

Deputy Jerry Buttimer: There is nobody here from Fianna Fáil.

Deputy Alan Shatter: I thank all of those who contributed to this debate. Deputies raised various points, most of which we have travelled through in the extended question and answer session we had. I do not want to delay the House unduly by repeating matters I have already addressed. We have substantially dealt with all the substantive issues - I am not going to respond tonight to political charges.

Deputy Jerry Buttimer: Hear, hear.

Deputy Alan Shatter: I am disappointed that very little of the contribution to the debate this evening by Members opposite dealt with the detail of the report of the Garda Inspectorate. It is a very detailed report containing very worthwhile recommendations some of which involve administrative change and some change in legislation. Some of the recommendations affect the Garda Síochána and relate to the courts and how they address road traffic issues. In light of all the concerns that have been expressed about this issue it is extraordinary that in five hours of discussion one would be hard pressed to find a reference to the detail of the recommendations being considered in any extensive way by any Members opposite. It is in the public interest to deal with this issue. The Minister for Transport, Tourism and Sport, Deputy Varadkar, and I are committed to implementing the recommendations contained in the report of the Garda Inspectorate. Those familiar with the report will know there are some recommendations that can be implemented with reasonable speed, with some to be implemented in the medium term and some in the long term. The long-term recommendations will be particularly beneficial in ensuring that in future there will no difficulties of the nature we have seen. They involve an amount of expenditure which neither Department has available overnight, as the inspectorate acknowledged, while not expecting that such funding would be discovered overnight.

I hope that when one moves away from political debate involving charge, counter-charge and allegation, we can all agree in the House on at least one objective that should not be a matter of political controversy - that is, to make our roads safer and bring a further reduction in the level of fatalities.

Deputy Jerry Buttimer: Hear, hear.

Deputy Alan Shatter: There is much focus on the important area of road fatalities but not enough is put on people who are seriously injured and whose lives are blighted by serious road accidents. They do not appear in fatality statistics but their lives and those of families are forever affected by serious traffic accidents. We have at least that one united objective of trying to ensure we make our roads a good deal safer than they are. It is not just a matter of Garda enforcement; it takes in the public's attitude and the need for people to behave responsibly. It also encompasses the safety of our road system and the need for people to obey traffic lights, as well as the behaviour of pedestrians. It is alarming that there appears to be an increase in pedestrian fatalities. From reading some of what was said at the conference held by the Road Safety Authority last week, I was not absolutely clear whether some of the pedestrian deaths had arisen from pedestrian behaviour, driver behaviour or a mixture of both. Probably all of us in this House have been guilty of the behaviour that is emerging internationally of driver distraction, which I referenced very briefly. On occasion we have all driven cars while speaking on telephones, and one of the enforcement issues for gardaí which can result in action is when

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somebody is holding a mobile phone - or cellphone in the United States - and speaking while driving. Most cars are now fitted with equipment to enable people to engage in conversation without holding a mobile phone, and there is a growing concern that the extent to which people are distracted by phone calls results in serious accidents. The perception some years ago was that once a person was not holding a phone, he or she would be relatively safe. One can understand how that may not be the case, as an individual may be particularly engaged in a conversation, irate or stressed on the telephone, which could have fatal consequences either for a driver or others. We must give some further thought and consideration to the area, although it goes beyond any issue in the inspectorate report. It is a concern in the road safety sphere and I am sure my colleague, the Minister for Transport, Tourism and Sport, Deputy Varadkar, is giving serious thought to it in tandem with the Road Safety Authority.

There is also the question of communicating with young people. Far too many road fatalities are young men, either teenagers or in their early 20s, and much of the advertising and communication about the danger of driving at excessive speed bypasses too many young people, unfortunately. As a result, too many die on our roads.

It has been a long day and I appreciate the contributions made by Members. I will not say I was enthralled by the repetitive calls for my resignation, which seemed to form part of a single transferable speech that some Members deliver. There have been some important discussions on substantive issues. It is important, although it was not officially part of the discussion this evening, that we get as much information as possible on the issue of the tapes, their numbers and usage, their availability and storage, as well as their relevance to either current or past court proceedings.

Deputy Jerry Buttimer: Where are the Fianna Fáil Members?

An Ceann Comhairle: That concludes the statements on the Garda Inspectorate report.

Restorative Justice (Reparation of Victims) Bill 2013: Second Stage (Resumed) [Private Members]

Question again proposed: "That the Bill be now read a Second Time."

An Ceann Comhairle: Sinn Féin has ten minutes remaining in the slot and the time is to be shared between Deputies McLellan and O'Brien.

Deputy Sandra McLellan: Sinn Féin has long campaigned for police reform, and we believe, North and South, that the public deserves a policing service that is visible, accessible and accountable. As Irish republicans we campaign for one service in a united Ireland, but between now and then we will continue to campaign for reforms of policing services on this island. A key campaigning point is restorative justice, as justice must be about restoration and not just retribution. Tackling crime, particularly petty crime, cannot simply be left to the Garda, as it cannot tackle this crime on its own. Gardaí would be the first to admit this. It must be about a partnership approach, with gardaí, local authorities, and community and political representatives working together to improve the quality of life of those suffering from crime.

Whole communities have felt abandoned by the Garda and the powers-that-be. Many residents in these communities feel they are being held to ransom by those involved in serious anti-

social behaviour but the powers-that-be are unable or unwilling to tackle the problem. This is unacceptable and a new approach must be taken. People have a right to live, work and play in safety in their community, and if a crime is committed, they can expect it to be dealt with through due process and justice restored.

This Bill is a step in the right direction and Sinn Féin will be supporting it, despite our serious concerns about certain aspects, and we intend to amend it accordingly. In an all-Ireland justice system we see restorative justice as being one of the cornerstones. Restorative justice approaches contrast with the traditional punitive or retributive approaches of the current justice system. Restorative justice involves victims and communities directly and ensures that the offender actually confronts his or her behaviour and its causes, taking steps to make up for the harm done. It is an inclusive approach.

This restorative approach leads to much higher levels of victim satisfaction with the process. This is principally because restorative justice, wherever possible, involves all those who have a stake in a specific offence. It aims to collectively identify and address the resulting emotional, physical and financial harm, as well as the associated needs and obligations of all involved, in order to offer the victims more direct redress. Restorative justice actively connects the offender with victim in a safe and controlled context called victim-offender conferencing in order to enable them to create healing. Restorative justice therefore contrasts with traditional punitive or retributive justice. The victim is viewed as central to the process, and it is not about guilt and punishment but about rebuilding and repairing. Typically, restorative justice methods bring victims and offenders together in a safe and structured way, in the presence of a trained mediator, to decide on the most appropriate response to the harm caused by the offence, with the victim playing a major role in the process and often receiving some form of restitution or reparation from the offender. In order for the process to succeed, participation must be voluntary on the part of both victim and offender, and the offender must concede the basic facts of the offence and responsibility for the crime. With consent, family members and the broader community may also be included where appropriate.

Restorative justice was born out of the conflict on this island. In the Six Counties, communities had to look at alternatives to mainstream policing. This was simply because the then RUC was unacceptable to the Nationalist community. It has since become the norm in many communities across the North, particularly in Belfast and Derry.

Sinn Féin welcomes the fact that restorative justice is being seen as part of the solution in this State. I know it has been piloted in some communities but much more needs to be done to resource and support it. It must become a central tool of justice and policing.

Sinn Féin sees an increasingly important role for restorative justice in the justice system of a future united Ireland, as we believe that in a great many cases it is more socially effective than retributive justice, as it results in higher victim satisfaction, lower instances of repeat offending, and greater chances of offender rehabilitation and reintegration into the community.

This Bill has limitations, particularly where it calls for attachment orders to be imposed. This could well punish innocent family members. Partners and children should not be punished for the crimes of others but this can all be debated on Committee Stage and we are happy to support the Bill.

Deputy Jonathan O'Brien: I congratulate Deputy Halligan on publishing this Bill and

welcome the discussion on restorative justice last night and tonight. I am pretty familiar with this area as a former Sinn Féin spokesperson on justice in this Chamber. Prior to that I had a keen interest in it as a process used quite extensively in the Six Counties, particularly at community level.

Deputies MacLochlainn and McLellan outlined some of our concerns about some aspects of the Bill but overall we support its progress to Committee Stage as we would see great merit in developing it. That would give Government and Opposition Members an opportunity to put down amendments that would strengthen the Bill. Restorative justice is recognised in 100 countries. There are various models of restorative justice. In Canada there are 12 distinct models. It is not appropriate in all cases, for instance, cases of domestic violence, murder or aggravated burglary. It has advantages, some of which Deputy McLellan outlined. It does not always involve the repatriation of damages, as set out in Deputy Halligan's Bill by way of attachment orders. I have some concerns about that. Deputy McLellan touched on them. There is a danger that, where an attachment order is put in place as part of a restorative justice model or process, those who have no connection with a crime, a spouse or children, for example, somebody on a low income or social welfare, could be penalised too. That would go against the spirit of restorative justice.

Restorative justice has benefits for the victim, offender and the wider community and we should consider it. The Department of Justice and Equality is considering publishing its own Bill. The Minister of State might confirm that when she wraps up the debate tonight. In his responses to some parliamentary questions I have tabled on restorative justice, the Minister for Justice and Equality, Deputy Shatter, is open to developing it.

Community restorative justice offers great benefits. It can be achieved through statutory organisations or community groups. In some countries it is even used within schools. People grow up with the principles and values of a restorative justice process and transfer it from school to adult or criminal settings. There is a great deal of research on those countries.

In other countries, such as Brazil, restorative justice programmes are aimed at adults. All of these points can be debated on Committee Stage and we will support the Bill's passage to that Stage.

Deputy Jerry Buttimer: I welcome the opportunity to speak on this important Private Member's Bill on restorative justice and the issues involved. Crime has a heavy impact on victims and we must always remember the profound effect that it can have across all aspects of a victim's life. Whether the victim is a person, a homeowner or a business there can be financial consequences to crime and all victims will suffer some kind of emotional impact. In discussing crime and justice we must always remember the rights of victims.

When we are dealing with our approach to crime we must also think about those who commit it, we must ensure that our justice system provides opportunities for people to put right wrongs that they may have committed. Giving people an opportunity to avoid criminal records, to avoid prison, can provide opportunities to reduce crime rates and, at an early stage, turn people away from criminal activities. We must all strive to ensure that happens. In giving people an opportunity to change their ways we must ensure there are still consequences and that we do not allow people to reoffend multiple times before the justice system kicks in. People must understand that their actions have consequences. I thank Deputy Halligan for proposing this Bill and for making proposals on restorative justice.

In his fine speech Deputy O'Brien spoke about restorative justice but what does it really mean? It ensures that victims, offenders and the community work together in response to crime to prevent it recurring. It is not a question of condoning harmful behaviour but it is aimed at communities and supporting individuals, while holding them to account for their actions. The concept of restorative justice is wider than making monetary payments for losses which arise from criminal events. It is intended to meet the needs of victims and encourage offenders to take responsibility for their actions. The concept should underpin our approach to crime prevention, our approach to investigations and prosecutions and must be the underlying rationale of any punishment administered by the courts.

Last Saturday afternoon in Cork city, where the Minister of State and I live, on one of the city's busiest streets, there was a dreadful assault which occurred in broad daylight: two young people attacked a homeless person. Thankfully gardaí were quickly on the scene; the victim, I am pleased to say, will hopefully make a full recovery, and there have been two arrests.

Incidents like the one last Saturday get much media attention but we must consider the overall rates of crime rather than just one or two high profile incidents. Winthrop Street is one of the busiest streets in Cork and each afternoon and weekend many teenagers hang out in the vicinity of the fast food outlets and shops there. While some people may feel somewhat intimidated by large groups, most of the time there are no unsavoury incidents and we must acknowledge the excellent behaviour of the vast majority of teenagers.

Last Saturday's incident, however, highlights the need to provide alternative places for young people to gather. There should be engagement between Cork City Council and young people across the city on providing facilities where young people can gather away from busy streets. Gardaí in Cork are proactive in how they deal with crime, responding to community needs and redeploying resources as required. Over a three-year period from 2011 to 2013 there have been 170 incidents on Winthrop Street, an average of just over one incident per week. So far this year there have been nine incidents on Winthrop Street, two thirds of which occurred at night. This is in keeping with trends of the last three years which consistently show that most incidents occur on Thursday, Friday and Saturday nights. I use these figures to reassure people that during the day, and even at night, the streets of Cork are safe and that high profile incidents are a rare exception. At last week's meeting of the Anglesea Street local policing district forum management committee, gardaí presented up to date crime figures which indicated that thefts, assaults and public order offences were down in Cork city centre. This downward trend is welcome and must be attributed to the excellent work of the gardaí in Cork city. The progressive community policing by gardaí in Cork helps create a sense of community and responsibility. I hope this will continue.

All crimes have victims and all crimes instil fear beyond their direct victims. By ensuring that the concept of restorative justice underpins all aspects of the criminal justice system we can deliver a process that respects and prioritises the rights of victims, creates a sense of community and offers those who have committed minor offences an opportunity to change their ways and make amends for their wrongs. I look forward to the Minister's proposals on the criminal justice (community sanctions) Bill, which will provide for a proper system of victim compensation and a system of restorative justice for minor offences at District Court level.

Deputy Eamonn Maloney: I commend Deputy Halligan on introducing this Bill. I listened carefully to his contribution yesterday evening and I hope all Members share his concern for highlighting the belief among the general public that victims are left out of the picture when

severe incidents occur. All of us can participate in strengthening the legislation in that regard. There is some justification for the public's belief that the law as it stands does not fully protect victims of assault and other crimes. It is up to us to strengthen the law in the interest of victims.

The impacts of assaults on people are varied, as has been outlined yesterday evening. I am aware of one incident that occurred three months ago when an individual who happened to be travelling on a bus was physically assaulted to a limited degree after being caught in a brawl that had nothing to do with him. However, his biggest problem was the mental rather than the physical effects of the assault. It is a terrifying experience for a law abiding citizen to be trapped on a bus in the midst of a brawl. The individual has not taken the bus since his experience and has been attending counselling sessions at his own expense. As he does not come from a well heeled part of the city, this is a huge financial burden for him. We should take these aspects of crime into consideration in improving the law. The Criminal Justice Act 1993 provides powers for courts to compensate victims. I agree with speakers who suggested last night that the legislation could be strengthened in that regard.

In regard to the Bill before us, I have strong reservations about sections 13 and 14, which provide for Garda assessments of the cost of retribution to victims. I do not think that is a function which should be given to the Garda. I understand a similar measure was attempted in the United States but it was not successful. There may be a way around the problems but I have reservations about giving that responsibility to the Garda.

Deputy Marcella Corcoran Kennedy: I welcome the opportunity to speak on the Restorative Justice (Reparation of Victims) Bill 2013. I recognise that Deputy Halligan has introduced the Bill in a sincere attempt to deal the perpetrators of certain crimes by keeping them out of our prison system. Particularly in the case of juvenile crime, I think we can all agree that is a direction we need to follow. Restorative justice as an alternative to the prison system should become part of the justice process. There are those who might say that it is trivialising crime but incarceration is too severe a penalty for certain crimes. Far from trivialising crime, restorative justice is a genuine attempt to prevent recidivism while keeping victims and their families at the heart of the process. Of course, it should not proceed unless the victim's consent has been obtained.

This is part of a new policy direction which looks at crime differently by focusing on the needs of victims, offenders and communities instead of simply punishing the offender. Doing time does not necessarily work and it certainly is not the best way for offenders to take responsibility for their actions. It is often far better for the victim to obtain an apology and be recompensed for his or her loss or require the offender to perform community service. In some countries fostering dialogue between the victim and offender has proven to be the most satisfactory for the victim in that the offender must account for his or her actions and the victim can in turn explain the pain and suffering that the crime caused.

Aspects of the Bill before us should be considered carefully and I ask the Department of Justice and Equality, which is currently examining the EU victims' directive with a view to bringing forward legislation to deal with victims' rights, to consider Deputy Halligan's proposals. It is imperative that victims of crime receive appropriate information, advice and protection. The criminal justice (community sanctions) Bill will replace the Probation of Offenders Act 1907, which deals with community sanctions and the role of the Probation Service. The heads of that Bill are being considered by the Joint Committee on Justice, Defence and Equality in the context of its pre-legislative scrutiny role. I ask Deputy Halligan to make a submission to the

joint committee on the Bill. The committee recently completed hearings on the potential that a community court service might offer. It was most interesting to learn about the approaches taken in other countries, most notably including New York, where it has proven a great success.

The Minister, Deputy Shatter, sat in on the consultation with stakeholders which outlined his commitment to addressing and considering this in great detail. At that meeting he committed to establishing a pilot scheme which would be specifically tailored for the city of Dublin. I welcome that interesting direction in which we should be going. It is something that will benefit everybody. Even if one looks at the economics of the situation, it will benefit us in that regard as well.

I also want at this point to acknowledge the excellent work being carried out by An Garda Síochána in its efforts to reduce crime to protect us all, in particular, the work of the community liaison gardaí who work so diligently within the communities. Therefore, it is with regret I would have to say that while there are aspects of this Bill that contain good ideas there are other aspects of it which have been widely outlined by previous speakers. I will not go into them now. As I stated earlier, I would urge the Department to consider the proposals within the Bill when it is looking at the EU victim's directive and that Deputy Halligan would make a submission to the Oireachtas Joint Committee on Justice, Defence and Equality when it is considering the pre-legislative scrutiny.

Deputy Michelle Mulherin: I also welcome the opportunity to speak to this matter and I thank Deputy Halligan for bringing this issue before the House for debate.

It is, as my colleague, Deputy Corcoran Kennedy, stated, part of a modern justice system that we consider restorative justice. When we look at the criminal justice system the challenge is to decide on what is the correct reprimand or penalty that somebody convicted of a criminal offence should receive. A good rule of thumb in this regard is to consider how one would feel if something was taken from one's pocket. I refer, in this case, to compensation. It is apt that we should consider that where at all possible whoever is a perpetrator, be it in the form of harm to a person or property, should also pay from his or her pocket and, depending on the severity of the crime, the appropriate other sanction might also be a prison sentence.

There have been issues and difficulties identified with the Bill but I hope that Deputy Halligan can take some comfort from the forthcoming criminal justice (community sanctions) Bill that has been approved by the Government for drafting and will deal with all kinds of issues pertaining to the Probation of Offenders Act 1907, including community sanctions and so on. In particular, what is welcome is a specific item that deals with restorative justice that would operate within the District Court, where, ordinarily, lesser offences are tried and where such compensation could be made by an offender with the agreement of the victim which in turn would in some way allow for a discharge order or a binding-over order. As has been stated, this would suit a one-off type offence or a young offender, or give somebody a second chance, which is fair enough to expect from a criminal justice system.

When we look at the way the criminal justice system operates the other aspect is reparation for society. I have particular issues that I have raised previously in this House which relate to the criminal legal aid system. I wholly subscribe to the idea that persons should have access to the law and to the courts. This is an essential part of the rule of law in any democracy, and we must stand firm with that. One is entitled to have effective legal representation in court. However, there is the reality of a small few offending repeatedly. Sometimes these are minor of-

fences but the fact that there are repeated minor offences makes them become serious offences entitling the accused to legal aid because he or she faces a possible term of imprisonment. In many cases, the accused are on social welfare. They are getting legal aid. I can speak personally on this because I operate in the system as a solicitor. In many cases, those involved are not upholding their familial responsibilities. They will have money for alcohol and for the betting offices. Then they break up somebody's property, get involved in an altercation, injure somebody and are in court the next morning, once again. I refer to repeat offenders who are getting legal aid. For the ordinary citizen, this is galling and upsetting.

This matter has been looked at by a task force which was seeking to reduce criminal legal aid costs and one of the issues cited in claiming payment from this type of offender would be the cost of administration, but it goes back to hitting people in the pocket. They have money for other matters that I would not count as necessities. They should, even in a nominal way, which is how we value matters in this society, face a charge. There is, in parallel, the civil legal aid system where parties in crisis in their lives wait months to see a solicitor, whether in a family law case or a contract case such as having their house repossessed. This is the reason many voluntary organisations have sprung up to advise citizens. It is important we have this well-rounded debate on such offenders.

Deputy Dan Neville: I welcome the opportunity to speak on this Bill. I will use my time to relate to a previous restorative justice Bill to see how it functioned. I refer to the Children Act 2001, the debate on which I was involved, which was a restorative justice measure. We have no idea how that Act operated because it related to the children's courts. The expectations for it were high. I will give some details of the restorative aspect of that Act.

The Children Bill 1999 was a development of the family conference which was an integral part of the programme on family and children's difficulties. That was greatly expanded to incorporate within its parameters modern restorative justice measures in the 1999 Bill in regard to children who had offended. The primary focus of this conference is on issues of accountability rather than welfare. Previously, the family conference was to do with the welfare of the child, but this incorporated a parameter of restorative justice measures as well. The conference is convened by An Garda Síochána to formulate an action plan for the child in respect of whom it is convened. The action plan includes provision for many matters, including the making of an apology or financial or other reparation to the victim. This also includes provision relating to the child's lifestyle such as his or her attendance at school or participation in inappropriate sporting or recreational activities.

In practical terms the range of possibilities to intervene in the child's behaviour was almost limitless, as long as it was agreed to by the persons present at the conference, which would include family. The advantage of involving the child and his or her family in the decision making process and of being a party to the decision would increase the likelihood of compliance.

Since this was introduced we are in the dark as to how it has operated. The provision of some information to the House at some stage would give a significant insight into how something that provided such a level of hope for the family conference in dealing with child offenders has operated.

10 o'clock

The victim of the child's offending could be invited to attend the conference. If the victim

attends, the child is confronted by the consequences of his or her criminal behaviour. How did this operate in practice abroad? The victims in the pilot programmes welcome the opportunity of being present at such a conference. This was borne out in the pilot project studies. Some victims stressed the value of expressing their feelings to the young offenders and ensuring the offender learned from the experience. It was believed at the time that the victims would want to contribute to the offenders' rehabilitation in certain circumstances or to show their support for the process of rehabilitation of the child. Other victims emphasise their own interests. They may want to make sure things are done properly to get reparation.

Another innovation allows victims to be present at the administration of the formal caution by the Garda Síochána. This is known as restorative cautioning and is a suitable type of mini-conference response in circumstances where a full conference is not warranted. It means the child offender can be confronted with the consequences of his or her offending and can be invited to apologise or make some form of reparation to the victim in a low-key atmosphere. It would be interesting to get a full report on how successful its operation was over the past decade.

Deputy Anne Ferris: I have long been a supporter of restorative justice programmes. It makes perfect sense to me for our legal process to have restoration centred judicial remedies. If a victim feels that he or she would benefit from an apology then, where possible, that should be facilitated. If victims of theft want their goods returned or replaced by the thief, that too should be facilitated if it can be agreed. If victims of assault have had non-compensated financial loss following an injury received and wish to accept voluntary compensation offered by the perpetrator, then that too should be facilitated but there are better ways of doing this than the proposals in the Bill.

Restorative justice needs to be a two-way street. Ideally, it should be restorative for the victim and also restorative for the perpetrator. The victim would receive, in words or gesture, a contribution towards closure of a bad experience. On the other side, restorative justice, if properly implemented, should reduce the chance of a criminal repeating the crime. One problem with the Bill is that it does not look at both sides of the restorative justice equation. Overall, the Bill is not positive for the victim or the criminal. For example, there is nothing in this proposed legislation to protect the victim of a serious assault who does not want the assailant to pay his way into a softer sentence. The courts have already heard from outraged rape victims criticising the decision of judges who, on their behalf but without their request, accepted compensation sums from the attacker in lieu of long prison sentences. Nothing in the Bill distinguishes minor administrative crimes, for example not paying a parking fine, from serious crimes like rape and homicide. If this law was enacted, it could be applied to a rapist as easily as to a petty thief.

Compensation money and sentencing for serious crimes need to be addressed in law. There is no benefit to society if rich rapists and terrorists can buy their way into softer sentences. Equally, the compensation of any victim, even for a minor crime needs to occur within a structure that does not lead to an unhealthy concentration of false accusations for fraudulent purposes. Money and sentencing are two issues that must be handled carefully and separately.

I would welcome a law that facilitates an element of financial compensation to be paid by the guilty party but not in a manner that obstructs justice. Some crimes need harsh sentences to act as a deterrent to others. Some criminals need to be safely behind bars for as long as possible for the protection of society. However, our prisons are overflowing with people against whom society needs no protection. My type of restorative justice would see the parking fine or

TV licence evader doing charity work instead of going to prison. My type of restorative justice would allow people guilty of drunken public order offences to serve a positive sentence of weeding the flower beds in a local park for a month or emptying litter bins. This Bill does not provide for that type of scenario.

I also worry that the provisions before us today would encourage those who are accused of a crime but are innocent to plead guilty in order to commence a compensation process and receive a mitigated sentence. That would be an unwelcome development in our laws. I am also unhappy with the aspect of the Bill that requires gardaí to prepare compensation calculations. We currently have healthy air space between the gardaí and the Judiciary in our justice system. For over a month, I have been arguing for the same respectful distance to be created between the gardaí and the Government. I do not think it would be good for the independence of the Garda Síochána, whether as prosecuting agents or as supporter of victims, to become embroiled in the judicial act of sentencing. To legislate for restorative justice is a fine idea and I look forward to upcoming proposals from the Minister for Justice and Equality in that regard. However, the proposal before us is not the answer.

Deputy Joan Collins: I propose to share time with Deputies Healy, Wallace, Clare Daly, and Ross. I support the Restorative Justice (Reparation of Victims) Bill 2013. I have listened to points raised by people saying that restorative justice should be brought into modern legislation. It has been brought in recently in the North. Restorative justice is not a new thing; rather, it is thousands of years old. Under Brehon laws in Ireland, compensation was the mode of justice in most crimes.

The modern legal system is based on the concept that crime is not an injury to the person but an offence against the State. This was hammered home to me a few years ago when the son of a friend of mine was murdered. The State stepped in to represent the person who was murdered but the barrister had no obligation to deal with the victim's family. In this case, the barrister had the goodwill to speak to the family and explain what was happening in the case but, otherwise, the family would have been excluded. They would have had to go into the courts and listen to what was said about their son. This hammered home the nature of our system, which is not based on victims or dealing with victims' issues. It deals with an offence against the State.

It is a system based on punishment and it does not work. The most recent CSO figures indicate that 50% of people released from prison reoffend within three years. That is a high rate. Certain types of criminals are a danger to people. Should they be in prison? Yes. If someone rapes somebody, he or she should be in prison. Repeat offenders should be in prison if they have no remorse or concern for the impact their actions have on victims. Restorative justice can be effective in confronting young offenders, from 18 years of age up, with the consequences of their actions. They must be confronted with the impact on victims. Making restitution to victims can be part of the process of helping them to go straight and not to reoffend. Offenders who genuinely engage with victims and who genuinely seek to make restitution through payment or otherwise should have this amount to an alternative to prison. It should be taken into account. Restorative justice has been shown to be extremely beneficial to victims of crime, helping them to get over trauma, get on with their lives, overcome the fear of being victimised again and to deal with their anger or desire for revenge. It is a process that should be examined by this Government. The Government signed up to the European Council directive on compensation for crime victims. It is not contrary to the intention of the Government to sign up to a form of restorative justice. The Bill moves the process on and provides a good basis for the introduction of a system of restorative justice. Children are not involved as the criminal courts

only deal with those aged over 18 years. The mentally ill are not involved either as they cannot be tried. All of the issues being thrown into the mix are intended to muddy the waters. The proposals made by Deputy John Halligan are very specific. The Bill provides a good outline of the way to proceed. I am sure he would welcome support from the Government to amend the Bill, but its essence is a positive step forward and should be considered as part of a restorative justice process.

Deputy Seamus Healy: Other speakers have referred to the fact that many countries have had a system of restorative justice in place for some time. The Bill raises various issues and principles of restorative justice – community restorative justice, the rights of victims and support services for them. I am sure Deputy John Halligan would agree that the Bill would benefit from the legislative process in the House. He has not had access to a legal draftsman and the Bill would benefit from going through Committee Stage by way of refinement through amendment and the extension of sections. The Bill could be supported with a view to improving, refining and amending it through the legislative process.

We should never lose sight of the fact that prevention is always better than the cure. Not only is that the case but there are also significant social and financial advantages in the prevention of crime. It is important to ensure every family has an equal opportunity to be socially included, to be part of life in their area and to have a reasonable quality of life. It is important to remember the factors that make for good social conditions. If we were to improve social conditions, crime would also be addressed. I refer to education, in particular for young people. I accept that there is a free preschool year, but it must be extended. Moneys invested in young people at an early age result in a significant payback over time.

Other factors to be considered are the improvement of educational facilities and opportunities for young people, as well as the improvement of housing conditions for families. There are 98,000 families on local authority housing lists. Employment opportunities are a considerable issue. It is hugely advantageous for families to see parents and siblings employed. That is vitally important. The payback is significant, both socially and economically when employment is available.

The provision of community facilities is important. The support of RAPID programmes is crucial in that regard, but, unfortunately, such funding has been withdrawn. We must provide community facilities and support communities. We must also put in place community services, but the funding for such services has been consistently cut back by the Government. Many of the programmes available to deprived communities across the country have lost their funding. The provision of community facilities such as youth services results in a significant payback over time, both socially and economically.

Approximately 1,500 gardaí have left the system in recent years. Community policing services have suffered most. Community gardaí on the beat build trust and confidence and make connections with young people and youth services in deprived areas. The service should, therefore, be reintroduced in communities.

I support the Bill and would like to see it progressing to Committee Stage, at which point it would be amended and refined. We should never lose sight of the fact that prevention is always better than the cure. We should, therefore, provide for investment in services in these areas.

Deputy Mick Wallace: I presume the idea of restorative justice means restoring justice,

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but it must be very difficult to restore justice in the majority of situations. I am not a big fan of imprisonment; I do not see many benefits in it. There are better ways to deal with offenders than throwing them in prison. Not only do they not learn very much but sometimes they seem to come out with more problems. We have seen figures for the numbers of offenders who have spent time in prison and reoffended. They are frightening and should put us off throwing them into prison in the first place.

The Criminal Justice Alliance in the United Kingdom defines restorative justice as a process in which everyone involved comes together to talk about the impact of a crime and what needs to happen to repair the harm caused. It can take place at any stage in the criminal justice system, and outside it, and has clear benefits, including high victim satisfaction rates, reductions in the levels of reoffending and cost savings for the criminal justice system. I do not agree with the idea that the scheme should be restricted solely to financial reparation. The vast majority of those who commit crimes could probably not afford to pay back financially for the damage they cause because most of them have no money as most of them come from deprived backgrounds. If we seriously want to challenge crime, we must engage more proactively in tackling poverty and inequality. Sadly, inequality is growing rather than decreasing. The austerity measures certainly have not helped.

No one likes to be robbed. I can remember being robbed 25 times in one 12 month period on my building sites. I do not believe any of the guys who robbed the stuff were very well off and getting money back from them would have been fairly challenging. It would not have given me any satisfaction to see them thrown in prison. I can remember a brand new mini-digger being burned to a cinder one night and a JCB being burned another night. Needless to say, I was not very pleased with the guys who did it even though I did not see them. I had a fair idea that their being thrown in jail would not give me any benefit either. I would have liked to have met and had a chat with them. I would also have liked to have got them to do some work for me free of charge. That would have been good.

I am a great believer in community service. I argued with the right honourable Minister, Deputy Shatter, during the debate on the Fines Bill, that we should be using community service much more. It is a better idea than attaching orders or throwing people in prison.

Another issue that springs to mind is that I had a son thrown out of a secondary school having been accused of doing something he did not do. The *Sunday Independent* flashed the story all over the front page but it forgot to print the story when his appeal was upheld and he got back into the school. I do not know how that slipped its mind. It was amazing.

The idea of throwing kids out of school for one thing or another is counter-productive. If kids are found guilty of doing something they should not have done, keeping them back at the end of the school and making them do some physical work for a few hours every evening for a considerable length of time, depending on the offence involved, would make much more sense than throwing them out of school. It would also be more productive.

I am certainly in favour of the person who commits the crime engaging with his or her victim. That can be educational for both sides and both can learn from it. It is something we should put energy into and try to make happen more.

Deputy Clare Daly: It has been a very long day and there were unusual occurrences in the House. Perhaps that is the reason we had to listen to some pretty peculiar contributions from

some Deputies. We heard a Deputy say they think legal aid is okay and that they do not have a problem with it but that it is very annoying when people keep using it. They then tried to blame the problems of the legal aid system on those who have the misfortune to be before the courts on multiple occasions. There is no doubt that is annoying but it is much more than that. The idea of penalising people and asking them, as the Deputy put forward, to pay for the legal aid themselves is ridiculous when a huge number of those people come from a background where they would not have the means to pay for it. The issue should be why people are in a process where they repeatedly offend and whether we can do something and put in place measures which avoid that happening. That would be good for the victims of crime and for society. The reality is, and the statistics show, that the majority of those who appear before the courts and end up behind bars come from backgrounds where there is a certain hopelessness, a lack of economic progress, a lack of investment and so on. Encouragement in education and investment in communities is far better for society in the long term.

The concept of restorative justice is a fundamental and important one. It could be summarised as trying to get people to take responsibility for their actions. When people take responsibility, they understand better the consequences of the action and they are likely to modify their behaviour accordingly. I note that all research would say the process should be voluntary and that it always should be. I can appreciate that on one level but I can imagine many situations where it would not be the inclination of the perpetrator of the crime to engage in that process and simply having it on a voluntary basis might not be enough. We need to be proactive in encouraging people to participate in this route because if they see the damage of their crimes, they are less likely to offend because most people are decent, and that is an important principle.

I got an e-mail this afternoon from a person on a matter not linked necessarily to this issue. I want to refer to some of what it states because the woman called the subject matter of the e-mail “Victim of a Crime”. She started off by telling me her name. She stated that four years ago in February 2010 she was stabbed outside a primary school in Tralee in Kerry. She also stated that she brought this to the attention of the Garda but nothing was done. She further stated that two years later in February 2012 the same guy attacked her again, this time outside her house and caused injury to her face, and once again the Garda failed to pursue it and continued to fail to do anything about it. She stated that he was supposed to go to court but nothing was done to date. She also stated that she has no confidence in the Garda. She further stated that she cannot go anywhere as she does not feel safe, as this guy may come back and attack her again or, worse, attack her family, as the same guy threatened her youngest son. She stated that she would appreciate if I would bring this matter to the attention of the Dáil.

What does a victim like that want? The woman wants a right to live in her community. She wants the right to know that the person who was guilty of the crimes against her is being dealt with and, critically she does not want to feel endangered any more. The question for us is how that will be achieved. The first thing is that the crimes must be investigated. That is critical. Sadly, myself, Deputy Wallace and Deputy Joan Collins, in particular, have met multiple people over the past period who are the victims of injustice but who have had that injustice compounded by the fact that the justice system, as it currently stands, failed them. Their cases were not investigated. Sometimes they were just tragic instances that life throws up in people’s past where they become a victim for no real reason. They just end up in that situation because of accidental factors, but what happens next compounds that and they cannot get closure. The issue of restorative justice is attempting to deal with some of those questions.

I have a problem with the idea of financial compensation. We discussed it during the passage

of the fines legislation when the Minister, Deputy Shatter, put forward fines as an alternative to a penal sentence. I am completely opposed to penal sentences in general for most crimes but fines in many instances are ridiculous and community service is a better alternative. We need to take into account people's ability to pay. For example, most crime is committed by people who do not have money. If a junkie breaks into one's house to get money to buy drugs, they are not going to have the money to pay one back if they do that damage. Investing in getting that person off drugs is probably a more sustainable solution. I am really in favour of the idea of people meeting those against whom they carried out a crime. An apology can often mean the closure a person needs. Just being face to face and to have the other person understand the consequences of their actions is hugely important. We need to move away from the idea of penal sentences and to take a much more holistic approach where the victim's interests and the person who carries out the crime are taken into account so there is less re-offending.

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):

On behalf of the Minister, Deputy Shatter, I thank Deputy Halligan for bringing forward this Bill and assure the House that the Minister shares the Deputy's concerns to ensure the interests of victims are at the heart of the criminal justice process. I would like to address some of the specific points raised by Deputies during the debate. With regard to the policing response to burglaries, the Minister is confident that An Garda Síochána is devoting all resources necessary to confront those who seek to profit from burglary crimes. Robust Garda action in this area is reflected in the most recent official CSO crime statistics, which show the national rate of burglary decreased by 10.4% for the 12 months ending 30 September 2013. This continues a downward trend in the overall number of burglaries which has been evident since the end of 2012. Of course, any statistical improvements are of little comfort to those who have been the victims of burglary crimes. The Minister is very conscious of the deep distress that such crimes can cause householders in urban and rural areas, as well as the broader impact they can have in terms of fear of crime in our communities. In this regard the Minister emphasises the progress being made regarding Operation Fiacla, which is the national Garda operation focused on identifying and targeting gangs involved in burglaries. Operation Fiacla is intelligence-driven and includes specific burglary-related initiatives which have been implemented in each Garda region to target suspect offenders. The Garda authorities have indicated that as of the end of February this year 8,344 persons have been arrested and 4,755 persons have been charged under Operation Fiacla, reflecting the extent and impact of the operation. The implementation of Operation Fiacla and its regional support operations continues alongside ongoing community policing measures.

A number of Deputies expressed concern about Garda station closures. The recent Garda district and station consolidation programme is one of the current strategic development programmes being undertaken by An Garda Síochána. This programme provides for effectiveness and efficiencies through the restructuring and reconfiguration of service delivery methods. The revised structures will continue to support An Garda Síochána's community policing philosophy through the clustering of services at policing hubs. The centralisation of services facilitates the introduction of an enhanced patrolling system and is operational and intelligence-led. This patrol system will ensure that a highly visible and community-oriented policing service will continue to be delivered throughout the country.

Decisions on the provision and allocation of Garda transport, including the type and specification of vehicles, are a matter for the Garda authorities in light of their identified requirements. Operational circumstances are fully taken into account when new vehicles are ordered. The

Government's recent investment in the Garda fleet resulted in the purchase of 305 new Garda vehicles towards the end of 2013 at a cost of €5 million. These were in addition to the 133 Garda vehicles that had already been procured during the year. Another €4 million has been made available for the purchase and fit-out of Garda transport in 2014. This is a clear indication of the Minister's commitment to ensure that to the greatest extent possible An Garda Síochána is provided with sufficient resources to enable it to deliver an effective and efficient policing service.

The issue of legal aid for repeat offenders has also been mentioned by Deputies. Under the Criminal Justice (Legal Aid) Act 1962 the courts are responsible for granting legal aid to accused persons whose means are insufficient to pay for legal representation. A person's previous convictions are not a criterion for assessment for legal aid under the Act. Deputies will appreciate that the legal aid scheme operates with due regard to the State's obligations under the Constitution and the European Convention on Human Rights on appropriate legal representation for persons charged with criminal offences.

Deputies may be aware an ongoing review of penal policy is being conducted by a working group established by the Minister in September 2012. This group has been asked to conduct a wide-ranging examination and analysis of penal policy, including sentencing policy and the reintegration and rehabilitation of offenders. Among other matters, this review is also required to take into account the perspective of those who are victims of crime. This group is expected to report shortly after Easter.

I thank Deputy Halligan for bringing the Bill before the House. While the Government shares his concerns with regard to ensuring that the rights and needs of victims of offences are a central consideration in the criminal justice process, in view of the difficulties identified with the provisions of the Bill, the Government cannot agree to its being read a second time. This has been a very worthwhile debate and we thank Deputy Halligan for this opportunity. I am sure that when the Minister brings forward his proposals the Deputy will be quite satisfied with them.

Deputy Tom Fleming: I compliment Deputy Halligan on bringing forward this timely and important Bill. It contains some excellent provisions to deal with the escalating number of intrusions into family homes and properties. The loss of valuables and items of sentimental value and the general destruction that occurs have a huge psychological and stressful impact on the victims of such crime. Victims feel insecure and in many cases they feel powerless to defend themselves and their properties afterwards.

A typical recent example is that of the elderly man living alone in west Clare who, after several events threatening his well-being, fled from his home late at night and cycled a very long journey to a safe haven in a nursing home in Ennis. The result is that he will probably never again return to his homestead. He has been prematurely removed from his environment, his neighbourhood and all his friends. This man has been institutionalised by force. It is a typical example of what is happening, particularly with people living alone who are the victims of criminality.

In 2009 the National Commission on Restorative Justice recommended that a restorative prospective be introduced nationally to the Irish criminal justice system. Unfortunately the report has been left on the shelf gathering dust, although it includes many positive recommendations which could be incorporated into Deputy Halligan's Bill. Perhaps his proposals could act

as a catalyst to tie in with the report, which was commissioned by the Government at the time. I am sure a very efficient committee was in place which came up with some very good suggestions. It provided a very good formula for restorative justice and reparation. We should not throw out Deputy Halligan's Bill very easily. Much thought has been put into it and it is very rational and logical. We should give it real consideration and send it to the Joint Committee on Justice, Defence and Equality. The least it deserves is for this to happen.

The commission estimated the cost per case of a probation order to be €8,200 and that of a community service order to be €2,000. The supervision of a suspended or deferred sentence was estimated to be €5,500. By comparison, the average annual cost of keeping an offender in prison is approximately €120,000. In the absence of research-based evidence and relevant supporting data, the commission in its report opted to develop the estimates of the potential wider application of restorative justice based on 2007 court and prison data and a cautious assumption of the level of case referrals and case outcomes and the mix of cases which may be diverted from current disposals. The commission offered a tentative projection of a wider application of restorative justice in respect of adults on criminal charges before the courts at between 3,265 and 7,250 per annum. In the absence of research-based evidence and based on certain assumptions, the commission projects that annually, between 290 and 579 persons due to be sanctioned before the courts could be diverted from being given a custodial sentence where a restorative option is applied. The commission estimates that diversion from custodial sentences of this range could lead to a reduction of between 40 to 125 prison spaces per annum. It estimates this level of reduction could generate potential savings in prison costs of between €4.1 million and €8.3 million. The assumptions applied in making these projections are considered to be modest and do not include savings that would arise from lower rates of reoffending in the future due to restorative interventions. The projections excluded savings from reduced demand for prison spaces due to part-suspended sentences as a restorative option.

Deputy John Halligan: First, I thank all those Members, from all sides of the House, who made valuable and quite excellent contributions. I thank the Minister of State for her kind words earlier this evening and I thank my legal team, who helped me to put together the Bill. In addition, I thank members of the Garda Síochána, who were quite excellent in helping me with the Bill, as well as the many groups and in particular, the Support After Crime Services in Cork, Limerick, Clare, Tipperary and Waterford, whose founding member, Ms Sally Hanlon, was quite helpful to me. I also thank many members of victim support groups nationwide.

I am aware that many Deputies from all sides of the House would like to be able to return to their constituencies and tell their constituents they are supporting the Bill. This is because any Deputy who works on the ground knows full well the devastating impact that burglaries have on communities throughout the country. They also know how completely powerless victims can be. I reiterate the point I made last night, which is that a burglary takes place every 19 minutes, according to statistics from the Central Statistics Office. Consequently, by the time this debate concludes this evening, another four or five homes will have been ransacked. Another four or five families will return home or will wake up to scenes of devastation, their security will have been shattered and treasured items will be gone forever. I ask Members to think about such families and not the burglars when they vote on this Bill. This is because the Bill primarily is about victims and not the convicted.

Some Members of my legal team were listening to the Minister's response last night and were quite taken aback by some of the information in that response. I wish to go through some points that were made. First, he spoke about the rights of the accused but this Bill does not

mention the rights of the accused. If one is accused, one has not been convicted. This Bill deals specifically with those who have been convicted of the offence. One then must determine whether one should deal with the rights of the victims or the convicted. All those accused have rights and one is not guilty because one is accused. I was shocked, as was my legal team, to hear the Minister mention the rights of the accused last night.

The Minister also referred to section 6 of the 1993 Act. During the debate, much was made by the Minister and some Government Deputies of the compensation clause built into section 6 of the 1993 Act. What was not mentioned by the Minister - again I was taken aback by this - is that section 6 always is at the discretion of the judge. Section 6 of the Criminal Justice Act 1993 provides that where a defendant is convicted of an offence, the court may make an order requiring him or her to pay compensation in respect of personal injury or loss suffered by the victims as a result of the offence. However, the decision on whether a compensation order is made currently is at the discretion of the court. The Minister gave out wrong information here last night, which gave the implication that it already was in being that compensation was a pre-requisite for people who went to court but this is not the case.

The Minister spoke about victims' consent and the point was made that this Bill does not take into account a victim's consent. It was suggested that an offer of reparation could be perceived as a means by which a convicted burglar could buy his or her way out of the sentence. This is a ridiculous suggestion. The Bill does not propose the payment of compensation as an alternative to a custodial sentence. Under the terms of the Bill, sentencing would take place irrespective of whether reparation was made voluntarily. I also was deeply shocked by Deputy Ferris when she brought up the horrendous crime of rape. This Bill specifically pertains to burglaries and invasion of the home. I made it quite clear in this Bill that it would be incumbent upon a judge, irrespective of the bestowal of a custodial sentence or a community sentence, that reparation would be paid to the victim. Consequently, it has nothing to do with this. I made a point of not commenting on minimum or maximum sentencing or whatever. During the abortion debate, I had rape victims as guests in the Gallery and they know my views on rape and on how women are treated and violated and on how victims are treated. I wished to be quite clear in that regard and while I like Deputy Ferris, perhaps she had not read part of the Bill.

The rights of the accused also were mentioned at length - far more than the rights of the victim - to not have his or her home violated, from what I could make out. What is clear in the Bill is that the payment of reparation applies to those convicted of a burglary. I must make this point quite clear. The rights of the accused are clear in Irish law and this Bill in no way infringes on due process and a fair trial. The suggestion was made that the Bill could infringe on the rights of juveniles or those suffering from mental health issues. Again, my legal team were shocked to hear the Minister speak about this last night. Everyone is aware that those considered incompetent under the law will not be brought to trial and all of this is taken into consideration already in Irish law. This Bill is addressing cases in which adults of sound mental health are convicted in an Irish court of law. Again, my legal team, when going through the Bill this morning with me, recognised that the Minister mentioned the rights of children. This is a Bill directed at adult defendants, that is, adults who are convicted. Moreover, an adult is someone who is 18 years of age or more, while a child under Irish law is someone who is under 18 years of age.

Someone mentioned the assessment from the Garda. As matters stand, if one's home is broken into and money or precious items or jewellery are taken from one's home, one's first port of call is the Garda to give a report as to what has been taken and one gives such an assessment to the Garda. When one contacts an insurance company, its representatives ask for that. They ask

whether one has gone to the Garda, what has been taken and whether one can give an assessment, has receipts and so on. The gardaí would have been the first people to whom one would have gone. Moreover, those who spoke up about the assessment from the Garda appear to be forgetting that if someone is convicted, it will have been because the Garda found the items or will have induced that person to make a statement as to what he or she had taken from the house and the damage he or she had done. I see no problem with a garda appearing before the court to state he or she accepts that this particular house of such a person was broken into and this is what was taken or stolen.

The meeting with victims was mentioned. While I have no problem with a perpetrator meeting the victim under restorative justice, many victims do not want this to happen - one can speak to all victims' groups in this regard. In the first instance, they are too shocked and upset and they are afraid. In the context of restorative justice, had it been amended and included within the Bill, I would not exclude it. However, I wished to make clear that many victims find that as of yet, they are not quite up to meeting someone who has broken into their house, damaged their property or assaulted them.

The Government's plans to introduce new restorative justice measures also were appraised. However, what was not specified is that the Government proposes to give victims of crime the right to accept reparation payment from the offender in question. Members should bear in mind that the right to feel safe and secure in one's own home already has been ripped from the victim and the Government's response is to create a framework within Irish criminal law whereby if the person convicted of breaking into one's home, who possibly may have 100 other convictions under his or her belt, feels sufficiently remorseful to offer compensation, then the victim will have the right to accept such payment. I do not call that justice for the victim. Do Members honestly consider that to be an appropriate response to the rights of the victim? I would be interested to meet the offender, who may have been availing of free legal aid for many years, who will voluntarily make such reparation. This is the difficulty for victims' groups with whom one speaks. I was quite clear in putting this Bill together and I met approximately 20 families whose homes had been broken into and I spoke to victims' groups throughout the country.

The basic aim of the reparation proposal from the Minister for Justice and Equality is to reduce the overall number of custodial sentences for crimes at District Court level. No thought has been given to the victim. The reparation process, to which the Minister of State, Deputy Perry, alluded, would certainly not be considered a fair and balanced one. Restorative justice is about the idea that because crime hurts, justice must heal. The victim of the home burglary deserves justice in the same way as any other victim and if that justice has to come via deductions from the criminal's means of living, whether his or her wages, pension or social welfare payment, then so be it.

If the Bill had gone to Committee Stage, I would have been prepared to accept amendments. I am deeply disappointed the Government has not agreed to that. As I said, I put a huge effort into this Bill, as did all groups from the legal team to the Garda to victims' rights groups. It is disappointing to think it will not be allowed to progress to Committee Stage.

Question put:

<i>The Dáil divided: Tá, 24; Níl, 71.</i>	
<i>Tá</i>	<i>Níl</i>

<i>Browne, John.</i>	<i>Barry, Tom.</i>
<i>Collins, Joan.</i>	<i>Breen, Pat.</i>
<i>Colreavy, Michael.</i>	<i>Butler, Ray.</i>
<i>Cowen, Barry.</i>	<i>Buttimer, Jerry.</i>
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>
<i>Dooley, Timmy.</i>	<i>Byrne, Eric.</i>
<i>Ferris, Martin.</i>	<i>Cannon, Ciarán.</i>
<i>Fleming, Tom.</i>	<i>Coffey, Paudie.</i>
<i>Halligan, John.</i>	<i>Conaghan, Michael.</i>
<i>Healy, Seamus.</i>	<i>Conlan, Seán.</i>
<i>Healy-Rae, Michael.</i>	<i>Connaughton, Paul J.</i>
<i>Kelleher, Billy.</i>	<i>Conway, Ciara.</i>
<i>Lowry, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>McGrath, Finian.</i>	<i>Costello, Joe.</i>
<i>McGrath, Michael.</i>	<i>Creed, Michael.</i>
<i>McLellan, Sandra.</i>	<i>Daly, Jim.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Deasy, John.</i>
<i>Ó Cuív, Éamon.</i>	<i>Deenihan, Jimmy.</i>
<i>Ó Fearghail, Seán.</i>	<i>Deering, Pat.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Donohoe, Paschal.</i>
<i>O'Brien, Jonathan.</i>	<i>Dowds, Robert.</i>
<i>O'Sullivan, Maureen.</i>	<i>Doyle, Andrew.</i>
<i>Pringle, Thomas.</i>	<i>Durkan, Bernard J.</i>
<i>Smith, Brendan.</i>	<i>English, Damien.</i>
	<i>Feighan, Frank.</i>
	<i>Fitzpatrick, Peter.</i>
	<i>Griffin, Brendan.</i>
	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Humphreys, Heather.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>

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	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Reilly, James.</i>
	<i>Ryan, Brendan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies John Halligan and Thomas Pringle; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared lost.

The Dáil adjourned at 11.05 p.m. until 9.30 a.m. on Thursday, 27 March 2014.